

List of planning applications and other proposals submitted under the planning acts to be determined by the director of environment and community services

CIRCULATED SCHEDULE NO. 06/19

Date to Members: 08/02/2019

Member's Deadline: 14/02/2019 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2018. Under the arrangement certain reports are circulated on a weekly basis. The reports assess the application, considers representations which have been received, and make a recommendation regarding the proposal.

Having considered the reports, those applications that Councillors feel should be referred to the relevant Planning Committee must be notified to the Strategic Planning section by email within five working days of the publication of the schedule (by 5pm) in line with the procedure set out below. If there has been no valid 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, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee.

PLEASE NOTE: The circulated schedule process is only open to elected Members of South Gloucestershire Council.

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate planning committee then a referral should:

- a) Be made in writing using the attached form by emailing MemberReferral@southglos.gov.uk identifying the application reference and site location
- b) 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 end of the following Thursday (see cover page for the date)
- c) The request in writing must be made in writing by at least two or more Members, not being Members of the same ward
- d) In addition, the request in writing must have the written support of at least one of the Development Management Committee Chair and Spokes Members
- e) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral
- f) Indicate whether you have discussed the application(s) with the Case Officer and/or Development Manager
- g) Indicate whether you have discussed the application(s) with ward Member(s) if the site is outside of your ward

The Circulated Schedule will always contain the following applications unless the application is required to be determined by Committee:

- 1) Any application submitted by, or jointly, or on behalf of the Council.
- 2) Any application submitted by or any matter directly affecting or involving any

Member of the Council and any application(s), submitted by an Officer of the Council working in the Strategic Planning area (specifically the Policy and Specialist Advice, Development Management, Strategic Major Sites and Planning Enforcement, Validation & Registration and Planning Technical Support teams) or any Member or Officer of the Council acting as a planning agent.

- 3) Any application requiring a new planning agreement.
- 4) Any applications requiring a modification of an existing planning agreement where in the opinion of the Director, there would be a detriment to the public benefits secured.

5) Any application where the proposed decision of the Director would, in his opinion, be contrary to the policies of the Council as expressed in the Development Plan and/or any emerging plan and require referral to the Secretary of State following approval in principle by the Council for the purposes of development control decision making.

6) Any applications, except those listed below a-f where three or more representations contrary to the Officers recommendation are received within the notification period other than from officers of the Council acting in their professional capacity.

7) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

8) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officer's recommendation from any Member of South Gloucestershire Council.

Applications that will not appear of the Circulated Schedule procedure as a result of representations received:

a. All applications, where approval is deemed to be granted upon the expiry of a defined period

b. All applications to be determined the lawfulness of a proposed or existing use of a site

c. All applications for non-material amendments

d. All applications to discharge planning conditions

e. All applications solely required because of the removal of Permitted Development Rights or Article 4 direction

f. Any footpath stopping up or diversion required to implement an approved scheme

Additional guidance for Members

Always make your referral request by email to MemberReferral@southglos.gov.uk (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team.

When emailing your circulated referral request, please ensure you attach the written confirmation from the Supporting Member(s) and Supporting Chair or Spokes

Please note a copy of your referral e mail will appear on the website.

Before referring an application always contact the case officer or Development 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.

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:
2. Site Location:
3. Reasons for referral:

The referral should include the reasons for the referral indicating why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issues the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay of the referral

4. If the site is outside your ward have you contacted the ward Member(s) to inform them of the referral?

5. Have you discussed the referral with the case officer or Development Manager?

a) Referring Member:

b) Details of Supporting Member(s) (cannot be same ward as Referring Member)

c) Details of Supporting Chair or Spokes Member of the Development Management Committee

Do you consider this is an application of strategic importance such that you would request the Director to consider using his discretion to refer the matter to the Strategic Sites Delivery Committee? If so please set out your reasons:

Date:

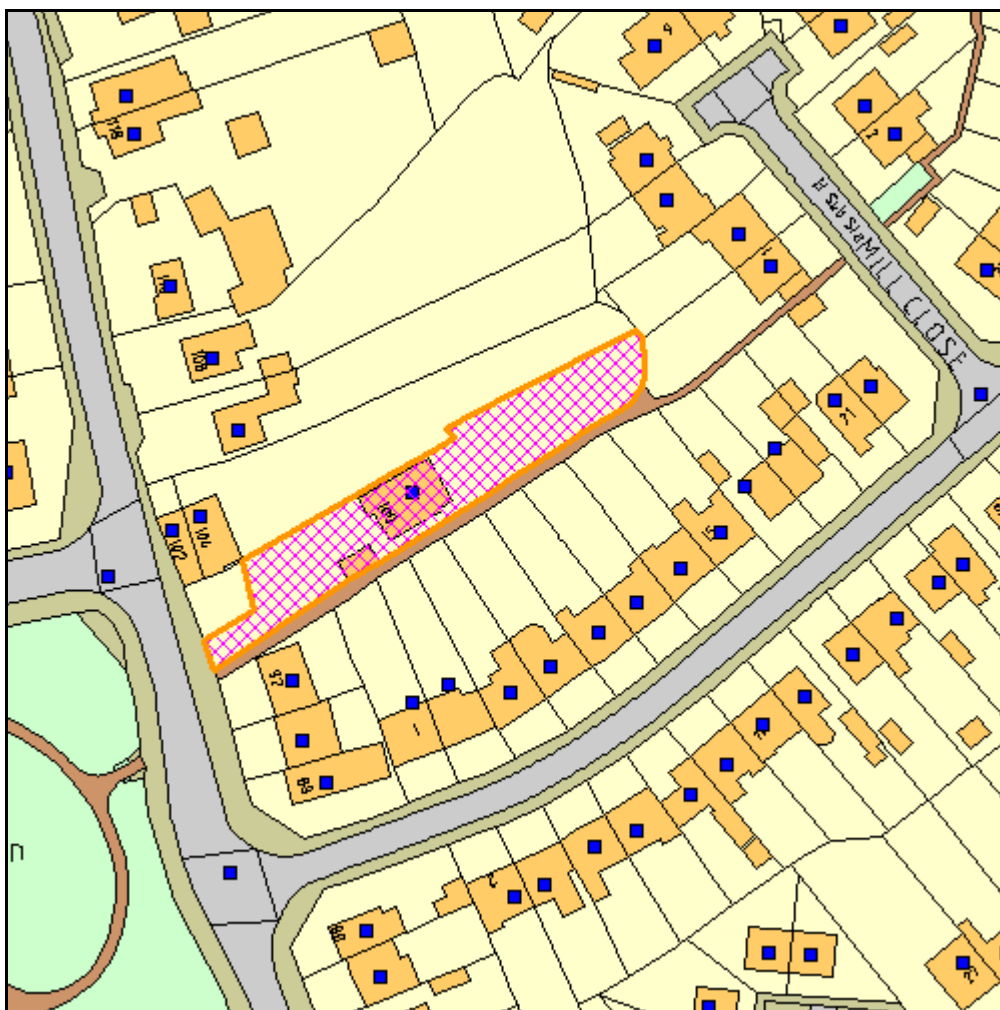
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 8 February 2019

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/0244/F	Approve with Conditions	100 Beesmoor Road Frampton Cotterell South Gloucestershire BS36 2JP	Frampton Cotterell	Frampton Cotterell Parish Council
2	PK18/1922/F	Approve with Conditions	The Crown Inn 16 High Street Marshfield South Gloucestershire SN14 8LP	Boyd Valley	Marshfield Parish Council
3	PK18/1923/LB	Approve with Conditions	The Crown Inn 16 High Street Marshfield South Gloucestershire SN14 8LP	Boyd Valley	Marshfield Parish Council
4	PK18/3185/RM	Approve with Conditions	Parcels PI15a, PI16a & PI16b North Yate New Neighbourhood Yate South Gloucestershire	Yate North	Yate Town Council
5	PK18/3807/F	Approve with Conditions	Pipley Court Farmhouse North Stoke Lane Upton Cheyney South Gloucestershire BS30 6NG	Bitton	Bitton Parish Council
6	PK18/4015/RVC	Approve with Conditions	85A Parkfield Road Pucklechurch South Gloucestershire BS16 9PS	Boyd Valley	Pucklechurch Parish Council
7	PK18/5125/F	Approve with Conditions	2 Westland Avenue Oldland Common South Gloucestershire BS30 9SH	Oldland	Bitton Parish Council
8	PK18/5132/F	Approve with Conditions	84 Inglestone Road Wickwar Wotton Under Edge South Gloucestershire GL12 8NH	Ladden Brook	Wickwar Parish Council
9	PK18/5519/RVC	Approve with Conditions	11 Cock Road Kingswood South Gloucestershire BS15 9SJ	Woodstock	None
10	PK18/5788/R3F	Deemed Consent	Redfield Edge Primary School High Street Oldland Common South Gloucestershire BS30 9TL	Oldland	Bitton Parish Council
11	PK18/6736/RVC	Approve with Conditions	2 Middle Road Kingswood South Gloucestershire BS15 4XD	Rodway	None

CIRCULATED SCHEDULE NO. 06/19 – 8 FEBRUARY 2019

App No.:	P19/0244/F	Applicant:	Mr R Anstee
Site:	100 Beesmoor Road Frampton Cotterell Bristol South Gloucestershire BS36 2JP	Date Reg:	9th January 2019
Proposal:	Installation of 2 No. front, 3 No. rear dormers and raising of roof line to facilitate loft conversion. Erection of single storey rear extension to form additional living accommodation.	Parish:	Frampton Cotterell Parish Council
Map Ref:	367010 180997	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	6th March 2019



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South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's circulated schedule procedure because the application has received more than 3 objection comments and comments received from the local Parish Council have been made contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the installation of 2 no. front and 3no. rear dormers and the raising of the roofline to facilitate a loft conversion at 100 Beesmoor Road, Frampton Cottrell. It also seeks full planning permission for the erection of a single storey rear extension to create additional living accommodation at the same address.
- 1.2 The application site relates to a bungalow which is set back from Beesmoor Road, at the end of a driveway. The subject dwelling is located in a residential area of Frampton Cottrell.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP34	Private Amenity Standards

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 P85/2191
Erection of one dwelling (in accordance with the revised details received by the council on 24th September 1985). (Outline)
Approval of outline: 09/10/1985
- 3.2 P86/1137
Erection of detached bungalow and garage. (Details following outline.) (To be read in conjunction with P85/2191).
Approval of reserved matters: 12/03/1986
- 3.3 P87/1367
Erection of detached bungalow and garage (revised siting)
Approval: 22/04/1987

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
Frampton Cotterell Parish Council objects to the proposal on the grounds that the proposed development will cause the neighbouring property to lose its privacy.
- 4.2 Transport Officer
No objection.

Other Representations

- 4.3 Local Residents
Six local residents have objected to the planning application. Their comments are summarised as follows:
- Outlook obscured as a result of the increase in size of the building
 - Overlooking from the proposed side window
 - Overlooking from proposed landing window
 - Not consulted on the original application to construct the bungalow
 - Rear dormer windows will overlook our rear bedroom and garden area
 - Addition of front dormer windows will result in increased overlooking and loss of privacy

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy PSP38 of the Policies, Sites and Places Plan (November 2017) allows the principle of development 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 seeks to raise the roofline of the bungalow and install 2no. front dormers and 3no. rear dormers to facilitate a loft conversion. It also seeks to erect a single storey rear extension.

5.3 *Single storey rear extension*

The existing conservatory will be demolished as a result of this part of the proposal. The proposed single storey rear extension will project 3 metres from the rear elevation of the remaining dwellinghouse and have a width of approximately 5.2 metres. It will join existing built form at one of the side elevations. Its roof will form a continuation of the proposed raised roof, which will give it an appearance of being part of the main dwelling, rather than an extension. Bi-fold doors and 1no. window are proposed in the rear elevation and the materials are set to match and complement the existing. This part of the proposal is located to the rear of the property and therefore has a limited impact on the street scene. The case officer has no objections to the proposed extension in terms of visual amenity and design.

5.4 *Front and rear dormers and raising of the roofline*

The proposal includes the raising of the roofline by approximately 1.2 metres to facilitate a loft conversion. This will alter the character of the dwelling somewhat, creating a two-storey feel to the property rather than the bungalow which exists at present. However, the height is increasing by a modest amount and bungalows are not characteristic of the area; a two-storey dwelling will not look out of place here. Rather than a “box” style dormer, the applicant has opted for singular pitched dormers (2 to the front and 3 to the rear). This is complementary of the existing character of the dwelling and does not dominate the property, or make it appear “top heavy”. The proposal also includes the addition of a roof light in the front elevation and a first floor window into both side elevations of the dwellinghouse.

5.5 Overall, it is considered that the design, scale and finish of the proposed development results in an addition that sufficiently respects the character and distinctiveness of the host dwelling and immediate context.

5.6 Residential Amenity

Policy PSP8 of the PSP Plan (Adopted November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

5.7 Multiple objection comments have been received from local residents and the Parish Council which relate to the impact of the proposal on the residential amenity of the neighbouring and surrounding occupiers.

5.8 One concern which has been raised by multiple residents is the increased overlooking which will occur as a result of the side windows being inserted into the first floor. These windows pertain to a bathroom and a landing. A condition will be added to the decision notice to ensure that the en-suite bathroom window is obscure-glazed to assist in protecting the privacy of both the occupiers and the neighbouring properties. However, although the case officer

acknowledges that there will be increased overlooking as a result of the landing window, it would not be reasonable to condition that this was obscure glazed. It is not a window which pertains to primary living accommodation and rather communal space. Paragraph 55 of the National Planning Policy Framework (NPPF) 2018 states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects. In this case, officers do not feel that it is necessary or reasonable to condition that this window be obscure glazed because it does not relate to primary living accommodation.

- 5.9 Residents have also raised concerns regarding increased overlooking as a result the proposed front and rear dormers. The rear dormers have the potential to increase overlooking into the gardens of the properties of Lower Chapel Lane and it has been raised that they will provide a view into the rear bedrooms of some of these properties. The boundary of the curtilage belonging to no.100 Beesmoor Road is located approximately 20-25 metres from the rear walls of the properties in Lower Chapel Lane. 100 Beesmoor Road is also located at an angle to these properties. Whilst it is acknowledged that by raising the roofline and installing rear dormers overlooking into the gardens and properties of Lower Chapel lane will increase, the combination of the degree of separation between the rear of the properties of Lower Chapel Lane and the oblique angle that the dormers are set at from the rear of these dwellings, helps to limit this impact. It should be noted that rear dormers can often be built under permitted development. Although the roofline is being raised here, it is by a fairly modest amount and the case officer does not consider that the overlooking as a result of the proposed rear dormers would be to such an unacceptable level that would warrant a refusal. Additionally, a local resident has pointed out that overlooking will be increased to the rear of the properties of Mill Close. These are located approximately 60-70 metres from the rear of the existing bungalow, and the impact is therefore considered to be limited.
- 5.10 A neighbour is concerned that the front dormers will compromise the privacy of the private garden space of no. 104 Beesmoor Road. Officers acknowledge that the proposed front dormer windows will increase the overlooking into the garden space of no.104. 100 Beesmoor Road is set back from the rear elevation of no.104 by approximately 25 metres and although overlooking into the garden area will increase, the level of overlooking into primary windows would not be unacceptable due to this degree of separation. In a residential setting, some degree of overlooking into garden space is to be expected. The proposed dormer windows will directly overlook the driveway and garden space to the side of no. 104; they are set at an oblique angle to the main garden of 104 which does help to slightly reduce the impact of overlooking. The proposed windows in the front roof plane are roof lights and will be angled slightly upward, which will help to obscure this view. Whilst officers concede that the proposal will result in a loss of privacy to the private amenity space of no.104, this change is not to a level which would be unacceptable enough to warrant a refusal reason.

- 5.11 Local residents who reside in Lower Chapel Lane have commented on the negative impact of the proposal on the outlook from their properties; namely from the increase in the size and height of the property. Officers again highlight the fact there is a distance of approximately 20-25 metres from the rears of the properties in Lower Chapel Lane to the boundary of no.100 Beesmoor Road. The increase in height is relatively modest; approximately 1.2 metres. Whilst it is acknowledged that this increase will have some impact on the outlook of these properties, this impact is not thought to be unacceptably harmful. The degree of separation helps to mitigate this.
- 5.12 Overall, although there will be some impact on the neighbouring and surrounding occupiers in terms of residential amenity as a result of the proposal, this impact is not thought to be to a level which would warrant refusal. As such, the proposal is considered to comply with policy PSP8 of the PSP Plan and there is therefore no objection from officers in this regard.
- 5.13 The proposal will occupy additional floor space. However, the host dwelling is set within a large plot and sufficient private amenity space will remain after the development.
- 5.14 Transport
The number of bedrooms at the property will increase from 2 to 4. Officers are satisfied that there is sufficient parking at the property and there is no objection on transport grounds.
- 5.15 Other Matters
One neighbour has commented that they were not consulted on the original application for the construction of the bungalow and would have objected to its being built. Officers can only consider the application which is before them and so this has been given limited weight. However, the current objection comment has been taken into account.
- 5.16 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.
- 5.17 With regards to the above this planning application it is considered to have a neutral impact on equality.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Isabel Daone
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 use or occupation of the development hereby permitted, and at all times thereafter, the proposed first floor window on the southern side elevation shall be glazed with obscure glass to level 3 standard or above.

Reason

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

3. The development will be implemented in accordance with the plan(s) hereby approved:

Drawing no. 3895-P1. Received by the Council 03/01/2019

Drawing no. 3895-P2. Received by the Council 03/01/2019

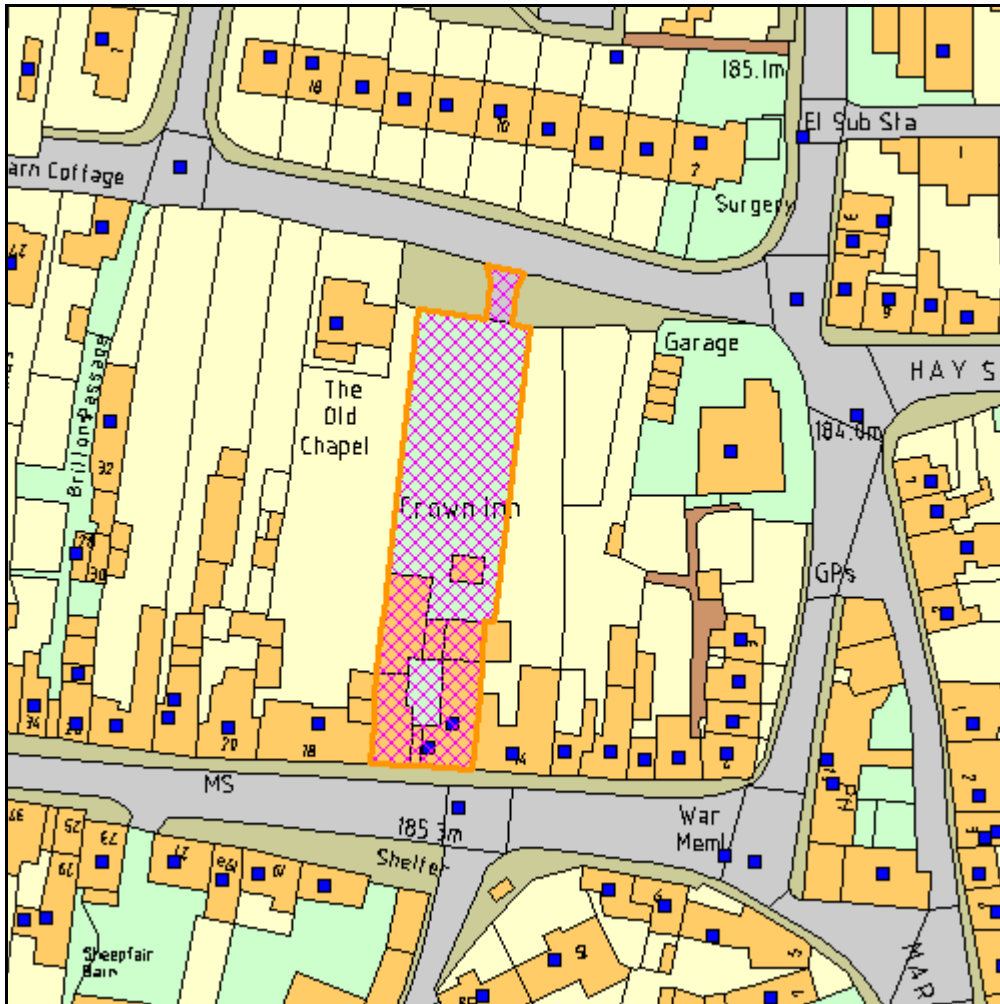
Site Location and Site Block Plan. Received by the Council 09/01/2019

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. 06/19 – 8 FEBRUARY 2019

App No.:	PK18/1922/F	Applicant:	Willment And Son Limited
Site:	The Crown Inn 16 High Street Marshfield Chippenham South Gloucestershire SN14 8LP	Date Reg:	1st May 2018
Proposal:	Erection of rear two storey detached building to form garaging with residential unit above, to facilitate conversion of redundant public house to create 9no. residential units with parking and associated works.	Parish:	Marshfield Parish Council
Map Ref:	378033 173735	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	25th June 2018



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South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The report is circulated because a Unilateral Undertaking forms part of the proposal. This is in respect of an affordable housing contribution.

