

# 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. 19/19

**Date to Members: 10/05/2019**

**Member's Deadline: 16/05/2019 (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](mailto: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

### **Important Interim Arrangements for this weeks Circulated Schedule Only**

**In the absence of elected Development Management Committee Chair or Spokes, it is not necessary for members to undertake step d). If all other steps are correctly undertaken, the Planning Manager will take the request for a referral to the Director. Following discussion with the Director, the Planning Manager will then liaise with the two members responsible for the request.**

**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 list 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](mailto: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](mailto:MemberReferral@southglos.gov.uk)

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
18/19	NO CIRCULATED DUE TO ELECTIONS			
19/19	Normal			
20/19	Normal			
21/19	Wednesday 22 May 12pm	9am Thursday 23 May	5pm Thursday 30 May	Friday 31 May