1. THE PROPOSAL

- 1.1 This application is for the change of use for the change of use of this disused public house to form eight residential units and for the erection of an additional residential unit in the rear car park which also forms undercroft parking. Fifteen parking spaces are provided. An accompanying Listed building application is submitted as the site is grade II listed.
- 1.2 The site is located in Marshfield Conservation Area, the Cotswold Area of Outstanding Natural Beauty. The site is central to the village and as such does not affect the Green Belt which ceases along Marshfield's Southern boundary.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Practice Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)
National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;
Managing Significance in Decision-Taking in the Historic Environment (GPA 2)
The Setting of Heritage Assets (GPA 3 Second Edition)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS14	Town Centres and Retailing
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing

CS23	Community Infrastructure and Cultural Activity
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
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP34	Public Houses
PSP37	Internal Space Standards (relates to Aff Housing)
PSP39	Residential Conversions, Subdivision, and HMOs
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Development in the Green Belt SPD (Adopted) June 2007
 Design Checklist SPD (Adopted) August 2007
 Shopfronts and Advertisements SPD (Adopted) April 2012
 Residential Parking Standard SPD (Adopted) December 2013
 Affordable Housing and ExtraCare SPD (Adopted) May 2014
 Landscape Character Assessment SPD (Adopted) November 2014
 CIL and S106 SPD (Adopted) March 2015
 Waste Collection SPD (Adopted) January 2015 (updated March 2017)
 Marshfield Conservation Area SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PK18/1923/LB Erection of rear two storey detached building to form garaging with residential unit above, to facilitate conversion of redundant public house to create 9no. residential units with parking and associated works. Pending
- 3.2 PK16/0500/CV Notification under Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 as to whether the building is nominated as a Community Asset. Decision – Not a community asset.

4. CONSULTATION RESPONSES

- 4.1 Marshfield Parish Council
 Fully support the efforts made on the conservation of the building & have no objection but are concerned whether windows on the east & west elevations of the new building will overlook neighbours.

Internal Consultees

4.2 Internal Consultees

Conservation Officer

No objection subject to conditions as set out in the report

Affordable Housing

The site is in the AONB and the proposed total GIA is now 700.66sqm. Given this the Affordable Housing requirement, taking into account the vacant building credit application, is now .22 of a unit. The Housing Enabling Team will therefore seek the sum of £25,118.50, to be provided as an off-site sum, which will be used as a financial contribution towards Affordable Housing provision elsewhere in the District.

Landscape officer

No objection – opportunity for enhancement

Highway structures

No objection – responsibility of walls next to highway is with the developer.

Community Infrastructure

The above application for erection of rear two storey detached building to form garaging with residential unit above to facilitate conversion of redundant public house to create 9no residential units with associated works, currently falls below our threshold for seeking contributions towards open spaces

Children and young people

No comment

Statutory / External Consultees

4.3 External Consultees

4.4 Highways

No objection – no material increase in traffic and does not affect road safety and parking provision is in accordance with the Councils adopted residential parking standards .

4.5 Lead Local Flood Authority

No objection

Other Representations

4.6 Local Residents

6 letters of support for the following reasons:

- Well thought out scheme
- Good mix of housing types
- Would like to see the building have a new and useful life
- Preserves most of ancient structure especially on high Street.

- Although the redevelopment of the existing buildings is quite dense, the proposal offers realistic parking provision and courtyard space for the occupants
- but would like working hours restricted to officer hours Monday to Friday
- However there is some concern about the new build in terms of neighbour and visibility from the writers garden which may be resolved after amended plans are received (no further comments received from writer) and general arrangements of hours of working, access to neighbours, noise and drainage.
- More parking likely to be required given the lack of public transport and parking already at a premium in the village.

One general comment regarding

Concern about details as below:

- Working practices of the development and high quality soundproofing party walls, including cellars – tests to be carried out after sound proofing before work continues
- Working hours should be 9-4.30 and no working on the weekends or bank holidays
- Windows facing the writers property should be frosted glass
- Agreement of scaffolding will be required
- Rainwater must be retained in own site
- Legal caveat wanted to prevent later enclosure of car spaces for storage or living space

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is located within the settlement boundary where development such as this change of use and modest additional development is generally acceptable. Additional control exists in this case because the The Crown Inn is Grade II listed and forms part of the setting of a number of adjacent listed buildings. The site is also located within the Marshfield Conservation Area. The proposals should therefore be assessed in accordance with the above policies and guidance which seek to protect the significance of designated heritage assets and their settings. Further considerations are also considered below.

5.2 Heritage assets

The building has been in a state of vacancy for some four years and even before it closed, the condition of this former coaching inn had been allowed to deteriorate. From an extensive inspection of the building, the rate of deterioration appears to be accelerating with collapsing ceilings due to failing roofs, smashed glass, fractured stone and peeling finishes.

5.3 As the historic use of the building no longer appears viable, to help sustain the building it now needs to find a new use. Therefore, any scheme of refurbishment and reuse would be supported from a conservation point of view as it would help give an important building on the Marshfield High Street a sustainable future. This is however subject to any conversion ensuring what special architectural and historic interest the building retains is preserved.

- 5.4 The level of subdivision has been informed by the character and proportions of the existing building and what survives of the historic plan form in this heavily altered building would be preserved. The approach to the various schedules of repair and refurbishment can be considered to be sympathetic to the historic character of building and where possible ensuring what remains of its considered architectural or historic significance is preserved. Where new materials or features are being introduced, they are either historically correct/appropriate or complementary. Some matters of detail are yet to be agreed, but these can be agreed by condition. The proposed scheme would ensure that the special architectural and historic interest of the building is preserved if not enhancement.
- 5.5 The proposals are therefore supported as they would provide a much needed scheme of refurbishment that would safeguard this listed building and provide it with a sustainable future.
- 5.6 The less straightforward part of the proposal is the new build flat over parking to the rear of the listed structure which the agent suggests is necessary to make the scheme viable. The proposed new build, despite being reduced since the initial set of submitted plans would impact on the setting of the listed building. However this would be in the secondary views from Back Lane. The proposed new building would also impact on the setting of neighbouring listed buildings and also in views of the rear of the burgage plots from the north. In both cases the impact on the existing setting would cause less than substantial harm to their significance.
- 5.7 The proposed new building would also impact on the existing character and appearance of the Marshfield Conservation Area, but the impact on the locality will not result in sufficient change as to cause harm to its special significance. The enhancements to the principal elevation and the positive impact this would have on the character and appearance of the Marshfield Conservation Area would also weigh in favour of the scheme.
- 5.8 Given that the magnitude of harm would be “less than substantial” in the context of the Framework (para 196) the Local Planning Authority should take account of the significance of the historic asset, public benefits of the proposal and securing its optimum use.
- 5.9 It is considered that the limited harm to the setting of the listed buildings and that the building would be in views of the burgage plots and would also impact on the existing character and appearance of the Marshfield Conservation Area. However the impact on the locality will not result in sufficient change as to cause harm to its special significance. The enhancements to the principal elevation and the positive impact this would have on the character and appearance of the Marshfield Conservation Area would also outweigh any considered harm that the new build may cause to the rear. The rescue of the building from its current and worsening state, together with the public benefit of nine new dwellings of various and varying forms and the limited addition to affordable housing are sufficient to outweigh the limited harm caused to heritage from the new building subject to some further details coming in to be agreed by condition.

5.10 The applicant has provided a financial appraisal that demonstrates that the new building element is essential to the whole project being financially viable. This adds further weight in favour of the scheme.

5.11 Residential amenity

The building is constrained in its form given that it is reuse of a historic building and as such the usual distances between windows with the courtyard in particular are limited as most units have their only windows facing into the courtyard. Other existing windows on the listed property face either forwards across the High Street or rearwards toward the new building as is the existing situation. Windows in the new building are rooflights at first floor and are considered not to have a material impact on residential amenity of neighbouring properties. The mass of the rear section is not close enough to neighbouring dwellings so as to have an overbearing impact on the closest neighbours who are located close to High Street or to Back Lane and are some 24m distant between dwellings. There is concern or request from adjacent neighbours for particular noise attenuation measures to be installed and tested during conversion works. The site has previously been a public house with no doubt loud functions over the years but this proposal is for residential use and as such it is not considered necessary that planning policy impose such noise related constraints through this application. It is considered that the proper course of dealing with noise transference and insulation is under the Building Regulation Acts which the developer will also have to satisfy.

5.12 Policy PSP43 seeks to secure outdoor residential space for the future occupiers of sites and recognises that certain sites will need to be considered flexibly. This site is constrained by the nature of the building and the site cannot accommodate private balconies or gardens for each part of the listed building. However communal garden is provided close to Back Lane. This facilities approximately 120m² of outdoor space in addition to the communal courtyard with the building itself. Additionally two of the houses have their own private courtyard gardens of around 30m² each. This falls below the thresholds for new houses but given that the scheme is a conversion of an historic building and there are a variety of spaces available to future residents this is considered acceptable. Further there are two opportunities to use public open space within approximately 400m (Tanners Walk and Whithymead playing fields) and access to open countryside locally.

5.13 Transportation

The site maintains the majority of its existing car park for the provision of car parking and cycle and pedestrian access to the site. This is the same access as would have been used by the public house. The plan submitted shows a total of 15no. parking spaces on site and this meets the Council's parking standards for the scale of development proposed. Suitable turning area is available on site to ensure that all vehicles can enter and exit the site access in forward gear safely. In line with the Council's sustainability policy and in order to encourage other modes of travelling, the scheme also provides cycle parking on site. The plan submitted shows a secure cycle store located at the rear of the building with suitable provision for 9no. cycle stands within it. The provision of car and cycle parking can be conditioned.

5.14 Landscaping

There are trees on an adjacent sites which are remote from the location of the excavation works and beyond boundary walling. As such they are not expected to be affected. There is an opportunity for landscape improvements to the curtilage of the listed building to the rear of the property, which is currently shown on aerial photos as a tarmacked car park, and also the Back Lane entrance. In the event of consent being felt to be acceptable a landscape scheme would be expected to comply with the relevant SGC planning policies and related to the conservation area in which it is also located. A proposed communal area is shown on plan P03 to be planted with fruit trees and grassed. Trees and landscaping is also show between and around the parking spaces and two courtyard gardens are proposed. Whilst the courtyard gardens are private matters more detail of the landscaping for the car parking area and communal garden are required to be agreed and implemented. As such a condition requiring landscape detail to be submitted and importantly another to secure the proper maintenance of the open spaces are justified.

5.15 Affordable housing

The site creates 9 new dwellings in the Area of Outstanding Natural beauty and as such the site falls above the 5 unit threshold where affordable housing is required in accordance with CS18. Taking into account the existing Gross Internal Area (GIA) of 652.19sqm and the proposed total GIA of 700.66sqm Affordable Housing requirement, taking into account the vacant building credit application, is now .22 of a unit. The Housing Enabling Team therefore seek the sum of £25,118.50, to be provided as an off-site sum, which will be used as a financial contribution towards Affordable Housing provision elsewhere in the authorities area. This has been agreed and a unilateral undertaking signed already. An informative is proposed to reference this legal agreement.

5.16 Other contributions

Given that only 9 units are created the proposal does not meet the threshold to require further contributions to community services or education.

5.17 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.

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

5.19 Other Matters

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

Many of the comments received relate to the hours of building during the renovation and conversion works. It is anticipated that the works will have some impact on the immediate residents but it is not reasonable to restrict the hours of works to the limited times suggested by residents. Commonly the use of 7.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays is used to restrict the noise on site and this is considered reasonable in respect of this site too. An informative will also be placed on the decision notice which indicates the manner of working which is more considerate to neighbours and so as to prevent nuisance to neighbours.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 It is recommended that planning permission is granted subject to the conditions set out below.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

2. The application has been considered in relation to the following plans and particulars and development shall be pursued in relation to these plans unless other details are required by the following conditions.

Location plan	2314 LP
Site Plan	2314 SP
Block plan	2314 BP

Existing Elevations P02
Existing Survey Plans P01
Existing survey of External areas P05 all received 24/4/2018

Proposed elevations P04 Rev C received 13/7/2018
Proposed Plans (inc. outside area) P03 Rev E received 15/8/2018

Proposed coloured plans (shaded dwelling units) P06 Rev A rec, 2/7/2018
Proposed coloured elevations with rooflight sizes P07 Rev B rec . 18/7/2018

Heritage Statement received 26/4/2018

Listed building report addendum
Flooring schedule
Structural report
Window schedule
Door Schedule
Drainage plan all received 8/10/2018

Proposed coloured elevations (shaded dwelling units) P07 Rev A

Reason

For the avoidance of doubt and to prevent the need for remedial enforcement action.

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

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

4. Prior to the commencement of the relevant works, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.
 - a. All new internal doors including frames and furniture;
 - b. All other internal joinery such as panelling, floor boards, fire surrounds, new stairs and skirtings;
 - c. Shutters
 - d. All new vents and flues - details of vents to eaves/ fascia in particular
 - e. Rainwater goods
 - f. Insulation - both thermal and acoustic to new roofs and floors
 - g. Rooflights

- h. Eaves (including rainwater goods), verges and ridges (for new build)
- i. All new windows (including cill, head, reveal and glass details) and should include the new ground floor bay window to inner courtyard (W3G1-W3G4 as per the submitted windows schedule).
- k. New roof structure to rear wing (former stables and barn)

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

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

- 5. Prior to the commencement of development, details or samples of the roofing material and timber cladding proposed to be used for the new build development 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

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017)

- 6. Prior to commencement of the relevant parts of the development, a full specification of the proposed floors, wall and ceiling finishes shall be submitted and agreed in writing by the local planning authority. The development shall thereafter be carried out strictly in accordance with the agreed details. For the avoidance of doubt, plaster finishes to historic walls and ceilings shall be traditional lime plaster for which the mix is required as part of this condition.

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

7. Once the modern concrete floor is removed from units 3, 4, 5, 6 and 7, as per the scope of works set out within the submitted floor schedule, further survey work into the extent of any surviving historic finishes is to be undertaken with a report submitted (including photographic evidence) documenting the presence (or not) of any surviving fabric with recommendations on how any surviving historic floors can be preserved insitu. The development shall then be completed strictly in accordance with the agreed details.

Reason

In order that the works serve to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy Framework (2018) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

8. The building shall not be occupied until the associated vehicle parking areas, cycle and bin storage and manoeuvring areas have been provided in accordance with the details approved in writing by the Local Planning Authority. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.

Reason

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

9. The hours of working on site during the period of construction shall be restricted to:

Monday - Friday.....7:30am - 6:00pm
Saturday.....8:00am - 1:00pm
No working shall take place on Sundays or Public Holidays.

The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenity enjoyed by those living in the locality to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

10. Prior to the first occupation of the building a scheme of landscaping, which shall include details of proposed planting (including size, species, before and after planting care and times of planting), boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details prior to the first occupation of the first dwelling unless otherwise agreed as part of the condition.

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.

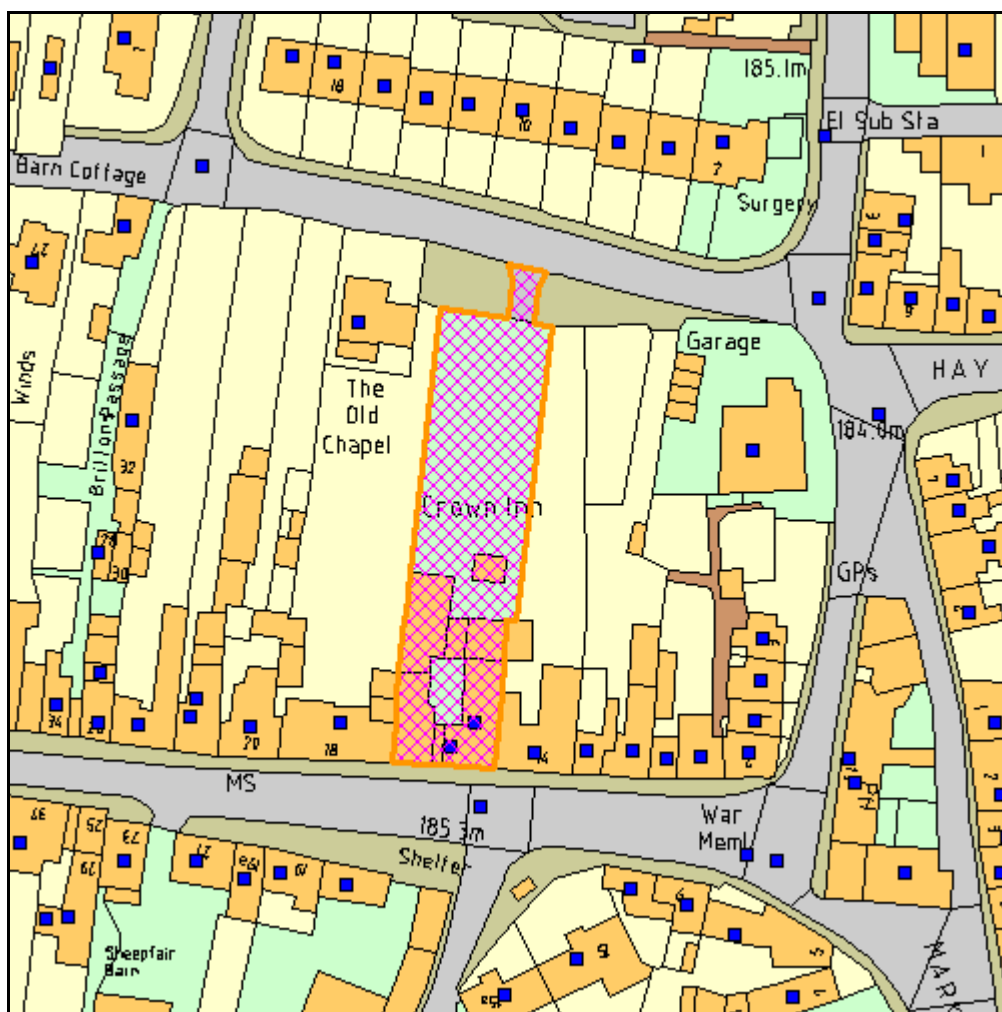
11. The bin and recycling area shall be installed in accordance with boundary details to be agreed in the landscape condition above prior to the first occupation of the first dwelling.

Reason

To ensure the satisfactory provision of bin storage such that parking facilities need not be hindered to the detriment of highway safety and in the interest of the amenity of the area, and to accord with Policies CS1 and CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 06/19 – 8 FEBRUARY 2019

App No.:	PK18/1923/LB	Applicant:	James Willment
Site:	The Crown Inn 16 High Street Marshfield Chippenham South Gloucestershire SN14 8LP	Date Reg:	1st May 2018
Proposal:	Erection of rear two storey detached building to form garaging with residential unit above, to facilitate conversion of redundant public house to create 9no. residential units with parking and associated works.	Parish:	Marshfield Parish Council
Map Ref:	378033 173735	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	25th June 2018



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 100023410, 2008. **N.T.S.** **PK18/1923/LB**

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The report is circulated because the corresponding planning application is being considered in this schedule too.

1. THE PROPOSAL

- 1.1 This application is for listed building consent for works related to the change of use of this grade II listed, disused public house to eight residential units and for the erection of an additional residential unit in the rear car park which is attached to existing structure. An accompanying planning application is also being considered in this Circulated schedule. submitted as the site is grade II listed.
- 1.2 The site is located in Marshfield Conservation Area, the Cotswold Area of Outstanding Natural Beauty.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Practice Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)
National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;
Managing Significance in Decision-Taking in the Historic Environment (GPA 2)
The Setting of Heritage Assets (GPA 3 Second Edition)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS9	Managing the Environment and Heritage

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

PSP1	Local Distinctiveness
PSP17	Heritage Assets and the Historic Environment

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007
Marshfield Conservation Area SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PK18/1922/F Erection of rear two storey detached building to form garaging with residential unit above, to facilitate conversion of redundant public house to create 9no. residential units with parking and associated works. Pending
- 3.2 PK16/0500/CV Notification under Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 as to whether the building is nominated as a Community Asset. Decision – Not a community asset.

4. CONSULTATION RESPONSES

- 4.1 Marshfield Parish Council
Fully support the efforts made on the conservation of the building & have no objection but are concerned whether windows on the east & west elevations of the new building will overlook neighbours.

Internal Consultees

- 4.2 Internal Consultees

Conservation Officer

No objection subject to conditions as set out in the report

Statutory / External Consultees

- 4.3 External Consultees
National Amenity Societies
No comments received.

Other Representations

- 4.4 Local Residents
Two letters were in general support but with some concerns about parking and disruption to neighbours, query whether the applicant intends to buy the green land directly north of the site.
One letter of support suggest that this is an eminently sensible use of an historic building.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
This application stands to be assessed against National Planning Policy Framework July 2018 and Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.2 The building has been in a state of vacancy for some four years and even before it closed, the condition of this former coaching inn had been allowed to deteriorate. From an extensive inspection of the building, the rate of

deterioration appears to be accelerating with collapsing ceilings due to failing roofs, smashed glass, fractured stone and peeling finishes.

- 5.3 As the historic use of the building no longer appears viable, to help sustain the building it now needs to find a new use. Therefore, any scheme of refurbishment and reuse would be supported from a conservation point of view as it would help give an important building on the Marshfield High Street a sustainable future. This is however subject to any conversion ensuring what special architectural and historic interest the building retains is preserved.
- 5.4 The level of subdivision has been informed by the character and proportions of the existing building and what survives of the historic plan form in this heavily altered building would be preserved. The approach to the various schedules of repair and refurbishment can be considered to be sympathetic to the historic character of building and where possible ensuring what remains of its considered architectural or historic significance is preserved. Where new materials or features are being introduced, they are either historically correct/appropriate or complementary. Some matters of detail are yet to be agreed, but these can be agreed by condition. The proposed scheme would ensure that the special architectural and historic interest of the building is preserved if not enhancement.
- 5.5 The proposals are therefore supported as they would provide a much needed scheme of refurbishment that would safeguard this listed building and provide it with a sustainable future.
- 5.6 The less straightforward part of the proposal is the new build flat over parking to the rear of the listed structure which the agent suggests is necessary to make the scheme viable. The proposed new build, despite being reduced since the initial set of submitted plans would impact on the setting of the listed building. However this would be in the secondary views from Back Lane. The proposed new building would also impact on the setting of neighbouring listed buildings and also in views of the rear of the burgage plots from the north. In both cases the impact on the existing setting would cause less than substantial harm to their significance.
- 5.7 The proposed new building would also impact on the existing character and appearance of the Marshfield Conservation Area, but the impact on the locality will not result in sufficient change as to cause harm to its special significance. The enhancements to the principal elevation and the positive impact this would have on the character and appearance of the Marshfield Conservation Area would also weigh in favour of the scheme.
- 5.8 Given that the magnitude of harm would be “less than substantial” in the context of the Framework (para 196) the Local Planning Authority should take account of the significance of the historic asset, public benefits of the proposal and securing its optimum use.
- 5.9 It is considered that the limited harm to the setting of the listed buildings and that the building would be in views of the burgage plots and would also impact on the existing character and appearance of the Marshfield Conservation Area.

However the impact on the locality will not result in sufficient change as to cause harm to its special significance. The enhancements to the principal elevation and the positive impact this would have on the character and appearance of the Marshfield Conservation Area would also outweigh any considered harm that the new build may cause to the rear. The rescue of the building from its current and worsening state, together with the public benefit of nine new dwellings of various and varying forms and the limited addition to affordable housing are sufficient to outweigh the limited harm caused to heritage from the new building subject to some further details coming in to be agreed by condition.

5.10 The applicant has provided a financial appraisal that demonstrates that the new building element is essential to the whole project being financially viable. This adds further weight in favour of the scheme.

5.11 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.

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

5.12 Other Matters

A number of matters raised from the consultation responses have not been addressed in the main body of this report. These do not relate to the fabric of eth listed building, the subject of a listed building and relevant comments have been incorporated in the associated listed building application.

6. CONCLUSION

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

7. RECOMMENDATION

7.1 That the application be **approved** subject to the conditions set out below.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

2. The application has been considered in relation to the following plans and particulars and development shall be pursued in relation to these plans unless other details are required by the following conditions.

Location plan 2314 LP
Site Plan 2314 SP
Block plan 2314 BP
Existing Elevations P02
Existing Survey Plans P01
Existing survey of External areas P05 all received 24/4/2018

Proposed elevations P04 Rev C received 13/7/2018
Proposed Plans (inc.outside area) P03 Rev E received 15/8/2018

Proposed coloured plans (shaded dwelling units) P06 Rev A rec, 2/7/2018
Proposed coloured elevations with rooflight sizes P07 Rev B rec . 18/7/2018

Heritage Statement received 26/4/2018

Listed building report addendum
Flooring schedule
Structural report
Window schedule
Door Schedule
Drainage plan all received 8/10/2018

Proposed coloured elevations (shaded dwelling units) P07 Rev A

Reason

For the avoidance of doubt and to prevent the need for remedial enforcement action.

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

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and

Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

4. Prior to the commencement of the relevant works, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.
 - a. All new internal doors including frames and furniture;
 - b. All other internal joinery such as panelling, floor boards, fire surrounds, new stairs and skirtings;
 - c. Shutters
 - d. All new vents and flues - details of vents to eaves/ fascia in particular
 - e. Rainwater goods
 - f. Insulation - both thermal and acoustic to new roofs and floors
 - g. Rooflights
 - h. Eaves (including rainwater goods), verges and ridges (for new build)
 - i. All new windows (including cill, head, reveal and glass details) and should include the new ground floor bay window to inner courtyard (W3G1-W3G4 as per the submitted windows schedule).
 - k. New roof structure to rear wing (former stables and barn)

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

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

5. Prior to the commencement of development, details or samples of the roofing material and timber cladding proposed to be used for the new build development 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

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

6. Prior to commencement of the relevant parts of the development, a full specification of the proposed floors, wall and ceiling finishes shall be submitted and agreed in writing by the local planning authority. The development shall thereafter be carried out strictly in accordance with the agreed details. For the avoidance of doubt, plaster finishes to historic walls and ceilings shall be traditional lime plaster for which the mix is required as part of this condition.

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

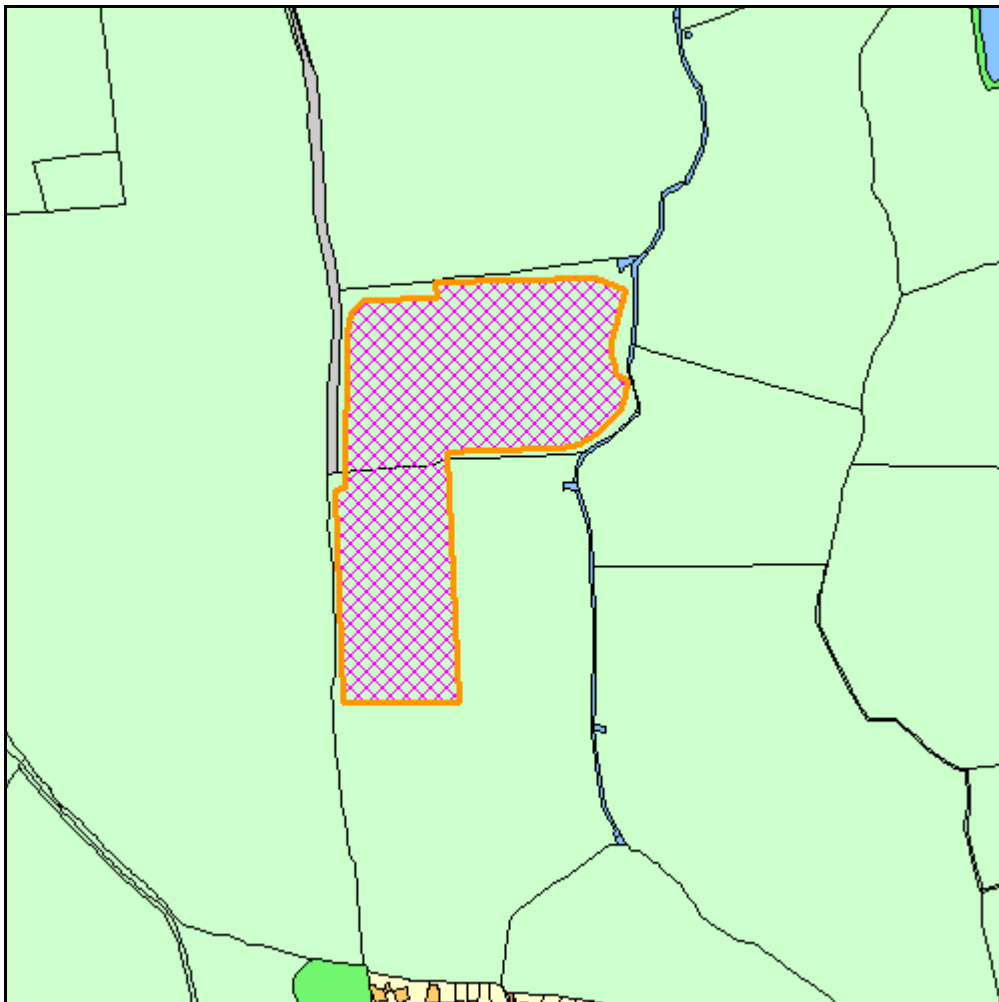
7. Once the modern concrete floor is removed from units 3, 4, 5, 6 and 7, as per the scope of works set out within the submitted floor schedule, further survey work into the extent of any surviving historic finishes is to be undertaken with a report submitted (including photographic evidence) documenting the presence (or not) of any surviving fabric with recommendations on how any surviving historic floors can be preserved insitu. The development shall then be completed strictly in accordance with the agreed details.

Reason

In order that the works serve to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy Framework (2018) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

CIRCULATED SCHEDULE NO. 06/19 – 8 FEBRUARY 2019

App No.:	PK18/3185/RM	Applicant:	BDW Trading Ltd (David Wilson Homes Bristol Division)
Site:	Parcels PI15a, PI16a & PI16b North Yate New Neighbourhood Yate South Gloucestershire	Date Reg:	25th July 2018
Proposal:	Approval of the reserved matters appearance, layout, scale and landscaping associated with application PK12/1913/O superseded by application PK17/4826/RVC for the erection of 106no. residential dwellings and associated works.	Parish:	Yate Town Council
Map Ref:	371274 184287	Ward:	Yate North
Application Category:	Major	Target Date:	22nd October 2018



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N.T.S.**PK18/3185/RM**

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application is reported to the Circulated Schedule, due to objections from Yate Town Council.

1. THE PROPOSAL

- 1.1 This is a reserved matters application for the erection of 106 dwellings. Outline planning permission was granted under reference PK12/1913/O for a mixed use development of 2450 dwellings with employment, education and a local centre, with associated infrastructure. This permission was varied under reference PK17/4826/RVC. The reserved matters for which approval are sought are appearance, layout, scale and landscaping. Access was approved at outline stage. The application is accompanied by a statement to demonstrate compliance with the Design Code.
- 1.2 The application relates to Parcels 15a, 16a and 16b, which forms the third phase of development of the North Yate New Neighbourhood (NYNN) and forms part of the Yate Meadows character area. The site is to the east of the central green way that runs north to south through the wider site, with the attenuation area being to the east of the site. Access to the site would be via the primary and secondary streets approved under application references PK17/4260/RM and PK18/1656/RM.
- 1.3 The proposed residential units would be a mix of 2, 3 and 4 houses and 2 bedroom flats. The buildings would predominantly a mix of 2 and 2.5 storey dwellings with single storey garages. The apartment block to the south of the site would be a three storey building.
- 1.4 The application has been amended since submission to ensure that the layout and appearance of the dwellings more closely reflect the parameters set out in the Code. The banks adjacent to the retained hedgerows have been resited to ensure that the retained hedgerow is no damaged during construction.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS2 Green Infrastructure

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS30 Yate and Chipping Sodbury
CS31 North Yate New Neighbourhood

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodland
PSP6 Onsite Renewable and Low Carbon Energy
PSP8 Residential Amenity
PSP10 Active Travel Routes
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP17 Heritage Assets and the Historic Environment
PSP19 Wider Biodiversity
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP21 Environmental Pollution and Impacts
PSP37 Internal Space and Accessibility Standards for Affordable Dwellings
PSP43 Private Amenity Space Standards
PSP47 Site Allocations and Safeguarding

2.3 Supplementary Planning Guidance

Landscape Character Assessment SPD (adopted August 2005)
Design Checklist SPD (adopted 2007)
Residential Parking Standards SPD (adopted May 2013)
Extra Care and Affordable Housing SPD (adopted May 2014)
Waste Collection: Guidance for New Developers SPD (adopted January 2015)

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/1913/O - Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 4.63 hectares of employment land (Use Class B1, B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping and proposal to underground the electricity powerlines. Outline application including access with all other matters reserved. Permitted 17th July 2015.
- 3.2 PK15/5230/RVC - Variation of condition 41 of Planning Permission PK12/1913/O to change the proposed wording which related to the need for an Energy Statement and energy targets. Permitted 6th May 2016.
- 3.3 PK16/2449/RVC - Variation of condition 12 attached to planning permission PK12/1913/O to allow for a programme for archaeological investigations across the site. Permitted 15th August 2016.

- 3.4 PK17/0039/NMA - Non-material amendment to Condition 19 of PK16/2449/RVC (Outline planning permission for the North Yate New Neighbourhood) to reflect the updated phasing plan submitted pursuant to Condition 4. Approved 23rd February 2017.
- 3.5 PK17/4826/RVC - Variation of conditions 12, 19 and 41 attached to outline planning permission PK12/1913/O to rationalise and validate amendments to conditions previously granted under application reference numbers PK15/5230/RVC, PK16/2449/RVC, and PK17/0039/NMA. Permitted 27th November 2017.
- 3.6 PK17/4260/RM - Laying out of landscape and infrastructure (Phase 0) including primary and secondary streets, utilities, services, foul and surface water drainage, hard and soft landscaping. (Approval of reserved matters including appearance, landscaping, layout and scale to be read in conjunction with Outline Planning Permission PK12/1913/O superseded by PK16/2449/RVC). Approved 21st May 2018
- 3.7 PK18/1656/RM – Approval of remaining site wide infrastructure including primary and secondary street, utilities, services, foul and surface water drainage, hard and soft landscaping in relation to Phase 0 (Reserved Matters application to be read in conjunction with outline planning permission PK12/1913/O amended by PK16/2449/RVC in regards to landscaping, appearance, layout and scale). Approved 5th December 2018

4. **CONSULTATION RESPONSES**

4.1 Yate Town Council

Object to the application, raising the following points;

- Shows indicative site for a care home, adjacent to the flood detention ponds, which is the last place for a care home – using the whole of plot 15b (*Officer note: Plot 15b is outside the application site and does not form part of this application. The outline permission shows a care home within this plot and matters relating to this will be considered when such an application is forthcoming.*)
- The application does not comply with the phasing plan and is leapfrogging the District Centre. Centre should be designed in detail so future occupiers know if the plot looks onto a pub, hotel and shopping centre
- The main north/south road through the application site is the big loop spine road serving the whole north of the development but will have vehicles reversing onto it in plot 16 A/B but 14 on plot 15A but can't count across as there is a hedge and open space between the two zones.
- Only 6 visitor parking spaces in the zone shown on the main road
- Design still incorporates senseless grass verges
- No sign of pavements within the development, only on the northern side, which creates danger.
- No sign of street lighting – need to insist on street lighting within the areas of housing.
- No informal open space – the only informal open space is a hedge and ditch, not useable space, and the adjoining land is all set out as water basins.

- Where do children play? The nearest play area is the other side of the water basins
- Impossibly tight vehicle tracking layouts (plots 223, 247, 253, 179, 184, 224, 225) right on the corner nearest the flood basin
- Object to weatherboarding on properties because of difficulty of maintenance and not local vernacular
- Where is the flood water plan? We need to see this as we are concerned about surface water flows given the proximity to the water basins.
- Object to the lack of progress on providing the proposed school site (*Officer note: This is not a material planning consideration in the context of this application*)
- Object that temporary footpaths stated have still not been implemented (*Officer note: This is not a material planning consideration in the context of this application*).

4.2 Other External Consultees

The Coal Authority – The site is located within the defined Development Low Risk Area. If planning permission is granted, it will be necessary to include the Standing Advice as an informative within the decision notice.

Wales and West Utilities – Advise that the applicant must not build over any of their plant or apparatus

Sport England – The proposed development is outside of their statutory and non-statutory remit.

4.3 Internal Consultees

Lead Local Flood Authority – No objection to the proposal following the discharge of conditions 23 and 24.

Public Open Space – Comment that the submitted plans do not concur with those submitted as part of the reserved matters for Phase 0B (*Officer note: The plans have been revised since the receipt of these comments and Officers are satisfied they are accurate*)

Landscape Architect – No objection, subject to conditions

Urban Design – Offers the following comments on the plans as originally submitted;

- Some garages are set further back than the code allows
- Accent buildings need to be strengthened
- No street trees are shown on the primary street
- Unsatisfactory presentation of the apartment building (units 179-184) to the public realm
- Concern over the parking arrangements for units 157-160
- The rear gardens for units 161-166 are small
- Concerns over the house types proposed
- Bin and cycle storage should be distinct from one another
- More elegant solution to the change of materials at the corner of the dwellings could be found.

(Officer note: No additional comments have been received following the receipt of amended plans)

Sustainable Transport – Offer the following comments on the plans as originally submitted;

- Potential for safety conflict between pedestrians and vehicles at the junctions between the secondary and tertiary street

- Proposed footway along secondary street does not extend far enough into the side road.
- Tactile paving is required on the secondary street at junctions in all directions
- Traffic calming measures are required
- No safety audit submitted
- Provision of visitor parking is advised in the parking court for units 223-228
- Private drives serving more than 3 properties should be widened to 4.5m
- Recommended that the width of private footpaths is increased to at least 1.2m

Public Rights of Way – Object to the revised plans as the revised plans do not show the safeguarded line of the footpath (LYA50), which must be level and without gradients and steps. (*Officer note: The plans have been further revised since the receipt of these comments and no additional comments have been received*)

Housing Enabling – No objection, subject to confirmation that the wheelchair flats fully meet the wheelchair specification.

Conservation Officer – No comment

Highways Structures – Comment that any structure that will support the highway or land above highway, no construction should be carried out within formal Technical Approval from the Council. If any boundary wall alongside a public highway or open space is included, then responsibility for maintenance will fall to the property owner.

Other Representations

- 4.4 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

North Yate New Neighbourhood is a major development site allocated in the Core Strategy, under policy CS31. Outline planning permission has been granted on the site for up to 2450 dwellings, 4.63 hectares of employment land, a local centre, two primary school and associated infrastructure. The principle of the development is therefore acceptable.

5.2 Design, appearance and layout

Core Strategy Policy CS1 seeks to ensure that new development is of the highest possible standard of design and is inter alia of an appropriate scale, form, appearance and layout that respects and enhances the character, distinctiveness and amenity of both the site and its context. The site forms part of the Yate Meadows character area. This area has the strongest visual and physical relationship to the wider countryside. It is characterised by contiguous green space and contains extensive ponds, swales and recessed flood attenuation areas. The eastern edge of Yate Meadows is characterised by individual buildings at a generally lower scale, which is part of the sensitive design response to the wider countryside setting.

- 5.3 The application proposes the erection of 106 dwellings on a site area of 3.17ha. The outline application was accompanied by a Design Code, which sets out the parameters for the whole of North Yate New Neighbourhood. The application is accompanied by a Statement of Code Compliance, setting out the proposals compliance with the design strategies. There is a condition on the outline permission requiring the reserved matters submission to be in accordance with the principles and parameters of the Design Code.
- 5.4 The site equates to an average density of 33 dwellings per hectare and would be a mix of 2, 2.5 and 3 storey dwellings, with the taller units being sited towards the south of the site. The application has been revised since submission to address the comments of the Urban Designer.
- 5.5 The southern end of the site is marked by a 3 storey terrace, which provides a gateway to the site when viewed from the allocated local centre to the south. The design has been amended since submission to give the proposed dwellings a continuous frontage with the parking move to the rear, resulting in a better street frontage to the parcel.
- 5.6 The secondary streets would be a mix of 2 and 2.5 storey dwellings. The frontages along the secondary streets are marked with low brick walls, which would provide a strong frontage along the street.
- 5.7 The tertiary streets would be primarily 2 storey dwellings with 2.5 storey dwellings on some of the corner plots. These plots would have primarily open frontages. The character of the development along the northern streets has a looser feel, particularly towards the north of the parcel where the site transitions towards the open space to the west.
- 5.8 The house types are considered to be acceptable and in line with the parameters set out in design code. The proposed materials have been amended to increase the amount of contrasting material proposed on the side elevations. Yate Town Council have raised concerns regarding the use of weatherboarding, due to difficulties for future maintenance and that it is not part of the local vernacular. The use of weatherboard is listed in Design Code as part of the approved materials palette, therefore its use is acceptable within the development. Conditions will be used to ensure that the finish of the materials is acceptable.
- 5.9 Additional planting has been proposed in the parking courts, which would soften their appearance and provide some relief to the appearance of the development. There would be a mix of brick, render and weatherboarding across the site, which would be consistent with the wider development.
- 5.10 The proposed development is therefore considered to respect the context of the wider NYNN site and is considered to be in accordance with the parameters set out in the outline planning permission, Core Strategy Policy CS1 and the NPPF.

5.11 Residential amenity

Policies, Sites and Places Plan Policy PSP8 requires that new development should not create unacceptable living conditions or have an unacceptable impact on the residential amenity of occupiers of the development. Policy PSP43 sets out the requirements for private amenity space, including the minimum space standards.

5.12 The majority of the proposed dwellings have a back to back distance of at least 20m. This is in line with the layout approved on other phases of the development. This distance is considered to be acceptable and would not result in a significant loss of privacy to future occupiers. The back to back distance between plots 212 and 215 is approx. 12m. Plot 212 is set at an angle to plot 215, resulting in the angle of overlooking being oblique rather than directly overlooking the rear. It is therefore not considered that this would result in an unacceptable level of overlooking between the properties.

5.13 Although the size of the private amenity space for a number of the properties is less than the guide set out under Policy PSP43, there is no objection on this basis given that the proposed density has already been accepted in principle through the approved parameters plans in the outline permission. Due to the size and layout of the private amenity space, it is considered that they would result in sufficient space for future occupiers.

5.14 Landscape and public open space

Following the submission of the application, the landscaping scheme has been amended to protect the hedge corridor to the west of the site. The initial submission resulted in banking to the access roads cutting into the root protection area and resulting in the hedge becoming vulnerable. The application has been revised to result in a narrowing of the road strip with build outs for the street lighting, which would safeguard the future of the hedge.

5.15 The proposed landscaping is considered acceptable and conditions will be imposed to ensure that the proposed landscaping is provided in a timely manner.

5.16 The Town Council have raised concerns that there are no play areas within the development parcels. The locations of the play areas has been approved by the masterplan, which formed part of the outline permission. It is therefore considered that there is sufficient play space. The levels of informal open space are in accordance with the requirements for the wider development.

5.17 Highway safety

The Highways Officer has raised concerns regarding junctions between the secondary and tertiary streets and the potential for conflict between vehicles and pedestrian, as well as the need for traffic calming to maintain a low speed. These matters have been determined as part of the Phase 0 infrastructure application (ref: PK18/1656/RM). Furthermore, the relevant safety audits would be required prior to the adoption of the roads and the required highway features would be implemented at this stage.

- 5.18 There are sufficient footpaths along the primary and secondary streets, which have been approved as part of the infrastructure application. The tertiary streets are shared surfaces, which is in line with the Design Code. They would be adopted and lit by street lights.
- 5.19 There is considered to be sufficient parking for both future occupiers and visitors across the site. The applicant has submitted the vehicle tracking for the proposal and this is considered to be acceptable. A condition will be imposed requiring the details of the street lighting to be submitted and carried out prior to the occupation of the first dwelling.
- 5.20 Drainage and flood risk
The LLFA had raised concerns that ten of the dwellings were located within Flood Zone 2. There were conditions on the outline permission that required the developer to undertake additional modelling to demonstrate that these areas were not within the flood zone following flood alleviation works approved at the site. These conditions have now been discharged (ref: DOC18/0025) and as such, all of the site is outside Flood Zone 2.
- 5.21 The information submitted alongside the application complies with the wider Surface Water Drainage Masterplan/Strategy and this indicated no flooding above ground in the 1in30year storms and no flooding of buildings or off-site in 1in100year events with an allowance for climate change. The proposed development would therefore have adequate drainage and would not result in an increase in flood risk.
- 5.22 Public Rights of Way
Public Right of Way LYA50 runs across part of the site. The principle of the diversion of the route has been accepted through the approval of the masterplan. The footpath runs along the western edge of the site and joins into the adopted unsurfaced lane, which leads to Tanhouse Lane. The PROW Officer has objected as there is no detail of the path and its entrance into the lane. It is considered that conditions can be used for these details to be provide to demonstrate a safe access to the lane to overcome these concerns.
- 5.23 Affordable housing
The applicant has confirmed the wheelchair flats would fully comply with the wheelchair specifications. The levels and distribution of the affordable housing are considered to be acceptable and in accordance with the affordable housing masterplan.
- 5.24 Other matters
The site is considered to be in accordance with the approved masterplan. The local centre will be subject to a separate application and will be brought forward in accordance with the approved phasing plan.
- 5.25 Consideration of likely impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act, the Public Sector Equality Duty came into force. Among other things, the Equality Duty requires public bodies to have due regard to the need to: eliminate discrimination;

advance equality of opportunity; and, foster good relations between different groups when carrying out their activities. Under the equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers. The Local Planning Authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have a neutral impact as equality matters have duly been considered in planning policy.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to approve 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 Reserved matters consent is approved, subject to the following conditions.

Contact Officer: Suzanne D'Arcy
Tel. No. 01454 865065

CONDITIONS

1. Prior to the first occupation of any dwelling in the parcel, details of street lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of any dwelling in the parcel.

Reason

To ensure that the lighting scheme does not adversely impact on the landscaping scheme, and to ensure the health and appearance of vegetation in the interest of the character and appearance of the area and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policy PSP2 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

2. All hard and soft landscape works shall be carried out in accordance with the details hereby approved. The works shall be carried out in the first planting season prior to occupation of the final dwelling approved under this reserved matters application or in accordance with the programme agreed in writing by the Local Planning Authority.

Reason

In the interests of the character and appearance of the area, and to accord with policy PSP2 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017; and policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

3. Any trees or plants shown on the landscaping scheme hereby approved, which die, are removed, are damaged or become diseased within 5 years of the completion of the approved landscaping scheme shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size, location and species as those lost.

Reason

In the interests of the character and appearance of the area, to accord with policy PSP2 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017 and policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

4. Prior to the construction of development above Damp Proof Course (DPC) level, samples of all external facing materials shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

5. Prior to the construction of development above Damp Proof Course (DPC) level, sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority . The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

6. Prior to the construction of development above Damp Proof Course (DPC) level, sample panels of brickwork, demonstrating the colour, texture, facebond and pointing are to be erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be kept on site for reference until the brickwork is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

7. Prior to the construction of development above Damp Proof Course (DPC) level, the design and details including materials and finishes of the following items on all dwellings shall be submitted to and approved in writing by the local planning authority:

1. Eaves, verges and ridges
2. All windows (including cill, reveal and lintels)
3. All external door hoods, architraves, canopies and porches
4. Extracts, vents, flues & meter boxes
5. Dormers

The design details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 together with cross section profiles. The scheme shall be implemented strictly in accordance with the approved details.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

8. Prior to the construction of development above Damp Proof Course (DPC) level, a sample panel of the render indicating colours and texture, shall be erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be kept on site for reference until the development is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

9. Prior to the construction of development above Damp Proof Course (DPC) level, samples of the weatherboarding shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

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

Reason

In the interest of the amenities of the site and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

11. The bin storage shown on the drawings hereby approved shall be provided before the corresponding dwellings are first occupied, and thereafter retained for that purpose.

Reason

In the interest of the amenities of the site and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

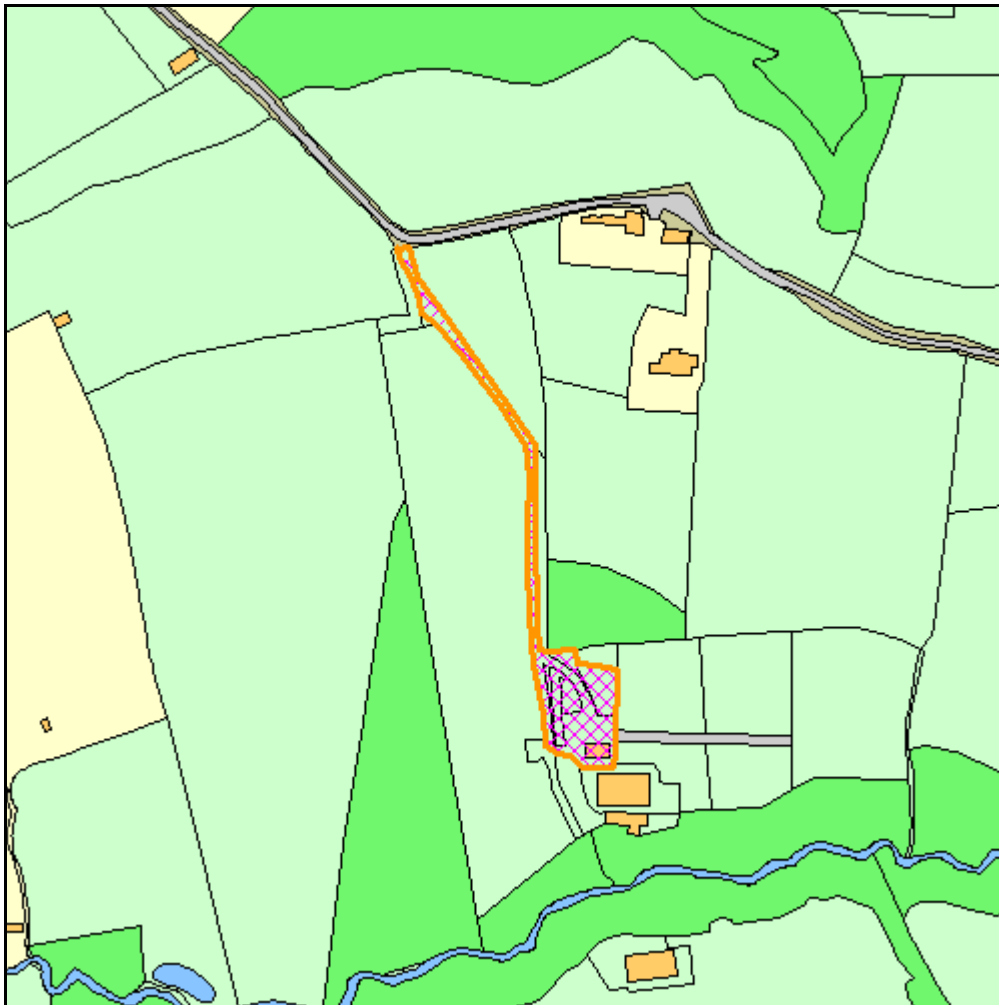
12. Prior to the construction of the shared surface street to the west of the site serving plots 244-254 and 220-228, detailed plans showing a suitable pedestrian link in terms of surface material and gradient to the lane to the west shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details so approved prior to the occupation of the first dwelling of this site.

Reason

To ensure safe access for pedestrians to the footpath in accordance with Policy PSP10 of the Policies, Sites and Places Plan (adopted November 2017).

CIRCULATED SCHEDULE NO. 06/19 – 8 FEBRUARY 2019

App No.:	PK18/3807/F	Applicant:	Mr Jefferies
Site:	Pipley Court Farmhouse North Stoke Lane Upton Cheyney South Gloucestershire BS30 6NG	Date Reg:	24th August 2018
Proposal:	Erection of garage with store	Parish:	Bitton Parish Council
Map Ref:	369592 169484	Ward:	Bitton
Application Category:	Minor	Target Date:	17th October 2018



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South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule due to an objection received from the Parish Council which is contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a detached garage with store at Pipleby Court Farmhouse, North Stoke Lane, Upton Cheyney.
- 1.2 The application site relates to a detached bungalow which sits within the open countryside. The site falls within the Cotswolds Area of Outstanding Natural Beauty and is washed over by the Bristol and Bath Green Belt.
- 1.3 Amendments were sought during the course of the application to lower the roof pitch and relocate the proposed garage to the south side of the existing dwelling, to within the residential curtilage of the dwelling.
- 1.4 Planning permission was granted in 2010 for outline consent for the erection of a permanent agricultural workers dwelling on the site (Ref. PK10/1614/O) and a reserved matters application was subsequently approved (PK11/0079/RM). Condition 6 imposed on the outline application stated;

The occupation of the dwelling hereby permitted is limited to a person solely or mainly breeding alpacas on the site, or a widow or widower or partner of such a person, and to any resident dependants.

- 1.5 A subsequent application for the variation of condition 6 attached to PK10/1614/O was approved in 2017 (Ref. PK17/4056/RVC). The altered condition reads;

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

- 1.6 The applicant of the previously approved application PK10/1614/O is still presently residing at the property.

2. POLICY CONTEXT

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing 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
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Development in the Green belt SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

3.1 PK17/4056/RVC

Variation of condition no. 6 attached to planning permission PK10/1614/O to allow the occupation of the dwelling to not be solely or mainly for the breeding of alpacas on the site (re-submission of PK16/6689/RVC)

Approved: 25/10/2017

3.2 PK11/0079/RM

Erection of 1 no. agricultural workers dwelling. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK10/1614/O).

Approved: 17/02/2011

3.3 PK10/1614/O

Erection of 1 no. agricultural workers detached dwelling (Outline) with access and scale to be determined. All other matters to be reserved.

Approved: 22/09/2010

3.4 PK07/2718/TMP

Change of use of agricultural land for the stationing of a mobile home for occupation by an agricultural worker. (Temporary consent for 3 years).

Approved: 28/12/2007

- 3.5 PK04/2170/F
Stationing of Portakabin to provide essential farm toilet and rest room facilities in association with the use of the land for agriculture. (Resubmission of PK04/0421/F).
Refused: 14/12/2004
- 3.6 PK02/1138/PNA
Prior notification to construct access track for agricultural use
No Objection: 25/09/2002
- 3.7 PK02/0049/PNA
Erection of agricultural store.
Objection: 09/01/2002

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Objection- The site lies within the Green Belt and the Cotswolds Area of Outstanding Natural Beauty and close to the Upton Cheyney Conservation Area. No special circumstances are given as to why further development should be allowed at this sensitive site. There is already storage on site. (PK02/1861/PNA for erection of an agricultural building and PK173961/NFU refer) plus a storage unit in the adjacent field which, according to this application is in the same ownership (PK16/5374/F refers). The size of this agricultural unit has been reduced drastically in recent years and the applicant has claimed that it is no longer viable for its original purpose or for any agricultural business requiring grazing land (PK17/3961/F refers). It would seem that the site is increasingly becoming residential only with any agricultural business being severely restricted. The proposed development would exacerbate this situation.
- 4.2 Sustainable Transport
As we understand this garage will use the sites existing access which does not directly join the public highway and appears to conform to the dimensions set out in the Councils adopted residential parking standards SPD, we have no highways or transportation comments about this application.
- 4.3 Lead Local Flood Authority
No objection
- 4.4 Highway Structures
No comment

Other Representations

- 4.5 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP7 of the PSP Plan (November 2017) states that inappropriate development is harmful to the Green Belt and will not be acceptable unless very special circumstances can be demonstrated that clearly outweigh the harm to the Green Belt; and any other harm. Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Green Belt Assessment

National Green Belt policy under the NPPF has five aims which help to prevent urban sprawl as set out in paragraph 134:

- To check the unrestricted view sprawl of large built up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The fundamental aim of Green Belt Policy is to keep land permanently open.

5.3 Paragraph 145 of the NPPF states that the construction of new buildings should be regarded as inappropriate in Green Belt. Exceptions to this are:

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

- 5.4 Additions to dwellings that would result in the overall volume increase exceeding 30% are carefully assessed. Policy PSP7 of the PSP Plan (November 2017) states *'the larger a building becomes in excess of 30% over and above its original size, the less likely it is that the new extension(s) will be considered proportionate'*. Furthermore, it goes on to state *'additions resulting in a volume increase of 50% or more of the original building would most likely be considered a disproportionate addition and be refused as inappropriate development'*.
- 5.5 Based on the calculations and plans provided by the agent, the original dwelling (Ref. PK10/1614/O) has a volume of approximately 575m³ and the proposed garage would have a volume of approximately 190m³. There are no other later additions within the residential curtilage of the dwelling and therefore the proposal would result in an increase of approximately 33% of the original dwelling. As such, the impact to the Green Belt must be carefully assessed.
- 5.6 The Case Officer requested that the proposed garage was re-located from the north of the site to the south side of the dwelling. The garage would be located on an existing driveway within the residential curtilage of the dwelling, which is used by the occupiers of the property to store their domestic vehicles. The garage would be sited between the existing dwelling and an existing large storage building, this is considered by the Officer to result in a more desirable cluster of buildings rather than the dispersed nature of the initial proposal. Considering the siting and modest size of the proposal, relative to the dwelling and adjacent storage building, it is not considered to be a prominent addition to the landscape and therefore the impact to the openness of the Green Belt is not considered to be unacceptable.
- 5.7 Overall, the proposed development is not considered to be disproportionate and is acceptable in Green belt terms. As such, it is deemed to comply with PSP7 and the PSP Plan and the National Planning Policy Framework.
- 5.8 Design and Visual Amenity
The proposal consists of a detached garage with storage in the roof space. As discussed above, it would be located in the far corner of an existing large driveway within the residential curtilage of the existing dwelling. It would be approximately 5.4 metres in width, 7.8 metres in depth and would consist of a dual pitched roof to match that of the host dwelling. The proposed roof would have an eaves height of 2.8 metres and an overall height of approximately 5.4 metres. Although this is considered to be relatively large roof pitch, it has been marginally reduced at the request of the Case Officer by 0.2m and overall the proposal is considered to be of an appropriate size and scale within the context of the site.
- 5.9 The materials to be used in the external finish of the proposal include Cotswold colour wash rendered elevations with Cotswold stone quoins and reclaimed Double Roman Roof tiles. Attention has been paid to the detailing of the proposal through the use of wooden window frames and doors, stone window cill and oak lintel to ensure the building matches the existing dwelling and retains an unimposing appearance. The Cotswold colour wash render is not

- considered to significantly harm the character of the area and is therefore considered acceptable within the setting.
- 5.10 Overall, subject to a condition to ensure the use of materials as stated on the approved plan, the proposed garage is considered to be of an acceptable standard of design and is therefore deemed to comply with policy CS1 of the Core Strategy.
- 5.11 AONB
The proposal would be a relatively modest addition to the existing dwelling, utilising acceptable materials which are not considered to harm the character and appearance of the surrounding area and in turn the proposal is not considered to harm the Cotswolds Area of Outstanding Natural Beauty.
- 5.12 Residential Amenity
Policy PSP8 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.13 The proposal is located within open countryside and the application site would not appear to have any immediate neighbouring properties. As the proposed garage would be located on an existing driveway, it is considered that sufficient private residential amenity space would remain for the occupiers of the host dwelling following development. Due to the siting and scale of development it is not considered to have a detrimental impact on the residential amenity of any surrounding properties or the host dwelling and is therefore deemed to comply with policy PSP8 of the PSP Plan.
- 5.14 Sustainable Transport and Parking Provision
The existing dwelling consists of four bedrooms; South Gloucestershire Council's residential parking standards require a four bedroom property to provide two off-street parking spaces. The proposed garage would have internal measurements of approximately 4.6m x 7m; this would comply with the Council's residential parking standards for a single garage. The proposal would be located on an existing large driveway which would have space for an additional three vehicles. Furthermore, the proposal would utilise an existing access which would be unaffected by the development. As such, no objections are raised in terms of transport.
- 5.15 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations.

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

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

5.16 Other Matters

Concern has been raised by the Parish Council that the site is increasingly becoming residential only with any agricultural business being severely restricted. The proposed development would be located within the existing residential curtilage of the dwelling, on an existing driveway. It is therefore considered that the proposed garage would have little to no impact on the use of surrounding land for agricultural business.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: 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).

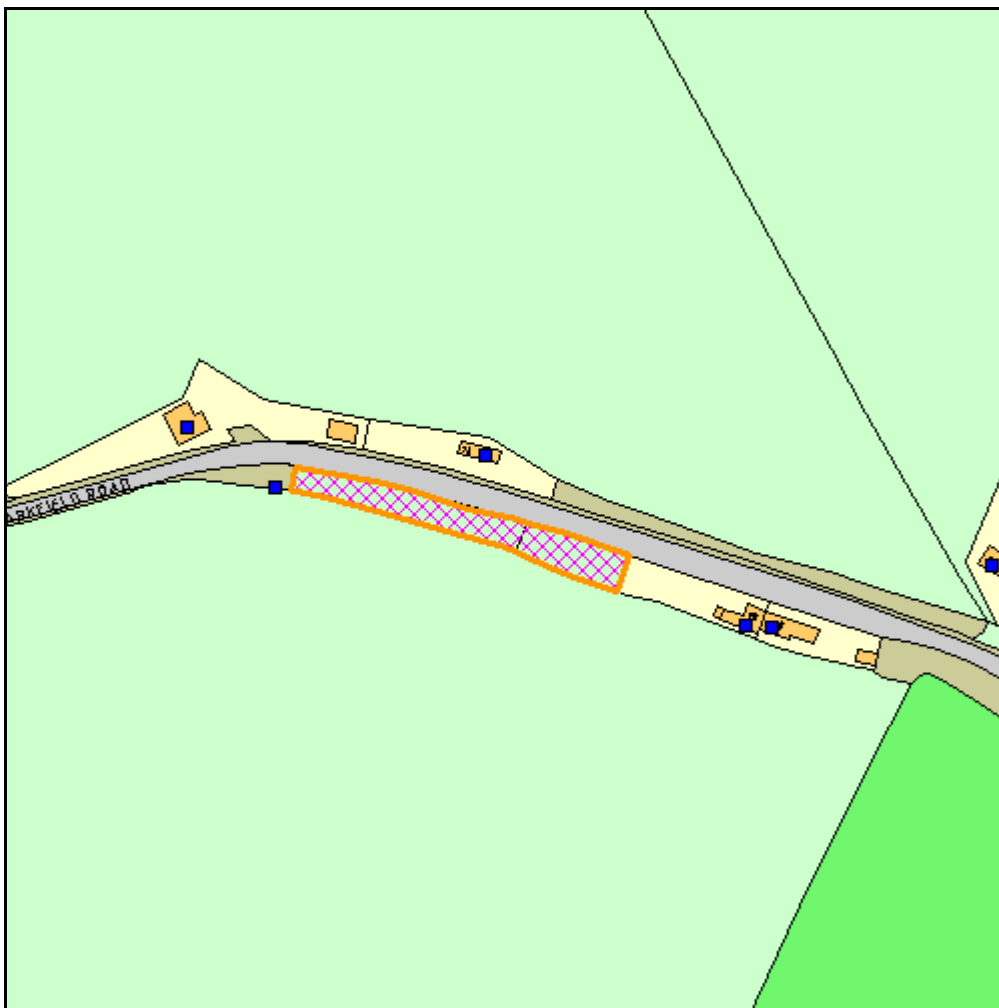
2. The exterior of the new garage hereby approved, must be finished exactly in accordance with the materials as stated on plan 50349/9/REV J received by the Council on 5th February 2019.

Reason

For a satisfactory standard of external appearance, ensuring a successful integration into the rural landscape and to have minimal impact on the character of the Cotswolds Area of Outstanding Natural Beauty, to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 06/19 – 8 FEBRUARY 2019

App No.:	PK18/4015/RVC	Applicant:	Romani Gypsy Advisory Group
Site:	85A Parkfield Road Pucklechurch Bristol South Gloucestershire BS16 9PS	Date Reg:	4th September 2018
Proposal:	Removal of condition 9 attached to planning permission PK14/1477/F to make the travellers site permanent.	Parish:	Pucklechurch Parish Council
Map Ref:	369506 176896	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	26th October 2018



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100023410, 2008.

N.T.S.

PK18/4015/RVC

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASONS FOR REFERRING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of an objection from Pucklechurch Parish Council and more than 3no. (4no) responses from local residents who object to the proposal; all of which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a plot of land lying to the south of Parkfield Road, to the west of Pucklechurch. The site lies within the open countryside and the Bristol & Bath Green Belt. There is currently a mobile home, amenity block and gates on the land, the site being occupied by a family of Gypsy & Traveller status. Vehicular access is directly from Parkfield Road.
- 1.2 A retrospective, temporary 5 year planning permission PK14/1477/F was granted 8th August 2014 for the use of the site as a private Gypsy & Traveller site and consequent retention of the mobile home, amenity block and access gates. The permission was granted subject to a number of conditions. Contrary to what a local resident has suggested, the permission is still extant and does not expire until 8th August 2019.
- 1.3 Condition 1 limits the occupation of the site to Mrs Sandra Ayres and any resident spouse and dependants and reads as follows:

The use hereby permitted shall be carried on only by Mrs Sandra Ayres and any resident spouse and dependants. When the premises cease to be occupied by Mrs Sandra Ayres, the use hereby permitted shall cease and all materials and equipment brought on to the premises in connection with the use, shall be removed and the land restored to its former condition (including restoration of the access to its former field gate status).

Reason

The development is inappropriate within the Green Belt and has only been granted planning permission given the personal circumstances of Mrs Sandra Ayres; to accord with Green Belt Policy embodied within the NPPF and Policies CS5 and CS34 of The South Gloucestershire Local Plan : Core Strategy (Adopted) 11th Dec. 2013 and The 'Development in the Green Belt' SPD Adopted June 2007.

- 1.4 Condition 9 limits the permission to a period of 5 years and reads as follows:

The use hereby permitted shall be carried on for a limited period, with that period being 5 years from the date of this decision or if the premises cease to be occupied by Mrs S Ayres whichever is the shorter. Following this period the use shall cease and all materials and equipment brought onto the premises in

connection with the use shall be removed and the land restored to its former condition.

Reason

The development is inappropriate in the Green Belt and has only been granted planning permission based on a cumulative case of very special circumstances. Part of that case related to the unmet need to provide sufficient sites for residential Gypsy sites, and the lack of a likely appropriate alternative. The temporary period will allow the progression of the Sites, Policies and Places Development Plan Document to run its course, which will consider the provision of Gypsy site pitches through the plan-led system. This approach accords with national policy on traveller's sites, the NPPF and policies CS5, CS21 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

- 1.5 The current application PK18/4015/RVC seeks to remove Condition 9 which would remove the temporary 5-year time limit. The resultant consent would be 'permanent' only in as much as it would be personal only to Mrs Sandra Ayres (see Condition 1).

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

NPPF accompanying document Planning Policy for Traveller Sites March 2012

Ministerial Statement by the Rt. Hon. Brandon Lewis MP 2 July 2013.

National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

Policy CS1 High Quality Design

Policy CS5 Location of Development

Policy CS9 Managing the Environment and Heritage

Policy CS21 Gypsy and Traveller Accommodation

Policy CS34 Rural Areas

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP7 Development in the Green Belt

PSP8 Residential Amenity

PSP11 Transport Impact Management

PSP16 Parking Standards

PSP19 Wider Biodiversity

PSP20 Flood Risk, Surface Water and Watercourse Management

PSP21 Environmental Pollution and Impacts

PSP40 Residential Development in the Countryside

PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List SPD Adopted August 2007

Development in the Green Belt SPD Adopted June 2007

South Gloucestershire Landscape Character Assessment as adopted August 2005 – Character Area 6 Pucklechurch Ridge and Boyd Valley

South Gloucestershire Council Residential Parking Standards Approved

L1 Landscape Protection and Enhancement

L9 Species Protection

T12 Transportation Development Control Policy

EP2 Flood Risk and Development

EP4 Noise Sensitive Development

3. RELEVANT PLANNING HISTORY

- 3.1 N1189 Erection of detached house (Outline)
Refused 13 March 1975
Inappropriate development in the Green Belt
Appeal dismissed.
- 3.2 P95/1603/CL Certificate of Lawfulness – Use of land for the stationing of
a Mobile Home for residential purposes.
Refused May 1996
Insufficient evidence
- 3.3 P97/4580/CL Certificate of Lawfulness – for existing use of land for
stationing of residential caravan with ancillary building.
No decision
- 3.4 PK05/1991/F Stationing of 1no. caravan with amenity unit.
Refused 21 August 2006
Appeal Ref: APP/P0119/A/07/2037329 allowed 21 Aug 2007 subject to 9
conditions, significantly the conditions allowed a 4 year personal consent to Mrs
Wendy Ayres and for one caravan only.
- 3.5 PK11/3976/F Change of use of land to gypsy and traveller caravan site
to facilitate the retention of 1no. existing mobile home and 1no. amenity unit.
Finally disposed 16 July 2013
- 3.6 PK13/2621/F Change of use of land to gypsy caravan site comprising of
1 no. mobile home, amenity unit and entrance gates.
Refused 19 March 2014 for the following reason:

The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to guidance contained in the National Planning Policy Framework (NPPF); and policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; and the

South Gloucestershire Development in the Green Belt SPD (Adopted) and having regard to the Ministerial Statement "Planning and Travellers" 2nd July 2013.

- 3.7 PK14/1477/F Change of Use of agricultural land to Gypsy and Traveller Site (1 pitch), erection of access gates and installation of cess pit (Retrospective). Retention of amenity building. Resubmission of PK13/2621/F. Approved 8th August 2014

4. CONSULTATION RESPONSES

4.1 Pucklechurch Parish Council

Objection - In respect of the previous comments it made in the previous application PK14/1477/F, PPCs views remain the same. No formal evidence has been supplied to support the statement that the occupant's health condition remains the same and that this will not improve. If this application is granted then this inappropriate development within the Green Belt would cause permanent harm to it.

4.2 Other Consultees

Children and Young People

No response

Corporate Travellers Unit

Confidential medical evidence has now been submitted by Mrs Sandra Ayres which confirms that her health issues have remained the same and are exacerbated by the current uncertainty relating to the planning situation regarding this site. The applicants have many years of family connections to South Gloucestershire through generations. They have settled well into the area and have many friends in the area that support the application.

Transportation D.C.

Given the fact that the reason for condition 9 (as imposed to the application PK14/1477/F) did not include any highway issue then, we, Transportation Development Control cannot now raise any highway objection to this current application.

Lead Local Flood Authority

No objection in principle.

Strategic Planning Policy Officer

Until such time as the timetable for adoption of the new South Gloucestershire Local Plan is known, in order to avoid any lapse of the applicant's planning permission, it seems reasonable as a local planning authority to remove the condition which currently limits the period for which PK14/1477/F is permitted, and continue to permit the occupation of the site by those named in condition one of the approved consent.

Other Representations

4.3 Local Residents

A total of 9no. responses have been received from local residents; 4no objecting and 5no in support.

The concerns raised by the objectors are summarised as follows:

- Inappropriate development in the Green Belt.
- No very special circumstances.
- Dangerous access.
- Maybe in the path of a new road thus leading to a compensation claim.
- Permission should not be permanent.
- Would dominate the nearest settled community.
- Green Belt boundaries should only be revised through the plan making process.
- Retrospective planning application should count against the proposal.
- Would set a precedent for additional Gypsy Sites in the location.
- The applicant could apply for another pitch on the site.
- The temporary consent has expired and the land should be restored to its original condition.
- The development has not been established for the length of time referred to.
- The gates adversely affect the visual amenity of the area.
- The dwelling is visible from Kings Lane.

The comments made in support are summarised as follows:

- The Ayres family are valued members of the Pucklechurch community.
- Should be approved in the interests of inclusiveness.
- The family have long associations with the Parish of Pucklechurch.
- The family are well respected and are a bonus to the community.
- Pucklechurch has a long history of co-existence with the travelling community.
- The family has integrated over the years bringing diversity to the village.
- The application should be approved for the current family only.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The acceptance in principle of the development has already been established with the grant of PK14/1477/F. This current application merely seeks to remove condition 9 of that permission to make it 'permanent' but only as long as Mrs Sandra Ayres occupies the site (see Condition 1).

Analysis

- 5.2 Officers wish to stress that the scope of a variation/removal of condition application (section 73 application) is more limited than a full planning application. The Local Planning Authority may only consider the question of the condition(s), and cannot revisit or fundamentally change the original permission. It may be decided that the permission should be subject to the

same conditions as were on the original permission; or that it should be subject to different conditions; or that permission may be granted unconditionally. There is a right of appeal in the usual way against any conditions imposed.

5.3 In assessing this application it is necessary to consider whether or not the relevant condition(s) or any variations satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests, these being that conditions should be: –

- i. Necessary to make the development acceptable
- ii. Directly related to the development
- iii. Fairly and reasonably related in scale and kind

5.4 In assessing this application, officers must consider the reason why Condition 9 was originally imposed and whether or not anything has changed in the interim that would now justify its removal.

Applicant's Justification for the Removal of Condition 9

5.5 The applicant has submitted the following information as justification for the removal of Condition 9:

- The site has been a named Gypsy site for many years.
- South Glos. Council granted the 5 year temporary planning permission having accepted the very special circumstances relating to Mrs Ayres poor health and the hope that in the 5 year period some permanent pitches would come forward. However, Gypsy and Traveller accommodation is still very difficult to find.
- Mrs Ayres circumstances have not changed and as the 5 year period is now coming to its end, this is causing Mrs Ayres much stress.
- The family are now well integrated within the local community.
- Mrs Ayres would like her medical history kept private, however a letter from her Doctor has now been submitted in support of this application.

Analysis

5.6 The site lies within the Bristol & Bath Green Belt and the original development was considered to be inappropriate within the Green Belt. In order for the original application PK14/1477/F to be approved, the applicant needed to demonstrate the very special circumstances required to overcome the harm to the Green Belt by way of inappropriateness, and any other harm.

5.7 At that time, the Members of the D.C. East Committee accepted that there was a cumulative case for very special circumstances, these primarily being the health considerations of Mrs Sandra Ayres and the unmet need to provide sufficient residential Gypsy and Traveller Sites within the County. Mrs Ayres submitted a good deal of confidential medical history which was made available to the Members at that time. A five year temporary permission was duly granted, personal to Mrs Sandra Ayres.

- 5.8 It was envisaged that the 5 year period would be sufficient to allow the progression of the new Local Plan, within which the provision of Gypsy and Traveller Sites and any revisions to the Green Belt boundary, would be considered through the plan-led system as required.

Health Issues

- 5.9 In support of the current application, Mrs Ayres has submitted a Medical Statement which is supported by the Council's Corporate Travellers Unit. The Statement is confidential but can be made available to Members upon request of the Case Officer or DM Manager. Officers are satisfied that the Statement confirms that Mrs Ayres health problems remain the same as when PK14/1477/F was granted but have been exacerbated by the uncertainty of the planning situation regarding her home.

Unmet Need

- 5.10 85a Parkfield Road, Pucklechurch is an existing, authorised Gypsy & Traveller site which is safeguarded under Policy CS21 of the adopted Core Strategy (2013). The Council adopted the Core Strategy on 11 December 2013.
- 5.11 It is Council policy that existing, authorised Gypsy and Traveller sites are safeguarded until such time that it can be proven there is no longer an outstanding need for such sites (Policy CS21, Core Strategy). The Council's position is to retain its existing supply of sites capable of use by Gypsies and Travellers. To give up existing sites will only compound the existing shortfall and make the challenge of finding new sites more difficult. In the case of sites with temporary planning permission, the site will be retained, or 'safeguarded' until such time as the existing permission expires and their safeguarded status will no longer apply.
- 5.12 In February 2018 the Council published a Local Plan Consultation Document – the second (Regulation 18) stage of public consultation on the new SGLP. The consultation document included the Council's proposed approach to providing accommodation for Gypsies/ Travellers and, as part of this, set out the Council's intention to continue with the approach of retaining its existing supply of sites capable of use by Gypsies and Travellers.
- 5.13 The change to national policy led to a need to refresh the Council's evidence base i.e. the GTAA 2013, which set the overall level of need for sites for Gypsy/Travellers and Travelling Showpeople which the Council will need to provide for through its planning policy framework.
- 5.14 In progressing the new South Gloucestershire Local Plan, the Council published its refresh Gypsy and Traveller Accommodation Assessment (GTAA) 2017, together with an explanatory note in February 2017 (as part of the Regulation 18 Local Plan Consultation) which sets out its approach to meeting the needs of its travelling communities up to 2032. This can be viewed via the consultation website.
- 5.15 Based on the GTAA 2017, there is a need for 61 additional pitches for Gypsy/Travellers in South Gloucestershire by 2032.

Commentary

- 5.16 It is noted that the granting of planning permission PK14/1477/F was based on a cumulative case of very special circumstances specific to the family and in addition: the level of unmet need at that time; the need for the Council to provide sites through its Local Plan and; the lack of suitable alternative sites.
- 5.17 Planning permission was granted on a temporary basis in order to allow the adoption of the Policies, Sites and Places (PSP) Plan – which at the time of granting permission, was expected to consider the provision of Gypsy/Traveller residential accommodation through the plan-led system, in accordance with local policy and national guidance.
- 5.18 Since that time however, a decision was taken to consider Gypsy/ Traveller provision as part of the overall approach to providing residential accommodation through the new South Gloucestershire Local Plan (as set out above). The adoption of that plan is not envisaged in the short term.

Conclusion

- 5.19 Until such time as the timetable for adoption of the new South Gloucestershire Local Plan is known, in order to avoid any lapse of the applicant's planning permission, officers consider that it would be unreasonable as a local planning authority to resist the removal of condition (9), which currently limits the period for which PK14/1477/F is permitted. This would permit the occupation of the site by those named in condition 1 of the approved consent. It is quite evident from the information submitted that the continued uncertainty relating to this site is compounding the applicant's health problems. Furthermore officers are mindful that it is poor planning practice to simply keep renewing permissions on a temporary basis.
- 5.20 The removal of Condition 9 will remove the uncertainty relating to the applicant's home whilst Condition 1 will continue to enure. The site will remain as a Gypsy and Traveller Site but only for as long as Mrs Sandra Ayres occupies it.
- 5.21 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 considerations to be reflected into the design of policies and the delivery of services.
- 5.22 With regards to the above this planning application is considered to have a neutral impact on equality. Equalities have been given due consideration in the application of planning policy as discussed in this report.

Other Matters

5.23 Of the other matters raised by local residents that have not been addressed above:

- This is not a retrospective a planning application.
- The site would remain in the Green Belt until such time that it is considered under the plan led process.
- The site is one pitch only and does not dominate the nearest settled community.
- The proposal would not set a precedent, any future applications would be determined on their individual merits.
- The line of the M4 link road has not been finalised yet and should not prejudice this application.

6. CONCLUSION

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

6.2 The recommendation to grant 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 That Condition 9 attached to Planning Permission PK14/1477/F be removed and all relevant planning conditions be carried over as follows:

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

1. The use hereby permitted shall be carried on only by Mrs. Sandra Ayres and any resident spouse and dependants. When the premises cease to be occupied by Mrs Sandra Ayres, the use hereby permitted shall cease and all materials and equipment brought on to the premises in connection with the use shall be removed and the land restored to its former condition (including restoration of the access to its former field gate status).

Reason

The development is inappropriate within the Green Belt and has only been granted planning permission giving the personal circumstances of Mrs. Sandra Ayres; to accord with Green Belt Policy embodied within the NPPF and Policies CS5 and CS34 of The South Gloucestershire Local Plan: Core Strategy (Adopted) 11th Dec. 2013 and The 'Development in the Green Belt' SPD Adopted June 2007.

2. No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy PSP2 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

3. No commercial activities shall take place on the land, including the storage of materials.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy PSP2 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

4. The existing landscaping along the boundaries of the site shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason

To enhance the screening of the site to protect the visual amenity of the Green Belt and landscape in general to accord with Policy PSP2 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov 2017 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

5. The hedgerows of the site which abut the highway shall be kept trimmed to maintain at all times a visibility splay to the near side carriageway edge at the site access of not less than 2.0m x 13.0m to the left (west) and 2.0m x 38m to the right (east).

Reason

In the interests of highway safety and to accord with Policy PSP11 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS21 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

6. The existing turning and manoeuvring areas within the site shall be retained and those areas shall not thereafter be used for any purpose other than the turning and manoeuvring of vehicles.

Reason

In the interests of highway safety and to accord with Policy PSP11 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS21 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

7. No more than one mobile home and caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any one time.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy PSP2 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

CIRCULATED SCHEDULE NO. 06/19 – 8 FEBRUARY 2019

App No.:	PK18/5125/F	Applicant:	Mr Colin Winnett
Site:	2 Westland Avenue Oldland Common Bristol South Gloucestershire BS30 9SH	Date Reg:	22nd November 2018
Proposal:	Erection of 1 no. dwelling with new access, parking and associated works.	Parish:	Bitton Parish Council
Map Ref:	367160 171482	Ward:	Oldland Common
Application Category:	Minor	Target Date:	15th January 2019



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South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule due to objections received from the Parish Council and over three local residents, contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of 1no. detached dwelling with access, parking and associated works within the residential curtilage of 2 Westland Avenue Oldland Common.
- 1.2 The application site relates to the large rear garden of a semi-detached property which is located within the defined settlement boundary.
- 1.3 In response to neighbour and Parish Council comments, and Officer concerns, the proposal is reduced to single storey in line with the scale of dwellings in the immediate area.
- 1.4 Following the reduction in scale, Officers deemed it prudent to request additional consultations from neighbours.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (2018)
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Transport Impact Management

PSP16	Parking Standards
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP37	Internal Space and Accessibility Standards for dwellings
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

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

3. **RELEVANT PLANNING HISTORY**

- 3.1. PK06/0688/F
 Approve with Conditions (30.03.2006)
 Replacement of existing flat roof with pitched roof over two storey side extension.

4. **CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council
 Objection due to loss of light, proximity to boundary, loss of privacy and overlooking, render contrary to existing materials, drainage, and highway issues.

4.2 Other Consultees

Highway Structures
 No comment.

Lead Local Flood Authority
 No objection subject to a sewer location informative.

Transport
 More information is required before final comments are provided.

Other Representations

- 4.3 Local Residents
 Five comments were received during the first round of consultations. Of these, three objected relating to loss of parking in cul-de-sac; overlooking; loss of light; loss of outlook; loss of trees; colour of render; new fencing reducing neighbour interaction; and noise and disturbance during construction. The remaining two comments were neutral and related to loss of parking in cul-de-sac; access to a garage; overlooking; and loss of light.

Following the second round of consultations, two objections were received which related to design; being overbearing; loss of light; and disruption during construction.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS5 sets out the locational strategy for development in the district. New development is directed towards existing urban areas and defined settlements. As the site is located within the settlement boundary, development is supported in this location. As such, based solely on the location of the site, the principle of the development is acceptable. Notwithstanding this, further assessment in regards to design, highway safety, and residential amenity is required and this is completed below.

5.2 Design and Visual Amenity

The application site fronts Westland Avenue where the properties are characteristically two-storey and semi-detached. However, the new dwelling would be located to the very rear of the rear garden of the host dwelling which is adjacent to a small cul-de-sac accessed off West Street. The existing garden would be divided and the proposed new dwelling would front this cul-de-sac.

5.3 The cul-de-sac comprises a short terrace of single storey dwellings, some garages associated with properties off Westcourt Drive, and a large turning area. In that regard, while the new dwelling would be detached, owing to its single storey nature, it would be of a similar scale to the existing built form in the area so would integrate well with the existing street scene.

5.4 It is acknowledged that the dwelling, being constructed from white render, grey aluminium windows/doors, grey roof tiles, and a decorative timber covered entrance would be somewhat contrary to the existing materials used in the nearby area, and unique on the immediate street scene. However, Paragraph 38 of the NPPF states that “local planning authorities should approach decisions on proposed development in a positive and creative way” and Officers consider the overall development to make a positive and distinctive contribution to the street scene.

5.5 Residential Amenity

Policies PSP8 and PSP38 of the adopted PSP Plan sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; overlooking; poor amenity space; loss of light; and loss of privacy of neighbouring occupiers.

5.6 The initial iteration of the proposal included a first floor with windows that would overlook neighbour gardens on West Street, Westland Avenue and Court Road resulting in a loss of privacy. Additionally, the roof height was substantial at 6.5m, which would have resulted in a loss of light to the rear gardens of nearby properties. In response to Officer concerns, the first floor element is removed, and the overall height reduced to overcome these issues. While it is acknowledged that the erection of a new dwelling in the location proposed would have some impact on light levels to the immediate rear gardens. As these gardens are large, combined with the siting of the dwelling being to the very rear of the host garden, which is of a sufficient distance from existing built form, and the path of the sun, while some loss of light would occur, it would be nominal, and is not considered sufficient to sustain a refusal reason in this

- instance. Moreover, the separation distances involved and the scale of the new dwelling would result in a nominal impact to the occupiers of nearby properties in regards to overlooking, being overbearing; and loss of privacy. Nonetheless, owing to the siting of the bungalow, Officers deem it prudent to restrict permitted development rights at the property to prevent any development beyond what is assessed.
- 5.7 Policy PSP43 requires the new property to have a minimum of 50m² of private external amenity space and 45m² would be provided. While this is a shortfall of 5m², when considering this provision in relation to other gardens in the nearby area, 45m², being just 5m² below standards is considered sufficient. Sufficient private amenity space is retained by the host dwelling.
- 5.8 Transport
Policy PSP16 requires that the new dwelling benefits from one off street parking space and one is provided. Policy PSP16 also requires that the host dwelling benefits from three off street parking spaces and three would be retained. As such there is no objection in regards to parking provision.
- 5.9 It is noted that a new access is also required to serve the new dwelling. Owing to the access being at the end of a residential cul-de-sac, there is no objection to the creation of a new access in this location.
- 5.10 Objections were received relating to the loss of parking in the cul-de-sac and access to a garage. It is acknowledged that on-street parking provision would be reduced in the area fronting the new dwelling. However, this space is not designated for parking, and no parking bays are present, it is a public highway as such there is no objection raised to the proposed arrangement. In regard to the access to the garages on West Street, the existing turning area is of a significant size, and the new dwelling would be located some 9m from the entrance of the nearest garage. This provision is sufficient to enable a vehicle to enter and exit the garage. No provision is made to park in front of these garages as the road is a public highway.
- 5.11 Drainage
The drainage proposed meets guidance, and in line with comments from the Councils specialist Drainage Officers, no objection is raised. However, the proximity of a public foul water sewer may affect the layout of the development, and the permission of Wessex Water may be required. The attention of the applicant/agent is directed to the informative on the decision notice.
- 5.12 Trees
Some trees would be lost in order to erect the new dwelling. However, these are not protected, nor are they in a Conservation Area. Moreover, owing to the ages and sizes of the trees, the loss would be nominal.
- 5.13 Other matters
It is acknowledged that some disruption will occur during the construction phase. However, as this impact will be temporary it does not form a reason for refusal. Nonetheless, working hours will be restricted to minimise the impact on neighbours.

5.14 An objector noted that the erection of 1.8m fencing would restrict existing neighbour interaction from the rear gardens. While this is noted, adopted policies aim to ensure that external amenity space is private. As such the 1.8m fencing is necessary to ensure this.

5.15 Equalities

This planning application is considered to have a neutral impact on equality.

5.16 Planning Balance

As identified, the external amenity space would fall slightly below adopted policies, some loss of light would occur to nearby gardens, and some small scale loss of trees would occur. However, these impacts are not sufficient either separately, or cumulatively, to outweigh the modest benefit of 1no. dwelling to South Gloucestershire housing stock (in a sustainable location). As such, Officers recommend that the application is approved.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application be **GRANTED** subject to the condition(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. The hours of working on site during the period of construction shall be restricted to:

Monday - Friday.....7:30am - 6:00pm

Saturday.....8:00am - 1:00pm

No working shall take place on Sundays or Public Holidays.

The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

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

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

Reason

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

4. 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; Policy PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

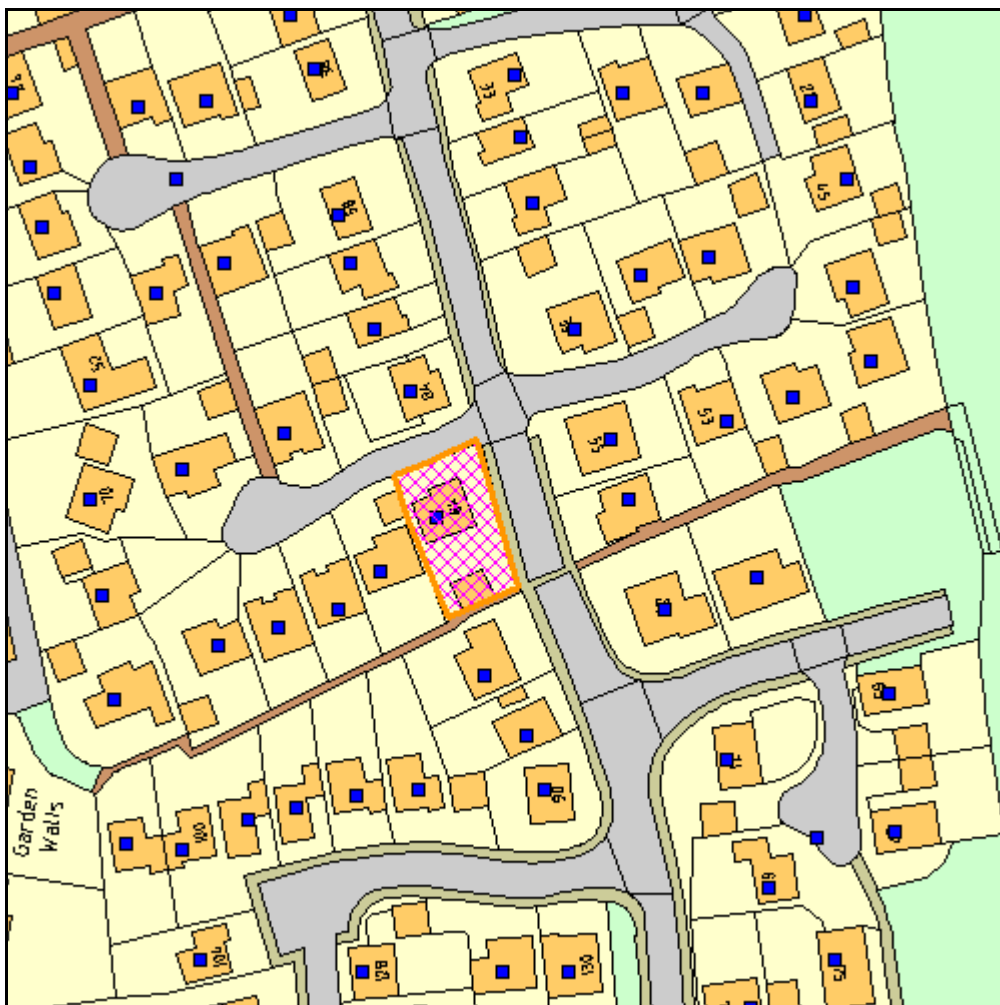
CIRCULATED SCHEDULE NO. 06/19 – 8 FEBRUARY 2019

App No.: PK18/5132/F **Applicant:** Mr Colin Dooley

Site: 84 Inglestone Road Wickwar Wotton
Under Edge South Gloucestershire
GL12 8NH **Date Reg:** 22nd November
2018

Proposal: Change of use from residential (Class C3) to residential accommodation for looked after children (Class C2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (Retrospective). **Parish:** Wickwar Parish Council

Map Ref: 372583 188334 **Ward:** Ladden Brook
Application Category: Minor **Target Date:** 15th January 2019



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South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule because of the large number of objections received, these being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This planning application seeks retrospective planning permission for the change of use of the property from a single residential dwelling house (use class C3) to a non-secure residential institution (use class C2) to provide residential accommodation for looked-after children. In practice this means that the property provides living accommodation for up to 3 young persons who are in care, where they are looked after round the clock by professional carers. To date this has been short-term emergency placements as without OFSTED registration long term placements are not possible. However, if planning permission is granted and OFSTED registration approved then the property would be used for longer-term placements.
- 1.2 The property is a five bedroom detached dwelling located within a residential area of the village of Wickwar, at the end of a long cul-de-sac. It has parking space for at least 3 vehicles, and an enclosed rear garden. No physical alteration to the property has been required to facilitate the change of use, and it still retains the character and function of a residential dwelling.
- 1.3 A large number of objections to the application have been received, setting out a wide range of issues and concerns with the proposed use of the property for accommodating looked after children, not all of which are relevant considerations to the determination of the planning application. In view of this it is important to be clear on the scope of the planning application and the permission being sought, i.e. what does the planning application cover? The planning application is solely to determine whether the property is suitable to provide this type of non-secure residential accommodation, and whether it is in a suitable location for such a use – both in terms of meeting the needs of the use, and the impact upon its surroundings, especially those living close to it. The application is not to determine the suitability or competence of the particular applicant to provide the necessary care if permission were to be granted, nor it is to determine or control the children to be accommodated there – these matters are regulated through separate regimes of control and by other bodies, including OFSTED and the commissioning authority.
- 1.4 In the determination of a retrospective planning application, just as with a proposed development yet to be implemented, the assessment process looks at the development in general terms, and is assessed on the basis of the expected characteristics, needs and impacts of that use, and not on the specific ones of a particular site or its history. This approach is the same as for any other planning application, and for any use. For example, the acceptability of a

retrospective planning application for a new residential dwelling in any given location is determined on the appropriateness of a dwelling to that site and location, and would not be determined on the basis of the particular family living there at the time of the application, nor would it seek to control the type of family that could live within it. The same would apply for a business or retail premises. In the consideration of this planning application the planning authority must consider the proposal on the basis of the likely characteristics of the use, and with the expectation that it will be properly run and managed, and used to accommodate children appropriate to a non-secure residential facility.

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

CS5 Location of Development

CS8 Improving Accessibility

CS17 Housing Diversity

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

PSP8 Residential Amenity

PSP11 Transport Impact Management

PSP16 Parking Standards

PSP21 Environmental Pollution and Impacts

PSP28 Rural Economy

PSP43 Private Amenity Space

3. RELEVANT PLANNING HISTORY

3.1 None.

4. CONSULTATION RESPONSES

4.1 Wickwar Parish Council

Supports the application.

4.2 Other Consultees

Transportation DC: compared to the existing use as a 5 bedroom dwellinghouse the proposal would have a minimal impact on traffic and parking demand/standard for 3 spaces would be the same. No transportation objection is raised.

Other Representations

4.3 Local Residents

All submitted representations have been read and considered by the case officer. The main points are summarised below:

3 supporting:

- Need for care of the vulnerable and dispossessed in society is paramount
- Will provide safe and comfortable accommodation for the children
- High demand for this type of accommodation, as more children are in care
- Vulnerable need stability and a normal residential situation, included in and supported by the community
- Company directors and manager are experienced and qualified

2 general, neither objecting nor supporting:

- Property has the capability of accommodating the children
- Need to consider not just the ability to accommodate but also how it will be managed
- Inspyre Plus registered as a company involved in social work activities
- Need to consider length of time children would be resident, the competence of the company to run the facility, whether there will be sufficient staff, minimal evidence of community involvement, what proposals are in place to manage anti-social behaviour.

45 objecting:

- Already operating without planning permission
- Not enough consultation or engagement with community prior to the use commencing
- It is contrary to the council's own policy for children
- Lack of information, clarity and consistency in the application
- Property is too small to adequately accommodate the needs of the children and staff and to give adequate privacy and personal space
- Property is not sufficiently secure, with children regularly escaping, sometimes leading to trespass
- Outside garden space is too small, leading to the activities in the street
- Not enough parking at the property, and limited parking on the road – staff park on the road, reducing on-street parking
- May impact the ability of emergency services to access
- No safe access from the property to recreational space or other amenities
- Inglestone Road is a quiet residential road
- Located in a purely residential area
- High population of young families in the village
- Wickwar is an isolated village and does not have many facilities or amenities for young families and children, with no shops and a youth club open limited hours
- No healthcare facilities in the village

- Limited access to and range of schools
- Very limited public transport links
- No cycle or pedestrian links to neighbouring towns and villages
- Will increase traffic from staff and support workers
- Increased risk of traffic injury
- The children accommodated there are generally those who cannot be homed with foster families due to behavioural problems
- There has been a lot of antisocial behaviour with police called on many occasions, and staff have been assaulted
- Places unacceptable/unreasonable burden on the police
- The children need to be in a more secure facility than a residential home
- There will be increased noise and disturbance, particularly to immediate neighbours
- Difficult for them to integrate into village life, the children will be isolated and lonely
- Will not fit with their social backgrounds
- Mental health and wellbeing of local residents have suffered
- High levels of anxiety and concern about living close to the property
- Concern for the safety and wellbeing of residents of the property – will not meet their psychological or physical needs
- Children and adults within the village would feel unsafe
- Staff not competent and unable to control the children
- Assurances do not go far enough to protect privacy and peaceful way of life of the community
- Currently a safe place for children to live and play outside, which would be lost if this were allowed
- Risk to public from objects thrown over the garden wall
- Ofsted registration not in place, should have happened first
- Primary school children passing the property exposed to unnecessary risk
- The schools will not be adequately resourced or equipped to educate these children
- Why are children coming from other counties, why are they not accommodated there?
- There are other far more suitable locations
- It will reduce property values
- The change of use is contrary to covenants on the property

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

There are no local Development Plan policies specific to the provision of residential care accommodation, however a stated aim of the plan as a whole is to create mixed and balanced communities, and to provide a wide variety of housing types to meet identified need, thereby creating healthy and sustainable communities. Policy CS17 on Housing Diversity states “*Housing Developments will also need to contribute to the provision of homes that are suitable for the needs of older people, persons with disabilities and **those with other special needs, in a way that integrates these people with the wider community.***”

- National policy contained in the National Planning Policy Framework echoes these aspirations, seeking to promote diversity of housing types based on need, and to promote integration and social interaction between diverse people and communities. The development is therefore acceptable and supported in principle.
- 5.2 In addition to these policy principles, there are also relevant policies relating to transportation and parking, amenity space, environmental impacts and residential amenity, which aim to ensure that new development does not have an unacceptable impact upon its surroundings. Provided that the change of use is considered to accord with these policies then there is no policy objection to the development.
- 5.3 Need for provision of accommodation for looked-after children
It is generally accepted that nationally there is a severe shortage of care provision for children in need of care, and the supporting statement for the application provides detail on the shortage of long-term residential placements for children in care. The Commissioning manager for Gloucester County Council has also confirmed that *“There is a shortage of provision throughout the southwest and to ensure we are able to maintain sufficiency we welcome the development of additional provision.”* Whilst only providing a small number of residential care places, this development would nonetheless help to contribute toward providing for an identified need. The case officer is not aware of any evidence to suggest that this need is not genuine.
- 5.4 Suitability of the property to provide for the living needs of looked after children
The property is a residential dwelling house and as such is already fully equipped and suited to provide residential accommodation. The proposal is to accommodate up to three children, and as the property has five bedrooms and all other necessary household facilities this is considered appropriate to provide for their domestic needs, and to accommodate the carers. There is also an enclosed rear garden to provide private outdoor amenity space. The property has been inspected by the commissioning authority and they are satisfied that the accommodation is appropriate for the use. Should permission be granted it would be reasonable and necessary to attach a condition to limit the occupancy to 3 children, in the interests of ensuring appropriate living conditions. Accordingly the development is considered to comply with design policy CS1.
- 5.5 Parking provision
The Parking Provision supporting document states that the property has 4/5 off-street parking spaces across two drives. This is in excess of the requirements for a 5 bed house, which would require 3 spaces under policy PSP16. According to the parking statement there will be a maximum of 3 members of staff on duty at any one time, and therefore there is adequate provision. Any additional short-term visitors can utilise the additional spaces. The consultation response from the Highways Engineer has confirmed that no objection is raised on highway or parking grounds. Consultations raised concern that one of the existing parking spaces at the property is used by the owner to park a vehicle un-related to the use. Should permission be granted it would be reasonable and necessary to attach a condition to require the off-street parking provisions to be retained solely for use associated with the

permitted use. The development is considered to comply with policies CS1, PSP11 and PSP16.

5.6 Suitability of the location for the use, and to meet the needs of the looked-after children

As a residential use, it is expected that accommodation for looked-after children will be located within existing residential areas. The site is located within an established residential area of the village which, according to the consultation responses, includes a large proportion of young families, and is a safe and peaceful environment. The location therefore represents a suitable location for accommodating young persons, and should help to facilitate integration into the local community through engagement with other young people. The development is therefore considered to accord with the objectives of both local and national policy.

5.7 As a village Wickwar has limited amenities, with currently no shops, and a single café. The village does have a youth club, but this has very limited operating hours – nonetheless this would provide some opportunities for integration with the local community. There are also a primary school and playing fields. It has been raised in a number of representations that to access these amenities the children would have to cross the High Street, however this would be the same for children living there if it remained a family dwelling, and no evidence has been put forward to suggest that the highway safety risk in Wickwar is any worse than in other areas.

5.8 The towns of Yate and Chipping Sodbury are only approximately four miles away, and these have a wide range of shops, entertainments and amenities. Wickwar does have scheduled bus links to Yate and Chipping Sodbury, though these services are limited. However the carers provide transportation for the children, and therefore while they are free to use public transport where appropriate if they wish, they are not reliant upon it.

5.9 While the reliance on transport provided by the carers does weigh against the sustainability of the use, this is no different to the use of the property as a family dwelling house where children would also be reliant on private transport. Therefore it is not considered that the use is any less sustainable than the present use of the property, and on balance the location is considered to adequately meet the needs of the children.

5.10 Suitability of the location/impact on residential amenity and the existing community

The use for which planning permission is sought remains a residential use. As such, the day-to-day impacts of the activity associated with the residential use would be little different to its continued use as a family dwelling.

5.11 The use of the property as accommodation for looked-after children has been taking place since the beginning of 2018, and it is clearly articulated in the consultation responses that there have been some significant issues of anti-social behaviour and disturbance at times during that period. This has included attendance by the Police on numerous occasions, and these issues have undoubtedly caused anxiety in the local community. However the applicant has

advised that these issues arose primarily from a single child in care at the property for a period during the summer of 2018, and that following that child being removed from the property, these incidents markedly reduced. Police records show that only two calls were made from September to December 2018.

- 5.12 No evidence has been put forward to indicate that children in care will innately cause anti-social behaviour, and indeed as a family dwelling the property could equally give rise to such problems. Consequently, notwithstanding the issues that have arisen in the past, the question for this application then is whether a properly run and managed facility with longer term placements is likely to cause such issues in the future, to the extent that the use would be considered unacceptable in this location.
- 5.13 This question also has to be considered within the context that such a use must necessarily be located within a residential area, to avoid isolation and dislocation of the children from society. In the officer's view there is no robust argument that if properly run and with longer term placements the use would be significantly more likely to give rise to unacceptable levels of anti-social behaviour, and other controls (for example through the Anti-Social Behaviour Team) exist to manage any issues that do arise, and ensure that they are dealt with appropriately.
- 5.14 It has been suggested in a number of consultation responses that this type of facility would be better suited to a more urban location, however no evidence has been put forward to indicate that the children in need of care would be likely to be from an urban rather than rural background, or that such an environment would be better for their wellbeing. Likewise no justified reason why Inglestone Road is particularly unsuitable for such a use, as compared with any other residential area, has been put forward.
- 5.15 Other matters
A number of consultation response refer to covenants on the property which prohibit commercial uses. Such covenants are civil legal agreements and are not a material planning consideration. In determining planning applications Local Planning Authorities are also not able to take account of property values.
- 5.16 A significant number of consultation responses also refer to the absence of OFSTED registration, however the applicant has advised that planning permission is require before the OFSTED registration process can be completed.
- 5.17 Planning Balance
There is no 'in principle' policy objection to the change of use, and there is a clear need for additional provision of residential accommodation for looked-after children. This weighs heavily in favour of the development. It is not anticipated that it would give rise to unacceptable impacts in terms of parking or highway safety. While in transportation terms the need for private motor transport reduces the sustainability of the use, this is comparable to the existing residential use. These considerations are therefore considered to be neutral.

While there are significant concerns from the local population that the use will give rise to anti-social behaviour and harm the residential amenity of the neighbours and those living nearby, the residential use itself should not give rise to any negative impacts and, properly managed, anti-social behaviour should be limited. This limited potential for harm is not considered to outweigh the need for this type of accommodation, and the benefits it will provide to young people in need.

5.18 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. The proposed development would likely have a positive impact on equality, as it provides necessary accommodation for looked-after children, improving the wellbeing and life prospects of this protected group.

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 planning permission is granted subject to the conditions listed below:

Contact Officer: Neil Howat
Tel. No. 01454 863548

CONDITIONS

1. The property shall be used to accommodate no more than three children at any one time.

In the interests of the amenity of the occupiers of the property, to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

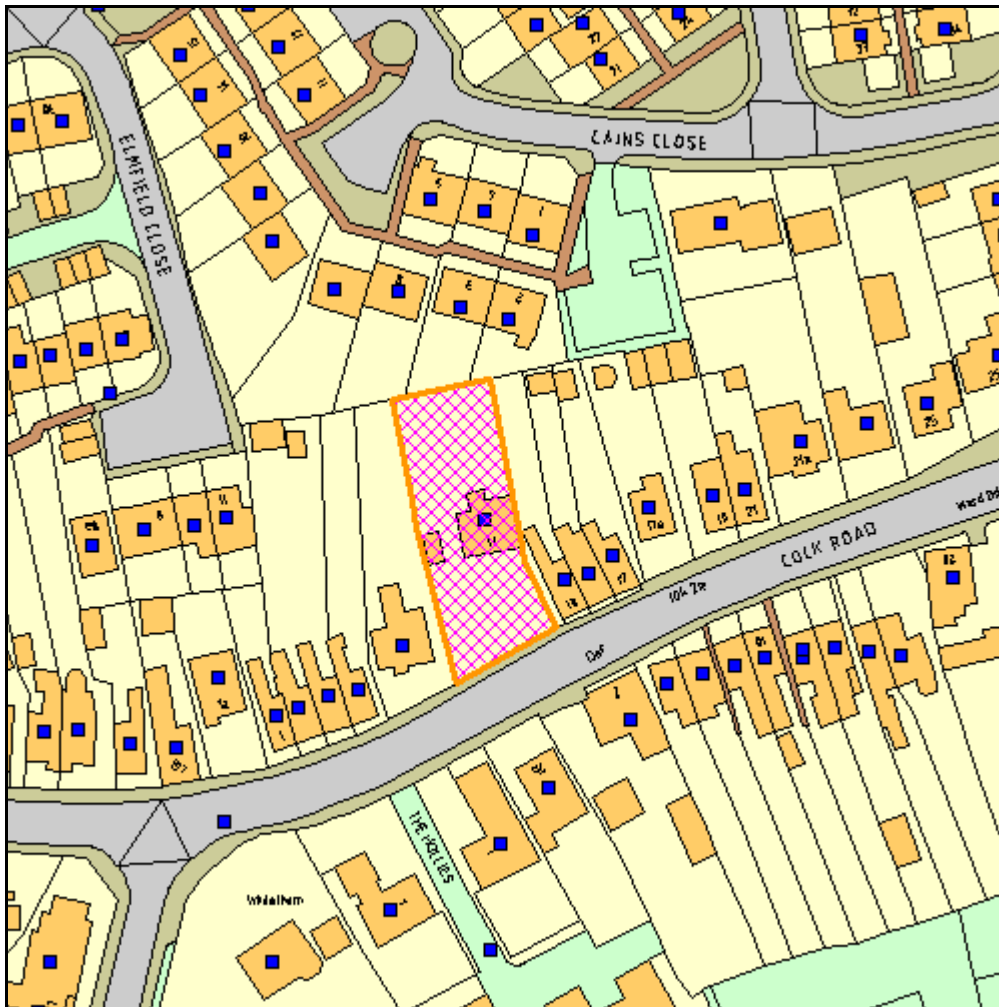
2. The off-street parking facilities shall be retained permanently for that purpose, and used for parking solely in association with the use hereby permitted.

Reason

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

CIRCULATED SCHEDULE NO. 06/19 – 8 FEBRUARY 2019

App No.:	PK18/5519/RVC	Applicant:	Mr Roger James
Site:	11 Cock Road Kingswood Bristol South Gloucestershire BS15 9SJ	Date Reg:	30th November 2018
Proposal:	Variation of conditions 4 and 6 attached to PK17/3382/RVC to substitute plan number 1270/P/01, Rev B with 1270/P/07 received on 27 November 2018 and delete the final sentence of condition 4, and substitute the block plan listed in condition 6 with plan number 1270/P/07 received on 27 November 2018.	Parish:	None
Map Ref:	365324 172751	Ward:	Woodstock
Application Category:	Minor	Target Date:	24th January 2019



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 100023410, 2008. **N.T.S.** **PK18/5519/RVC**

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission to vary condition 4 and 6 attached to PK17/3382/RVC to substitute plan number 1270/P/01 Rev B with 1270/P/07 received on 27 November 2018 and delete the final sentence of condition 4 and substitute the block plan listed in condition 6 with plan number 1270/P/07 received on 27 November 2018.
- 1.2 The main differences between the approved plan and the proposed plan are that the layout of the shared turning / manoeuvring space to the front of the new dwellings would be altered by introducing a landscaped strip subdividing the front garden of two properties and such hardstanding area would be finished with permeable tarmac instead of block paving.
- 1.3 Planning permission, PK17/0319/F, was granted for the demolition of the existing dwelling and the erection of 2 no. semi-detached houses and garages with a new, second access and associated works at No. 11 Cock Road, Kingswood. Subsequently PK17/3382/RVC was granted to vary condition 6 in order to delete the word 'garages' and to list the approved plan as condition.
- 1.4 Condition 4 of PK17/3382/RVC states
Notwithstanding the submitted drawing, 1270/P/02, prior to first occupation of the development approved, the off-street parking facilities, including the cycle stores and turning head shall be implemented in accordance with the approved drawing no. 1270//P/01 Revision B, received by the Local Planning Authority on 16 October 2017, and maintained for such purpose thereafter. In the avoidance of doubt, the approved parking shall be provided on side-by-side arrangement, the driveways and parking areas within the site shall be formed using Permeable Block Paving. The reason is to ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area.

Condition 6 of PK17/3382/RVC states

The development hereby approved shall be carried out in accordance with the following plans: Site location plan, block plan, received on 16 October 2017 Proposed Elevations, received on 29 September 2017, and Proposed Floor plans and section drawings, received on 7 November 2017. The reason is to ensure the development to be carried out in accordance with the submitted plans and to safeguard the highway safety and the amenity of the locality and the adjacent properties.

- 1.5 The site is situated within the East Bristol Urban Fringe, and is within an area known for coal mining in the past.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities of the East Fringe of Bristol Urban Area

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Development Related Transport Impact Management
PSP16 Parking Standards
PSP20 Drainage
PSP43 Private Amenity Standards

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK17/3382/RVC Variation of condition 6 attached to PK17/0319/F to delete the word 'garages' and to list the approved plans as a condition. Approved 24.11.2017
- 3.2 PK17/0319/F Demolition of existing dwelling. Erection of 2 no. semi detached houses and garages with new access and associated works. Approved 23.03.2017
- 3.3 DOC17/0152 Discharge of conditions 2 (Coal Mining), 3 (Materials), 4 (Ecology) and 5 (Access) attached to planning permission PK17/0319/F. Demolition of existing dwelling. Erection of 2 no. semi detached houses and garages with new access and associated works. Decided. Approved the submitted details relating to the external materials and the bat box. Refused on the submitted details relating to the coal mining matter and the access.

- 3.4 PK17/2631/NMA Non-material amendment to PK17/0319/F to change garage to larger kitchen area, install bi-folding doors to rear elevation and external door and window to east and west side elevations. Objection as the proposed changes would not be material amendment to the approved plans. 06.07.2017
- 3.5 DOC17/0296 Discharge of conditions 2 (Coal Mining) and 5 (Access). Discharged and approved the submitted details. 16/11/2017
- 3.6 PK16/2533/F Refusal – Appeal Dismissed 18/07/2016
Demolition of redundant dwelling and erection of 6no. self-contained flats with access, parking and associated works.

Refusal reason:

1 - The proposed development would be unacceptably detrimental to the living conditions of the occupiers of no. 9 and 13 Cock Road. This would be due to a cumulative effect of increased overlooking, overshadowing and the overbearing impact of the scale and location of development would have in relation to the existing residential properties on either side. It would also result in a poor outlook from the ground floor west facing windows of no. 13. This would be contrary to policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 and policy H4 of the Local Plan (Adopted) January 2006. It would not adhere a good standard of amenity for all existing and future occupiers of land and buildings as required as a core planning principle in the NPPF, and this amounts to significant and demonstrable harm which outweighs the presumption in favour of development.

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Un-parished area.

Hanham Parish Council
No comment.

Oldland Parish Council
No comment.

- 4.2 Other Consultees

Sustainable Transport
No objection

Highway Structures
No comment

Lead Local Flood Authority
No objection

The Landscape Officer

The proposed planting is acceptable, and would advise that a small tree, i.e. select standard, would be preferable.

Other Representations

4.3 Local Residents

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

- The properties do not have dropped kerbs.
- the pavement is buckled by the lorries that accessed the site
- a block paved edge to the pavement has gap of approximately 2ins [5cms]
- Lack of information. The amended plan doesn't mention the type of plant, unlike in the other planting strips. This strip, if planted with tall shrubs or conifers, will obscure the light coming in the living room and kitchen of the home we occupy. Clarification on the type and height of plants to be planted at the Eastern boundary planting strip should be provided. In any case, the height of the plants growing on that strip should not exceed the height of the fence so as not to obscure the adjoining property's windows.
- This is the second requested change to this condition
- It impacted our privacy
- The developers must have been aware of the "Conditions" applied to the planning approval however, they appear to have chosen to ignore these and go ahead with a change in layout and the use of tarmac as a surface anyway.
- This retrospective request appears to be being made purely on the basis of saving money for the developers. Allowing this change to condition 6 makes a total mockery of the planning approval system and its controls.
- The large expanse of tarmac to the front of these properties is "Ugly". This is NOT in keeping with the majority of properties in the area.
- The original conditions included a "turning head" to allow vehicles to be safely manoeuvred and reduce onto or off what is a very busy and congested road
- The original site plan showed considerably more landscaping and "Green space" borders and "Grassed area" etc. than the current proposal.
- Can you advise what these "drainage arrangements" are? We have serious concerns re potential "run off of rainwater from such a large expanse of tarmac".
- Part of the application form and the statement implying that you have **already "agreed"** these changes with the developer, again making a total mockery of the planning process. Why ask our opinion if you are not going to take any notice of it?
- "Permeable tarmac"? Having looked up some of the normal specification for this type of product, we would seriously query whether the product was laid in accordance with the literature (having seen the way the tarmac area was constructed) and therefore would question the long term permeability of this laid surface. Even if laid correctly, this product could create a regular maintenance issue for future owners.

- Long-running problems with this construction, the builders have taken a year to build two houses!
- The finish to the turning circle just does not work
- The quality of the finish between the pavement and drive is extremely poor quality
- The visibility between No. 9 and No. 11 poor, is a danger to pedestrian at night
- The exits are narrow and the angle to get into the drive is poor.
- Brick pavers have been in the path for around two months, vans constantly arrive on the drive but drive away. The building cut the bushes between 9 and 11 much to the telephone line, during a time when the occupants were working from home
- Drive is a basic tarmac construction the service and cable are not deep enough and are below the surface. Poor care to attention and finish.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The proposal is to vary the wording of Condition 4 and 6 of PK17/3382/RVC in order to amend the approved parking and turning area for the new dwellings at No. 11 Cock Road. Due to the reasons of these conditions, officers must assess this proposal having specific regard to the impact on highway safety. In addition, further assessments are also made in terms of design / visual, residential amenity, and other relevant planning material considerations.

5.2 Analysis

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

5.3 In assessing this application it is necessary to consider whether or not the relevant condition 4 and 6 or any variations thereto, satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). Paragraph 206 of the NPPF states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

5.4 At the time of PK17/3382/RVC, it was envisaged that the approved dwellings would have a shared turning / manoeuvring space to the front of the property and accessed off Cock Road. The applicant suggested that the proposed new plan would improve the landscape character of the site, with additional planting strip and the existing one widened and re-planted.

5.5 Analysis of the proposal from transportation perspective

Condition 4 and 6 were imposed to ensure the satisfactory provision of parking facilities, safeguard public highway safety and amenity of the area. Residents' concerns regarding public highway safety are noted. The submitted block plan shows that the hardstanding area would be approximately 6 metres wide by 10 metres deep. As such, the proposal would provide adequate space for parking vehicles for the approved dwellings. With regard to the turning facilities, the Council Highway Officer has visited the site, particularly, the area of parking and manoeuvring area on site to ensure that vehicles can access and egress the site entrance in forward gear. Officers consider that neither the landscaping area nor the new boundary wall as constructed, i.e. the wall in the front garden separating the two plots from each other, would cause issues with vehicles turning on site before joining the public highway in forward motion. As such, the Highway Officer raised no highway objection to the proposal and Officers are satisfied that condition 4 and 6 can be amended accordingly.

5.6 Visual Amenity

The site is situated within an urban area of Kingswood. The proposal would change the parking / manoeuvring layout and the finish materials of the hard standing area. There is no change to the appearance of the buildings themselves. From visual amenity and landscaping perspective, officers compared the current and the originally approved plans. It is noted that the proposed changes would result in a partial loss of landscaped area and permeable tarmac, instead of block paving, would be used on site. Whilst it is noted that block paving was previously proposed, given that the site is situated within an urban residential location where tarmac is not an unusual building materials for residential properties, in particular, the site is not situated within any sensitive land-use designations, therefore it would be unreasonable to insist the use block paving.

5.7 Landscaping Character

The Council Landscape Officer has reviewed the submitted planting details and considered that the proposed planting scheme is acceptable for this location. Furthermore, although it would be preferable to a small tree (select standard), the proposed plant species would be relatively short in height and they are generally easily to be maintained. Officers therefore have no landscaping objection to the proposal. As such, it is considered that the proposal would still be in keeping with the residential and urban character of the locality. A planning condition is imposed to ensure the implementation of the proposed planting scheme.

5.8 Residential Amenity

From the residential amenity perspective, there would not be any material adverse impact in terms of overbearing or overshadowing upon the neighbouring properties given that no changes are made to the scale and the siting of approved dwellings.

5.9 Other conditions

There are a number of conditions attached to planning permission PK17/3382/RVC. Condition 1 (External Materials) was previously discharged under DOC17/0152. Condition 2 (Installation of bat box), Condition 3 (highway

works to the new access) and condition 5 (Window restrictions) are compliance conditions and they are still applicable to this current application.

5.10 Other matters

Concerns relating the quality of building work would not be planning material consideration. In term of drainage issue, the Council Drainage Engineer has no objection to the proposal and the previous scheme. Also, it would be the applicant's responsibility to ensure that the drainage would meet Building Regulations.

5.11 Equalities

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

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

6. **RECOMMENDATION**

6.1 That condition 4 and 6 be permitted to read as follows:

6.2 **Condition 4 of PK17/3382/RVC states**

Notwithstanding the submitted drawing, 1270/P/02, prior to first occupation of the development approved, the off-street parking facilities and turning area within the respective plots shall be implemented in accordance with the approved drawing no. 1270/P/07, received by the Local Planning Authority on 27 November 2018 and the cycle stores shall be provided in accordance with the approved drawing no. 1270/P/01 Revision B, received by the Local Planning Authority on 16 October 2017. Development shall be maintained for such purpose thereafter. In the avoidance of doubt, the driveway / parking and turning areas within the site shall be formed using permeable tarmac.

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

Condition 6 of PK17/3882/RVC states

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

- Proposed Elevations, Drawing No. 1270/P/04A, received on 29 September 2017,
- Proposed Floor plans and section drawings, Drawing No. 1270/P/03A, received on 7 November 2017,
- Highway works in accordance with SGC Adoptable Highway Specification shown on Drawing No. 1270/P/02 (Proposed Site Plan) dated January 2017
- Site location plan received on 27 November 2018, and
- Proposed Amended Planting proposal, Drawing No. 270/P/07 received on 27 November 2018.

Reason

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

7. CONCLUSION

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

8. RECOMMENDATION

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

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted in November 2017 and the National Planning Policy Framework.

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

Reason

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

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

Reason

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

4. Notwithstanding the submitted drawing, 1270/P/02, prior to first occupation of the development approved, the off-street parking facilities and turning area within the respective plots shall be implemented in accordance with the approved drawing no. 1270/P/07, received by the Local Planning Authority on 27 November 2018 and the cycle stores shall be provided in accordance with the approved drawing no. 1270/P/01 Revision B, received by the Local Planning Authority on 16 October 2017. Development shall be maintained for such purpose thereafter. In the avoidance of doubt, the driveway / parking and turning areas within the site shall be formed using permeable tarmac.

Reason

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

5. Prior to the use or occupation of the dwellings hereby permitted, and at all times thereafter, the proposed ground floor windows and doors on the east and west elevations shall be glazed with obscured glass to level 3 standard or above, and the proposed first floor windows on the east and west elevations shall also be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

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

6. The development hereby approved shall be carried out in accordance with the following plans:
- Proposed Elevations, Drawing No. 1270/P/04A, received on 29 September 2017,
 - Proposed Floor plans and section drawings, Drawing No. 1270/P/03A, received on 7 November 2017,
 - Highway works in accordance with SGC Adoptable Highway Specification shown on Drawing No. 1270/P/02 (Proposed Site Plan) dated January 2017
 - Site location plan received on 27 November 2018, and
 - Proposed Amended Planting proposal, Drawing No. 270/P/07 received on 27 November 2018.

Reason

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

7. All hard and soft landscape works shall be carried out in accordance with the approved details, Drawing No. 1270/P/07 dated November 2018. The works shall be carried out prior to the occupation of any part 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 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 06/19 – 8 FEBRUARY 2019

App No.:	PK18/5788/R3F	Applicant:	South Gloucestershire Council
Site:	Redfield Edge Primary School High Street Oldland Common South Gloucestershire BS30 9TL	Date Reg:	2nd January 2019
Proposal:	Removal of 2 no. windows to be replaced with 2 no. first floor windows and external doors to ground floor south elevation. Creation of play area and associated works.	Parish:	Bitton Parish Council
Map Ref:	367864 171881	Ward:	Oldland Common
Application Category:	Minor	Target Date:	15th February 2019



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100023410, 2008. **N.T.S.** **PK18/5788/R3F**

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

This application is required to appear on the Circulated Schedule as the applicant is South Gloucestershire Council

1. THE PROPOSAL

- 1.1 Planning permission is sought for the removal of 2 no. windows to be replaced with 2 no. first floor windows and external doors to the ground floor south elevation. The proposal also includes the creation of a play area and associated works. The application relates to Redfield Edge Primary School, Oldland Common.
- 1.2 The application site consists of a primary school situated within the urban fringe area of Oldland Common. No. 54 High Street; a Grade II listed building, is situated immediately to the east of the site.
- 1.3 The main purpose of the scheme is to convert an existing, unused external area in to a small play area. The replacement of windows with doors would make the play area directly accessible from the adjacent classroom.
- 1.4 The application has been submitted on behalf of the Council, accordingly it is a 'Regulation 3' application and must be referred to circulated schedule.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2018
National Planning Policy Guidance (2014)

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS23	Community Infrastructure and Cultural Activity

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP17	Heritage Assets and the Historic Environment

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

3.1 PK07/0254/R3F

Erection of single storey side extension to form new entrance block and office.

Deemed Consent: 09.03.2007

3.2 PK03/3856/R3F

Erection of single storey extension to form store and staff toilet.

Deemed Consent: 01.03.2004

3.3 PK00/1819/R3F

Erection of single storey extension. Extension of hard play area.

Deemed Consent: 17.10.2000

3.4 K2163/3

PERMANENT SITING OF TERRAPIN CLASSROOM UNIT (Previous ID: K2163/3).

Approved: 21.05.1984

3.5 K2163/2

SITING OF TERRAPIN CLASSROOM (Previous ID: K2163/2)

Approved: 10.03.1983

3.6 K2163/1

EXTENSIONS TO PROVIDE HALL, KITCHEN AND PLANT ROOM AND INTERNAL ALTERATIONS ALTERATION TO EXISTING VEHICULAR ACCESS AND CONSTRUCTION OF NEW PEDESTRIAN ACCESS (Previous ID: K2163/1)

Approved: 10.03.1983

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council
No objection

4.2 Other Consultees

Sustainable Transport
No objection

Conservation Officer
No objection

Lead Local Flood Authority
No objection

Highway Structures
No comment

Other Representations

4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS23 of the Core Strategy states the Council and partners will work to provide additional, extended or enhanced community infrastructure. Paragraph 94 of the NPPF outlines that great importance is given to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to create, expand or alter schools through the preparation of plans and decisions on applications. The proposal would be consistent with these aims and the main further areas of consideration are in relation to design and heritage impacts, neighbouring residential amenity and transport.

5.2 Design, Visual Amenity and Heritage Impact

Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policy CS1 is fully compliant with design guidance in the NPPF.

5.3 Policy PSP17 of the Policies, Sites and Places Plan and policy CS9 of the Core Strategy relate to conservation, and seek to protect the character and appearance of conservation areas and the significance and setting of heritage assets such as listed buildings.

- 5.4 In terms of the alterations to the main building, these would be minimal, and it is not considered that the alterations to the existing fenestration would materially affect the appearance of the building. The proposed play area would be of a limited scale and would also appear as an appropriate addition to a primary school site. Overall, it is considered that an acceptable standard of design has been achieved and the proposal accords with policy CS1 of the Core Strategy.
- 5.5 Given the nature and scale of the works, it is also considered that the significance and setting of the adjacent listed building would be preserved. The proposal therefore accords with policy CS9 of the Core Strategy and PSP17 of the Policies, Sites and Places Plan.
- 5.6 Residential Amenity
Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.7 It is not considered that the alterations to the building would have any impact on the residential amenity of the adjacent neighbour at no. 54 High Street. It is acknowledged that the proposed play area would be situated against the neighbouring boundary. However it appears that this would abut a neighbouring parking area as opposed to an area of amenity space. On this basis and given the limited size of the play area, it is not considered that the development would cause significantly increased levels of noise disturbance to the neighbour. Overall, the proposal is considered to accord with policy PSP8 of the Policies, Sites and Places Plan.
- 5.8 Transport
The proposal would have no impact on existing vehicular access or parking arrangements at the school. Furthermore, it is not anticipated that the development proposal would significantly alter the trip patterns associated with the site. On this basis, there are no significant concerns from a transportation perspective.
- 5.9 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.

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

7. **RECOMMENDATION**

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

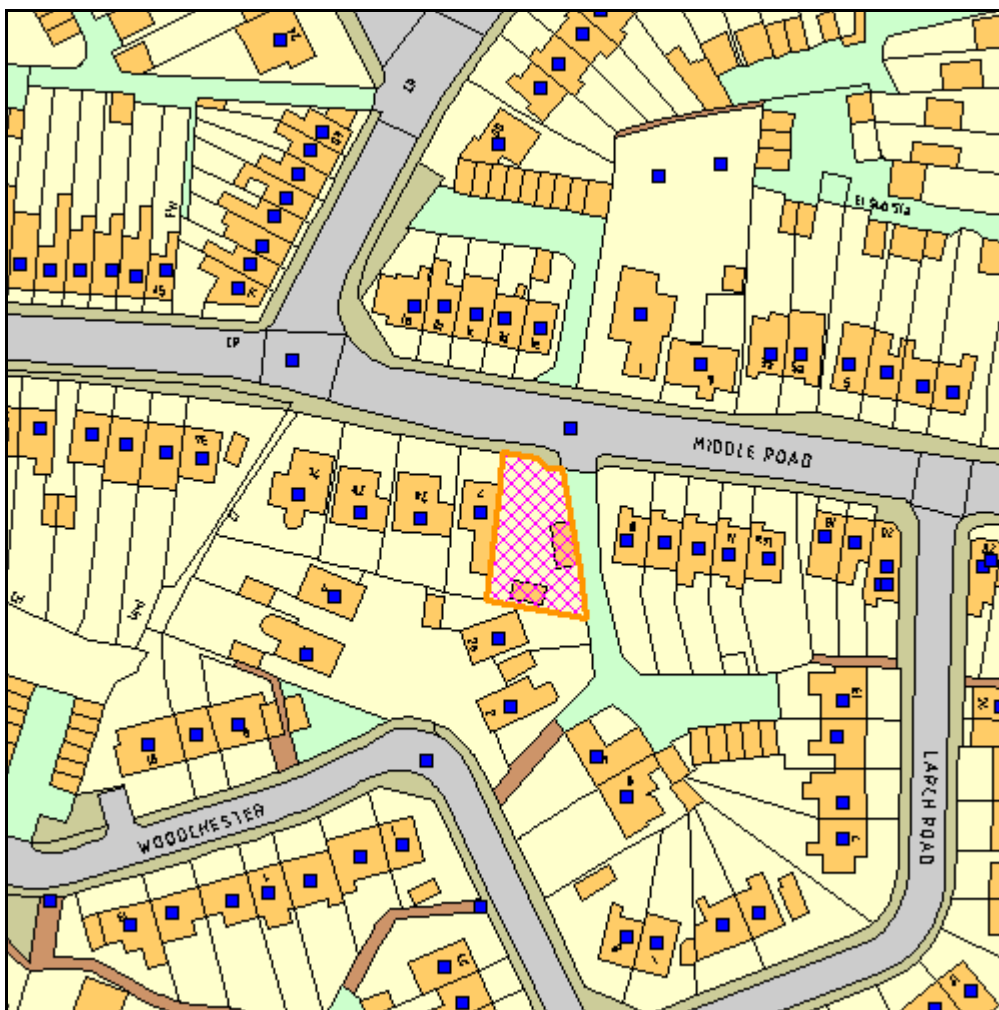
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 06/19 – 8 FEBRUARY 2019

App No.:	PK18/6736/RVC	Applicant:	SAS (2018) Ltd
Site:	2 Middle Road Kingswood Bristol South Gloucestershire BS15 4XD	Date Reg:	2nd January 2019
Proposal:	Variation of condition 2 attached to planning permission PK18/1934/F to substitute drawings for planning numbers 18/037/10, 18/037/11 and 18/037/12.	Parish:	None
Map Ref:	365382 175284	Ward:	Rodway
Application Category:	Minor	Target Date:	18th February 2019



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 100023410, 2008. **N.T.S.** **PK18/6736/RVC**

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application site relates to no. 2 Middle Road, Kingswood, a two storey detached property which has recently benefitted from planning permission for the erection of a new dwelling in its side garden.
- 1.2 This application seeks to vary condition 2 attached to planning permission PK18/1934/F to substitute drawings.

Condition 2 stated: the proposed development shall proceed in accordance with the following plans:

As received by the Council on 25.4.18:
Site location plan - 18/006 01
Existing plans and elevations - 18/006 02

As received by the Council on 31.5.18: Proposed drawings - 18/006 03 B
Proposed street scene - 18/006 04 A

Reason:
To accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP1 of the Policies Sites and Places Plan (Adopted) 2017.

- 1.3 The proposal seeks to substitute the following drawings:
18/37/10 – Existing plans
18/037/11 – Proposed elevations, floor plans and block plan
18/037/12 – Existing and proposed street scenes
- 1.4 Planning application PK18/1934/F was called to Committee on 23.8.18 to assess objections raised due to parking and due to potential overlooking. Ten letters of objection were received from local residents regarding planning application PK18/1934/F.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2018
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS29 Communities of the East Fringe of Bristol

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport
PSP16 Parking Standards
PSP38 Development within Residential Curtilage
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted)
South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013
Waste Collection Guidance for New Development SPD (Adopted) 2015

3. **RELEVANT PLANNING HISTORY**

3.1 PK18/1934/F Demolition of existing outbuildings and the erection of 1 no. detached dwelling and associated works.
Approved 28.8.18

3.2 K3701/1AP1 Erection of 4 houses, 4 garages and formation of New vehicular and pedestrian access
Approved 2.2.84

Adjacent site mentioned in comments by neighbours:

3.3 K3710/4 Erection of 3 bungalows
Approved 10.6.85

3.4 K3710/3 Erection of 3 detached houses and garages, construction of pedestrian and vehicular access
Refused 10.12.84

4. **CONSULTATION RESPONSES**

4.1 Parish/Town Council
Un-parished area.

4.2 Other Consultees

Highway Structures

No comment.

Sustainable Transport

No objection subject to a condition.

Coal Authority

No objection subject to a condition.

Drainage

No objection

Other Representations

4.3 Local Residents

Eight letters of objection have been received from local residents. The points raised are summarised as:

Highway and transport:

- Access to and from my property will be blocked during construction
- Parking already an issue on this road

Design:

- Rooms in roof space will make building more dominating
- A three storey property was previously rejected
-

Residential amenity

- More loss of privacy to neighbours than original scheme
-

Other matters:

- Will affect the view from my cottage

4.4 Under the previous application **PK18/1934/F** the following was noted:

Ten letters of objection were received to the original scheme. The points raised are summarised as:

Impact on amenity

Highway and parking issues

Design

Other matters: Noise and disruption; Deeds of our house state we cannot put a window in our roof facing north due to privacy of 2 Middle Road– surely this same privacy rule should apply for them

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application is submitted under Section 73 of the Town and Country Planning Act 1990. In accordance with Section 73(2) in determining such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission has been granted. The Planning Practice Guidance advises that every condition must always be justified by the Local Planning Authority on its own planning merits on a case by case basis. Furthermore, it advises that any proposed condition that fails to meet any of the six tests should not be used. Paragraph 55 of the NPPF states that planning conditions should only be imposed where they are:

1. Necessary;
2. Relevant to planning;
3. Relevant to the development to be permitted;
4. Enforceable
5. Precise;
6. Reasonable in all other respects.

5.2 Being mindful of the reasons for attaching the conditions in the first place, and the nature of the alteration, in assessing this application Officers will consider the impact of the proposed change on visual amenity, residential amenity and transport. Following this it will also need to be considered what conditions attached to application PK18/1934/F need to be carried forward and if any further conditions need to be attached to any new consent.

5.3 The introduction of a new dwelling in the garden of No. 22 Middle Road was referred to a Full Planning Committee and approved in August 2018 subject to the conditions listed on the decision notice. The principle of development has therefore been established.

5.4 The variation of condition 2 would result in the following changes:

- The position of the openings to the front elevation would be swapped around
- The fenestration to the rear elevation would be slightly altered
- Fenestration to the side west elevation would be removed
- A dormer window would be introduced to the rear elevation.
- Rooflights would be introduced to the front elevation

5.5 Design

The extant permission was granted following extensive negotiations for development on this site. The original scheme had proposed 2 dwellings on this site. This was reduced to a single dwelling and the design and scale of this dwelling was also subject to discussion. That dwelling was considered to respect its surroundings and was approved on that basis. The reason for Condition 2 makes this clear.

- 5.6 Alterations to the pattern of openings and fenestration to the front and side elevations and to the first floor rear windows would be acceptable as these would facilitate the internal reconfiguration of the living accommodation, but would not result in a fundamental change to the original permission.
- 5.7 However, the main element to be assessed is the introduction of the large dormer window which would allow the conversion of the roof space into a bedroom. It is noted that plans show the number of bedrooms within the house would remain at 3.
- 5.8 The introduction of dormer windows to allow loft conversions is not unusual on established properties. It is recognised that the house has not yet been built but permitted development rights were not removed under the previous planning permission and as such a large number of alterations and additions could be made to the property. This would include a rear dormer window. Plans indicate that the volume of the dormer would be around 16 cubic metres and would fall well within what can be constructed under permitted development. The difference here is that this is a new house which has recently gained planning permission and to gain its permitted development rights it would need to be substantially built out. Nevertheless this is the fall-back position and is material in the assessment of this application. Furthermore, the guidance contained within paragraph 130 of the NPPF directs that:

...where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

- 5.9 To summarise the situation the extant permission could be built out and using the permitted development rights associated with the house the rear dormer as shown on the new plans could be installed.
- 5.10 On this basis the scheme is recommended for approval but as a betterment the permitted development rights would be removed under this permission.
- 5.11 Residential Amenity
The previous application acknowledged there would be changes to the neighbours but not to such an extent as to warrant a refusal of that particular scheme and in those terms the proposal was deemed acceptable. The changes proposed here in terms of the large rear dormer, would result in additional windows in the rear elevation and at a higher level. The issue of perceived overlooking is noted but again it must be noted that following the build out of the new house a dormer window of a similar size (or larger) could be introduced here.
- 5.12 On balance it is considered that the proposal would not result in an unacceptable impact on the residential amenity of neighbours over and above the level under the extant permission.

5.13 Transport

Changes to the on-site parking arrangement for the proposed new dwelling and the existing dwelling are noted. The proposed amount of parking would accord with adopted standards and as such there would be no objection to the scheme on this basis. Comments from local residents are noted and a condition regarding construction working hours and practices will be attached to the decision notice.

5.14 Other matters:

Views:

One neighbour has commented that the development would spoil their view but this is not a planning consideration and cannot form part of this assessment.

Coal Authority:

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth.

Under the previous application Coal Mining Risk Assessment report (June 2018, prepared by Intégrale) was submitted. Based on a review of appropriate sources of coal mining and geological information, the submitted report indicated that there exists the potential for workable or worked coal seams to be present at, or within influencing distance of the site surface. It also identified that an historic drainage level may also be present beneath the site. Gas emissions are considered to pose a negligible risk to the development.

Accordingly, the Report went on to make appropriate recommendations for the carrying out of intrusive ground investigations in the form of boreholes to establish the presence or otherwise of shallow workings, along with a site strip to identify whether bell pits are present.

The Coal Authority welcomes the recommendation for the undertaking of intrusive site investigations. These should be designed by a competent person to properly assess ground conditions and to establish the exact situation regarding coal mining legacy which could pose a risk to the proposed development. The applicant should ensure that the exact form of any intrusive site investigation is agreed with The Coal Authority's Permitting Team as part of their permit application.

Based upon expected ground / shallow mining conditions, the Coal Mining Risk Assessment report indicated that artificial consolidation of any workings present (grouting) is not appropriate as these measures could adversely impact surrounding properties. Instead, the report indicated that a 'structural' foundation raft solution would be sufficient to address any potential subsidence derived from any shallow workings.

The Coal Authority highlights that where mine workings are encountered within influencing distance of the surface, some form of consolidation of these workings would normally be expected. As such, the findings of the intrusive site investigations should be interpreted by a competent person and should be used to inform any mitigation measures, such as grouting stabilisation works, foundation solutions and gas protection measures, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

The Coal Mining Risk Assessment Report states that coal mining legacy poses a potential risk to the proposed development and that intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site and to inform any remedial/mitigatory measures necessary to ensure the safety and stability of the proposed development. Subject to an appropriately worded condition attached to the decision notice the Coal Authority have no objection.

5.15 Conditions:

The conditions to be attached to the decision notice include the removal of permitted development rights; materials; construction hours; the provision of parking for both properties and the inclusion of a request from the Coal Authority for investigations into ground conditions.

5.16 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.

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The development shall proceed in accordance with the following plans as received by the Council on 24.12.18:

Existing plans and elevations - 10

Proposed plans - 11

Existing and proposed street scene - 12

Reason

To accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP1 of the Policies Sites and Places Plan (Adopted) 2017 and the NPPF.

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

Reason

To ensure a satisfactory standard of external appearance and to protect the amenities of closest neighbours and the area in general and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP8 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

4. The hours of working on site during the period of construction shall be restricted to:

Monday - Friday.....7:30am - 6:00pm

Saturday.....8:00am - 1:00pm

No working shall take place on Sundays or Public Holidays.

The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 of the South Gloucestershire Policies Sites and Places Plan (Adopted) January 2017; and the provisions of the National Planning Policy Framework.

5. Parking for both the existing dwelling and the new dwelling must be in accordance with the submitted and approved plans and retained for the use of these properties thereafter.

Reason

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

6. Prior to the commencement of development:

- * The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity;

- * The submission of a report of findings arising from the intrusive site investigations, the results of any gas monitoring and a scheme of proposed remedial/mitigatory measures for approval; and

- * The implementation of those remedial/mitigatory measures.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action in the future and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policies PSP8 and PSP22 of the Policies Sites and Places Plan (Adopted) 2017.

7. The materials to be used in the construction of the external surfaces of the front elevation of the new dwelling hereby permitted shall match those used in the existing building, No. 2 Middle Road, Kingswood, Bristol, BS15 4XD.

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.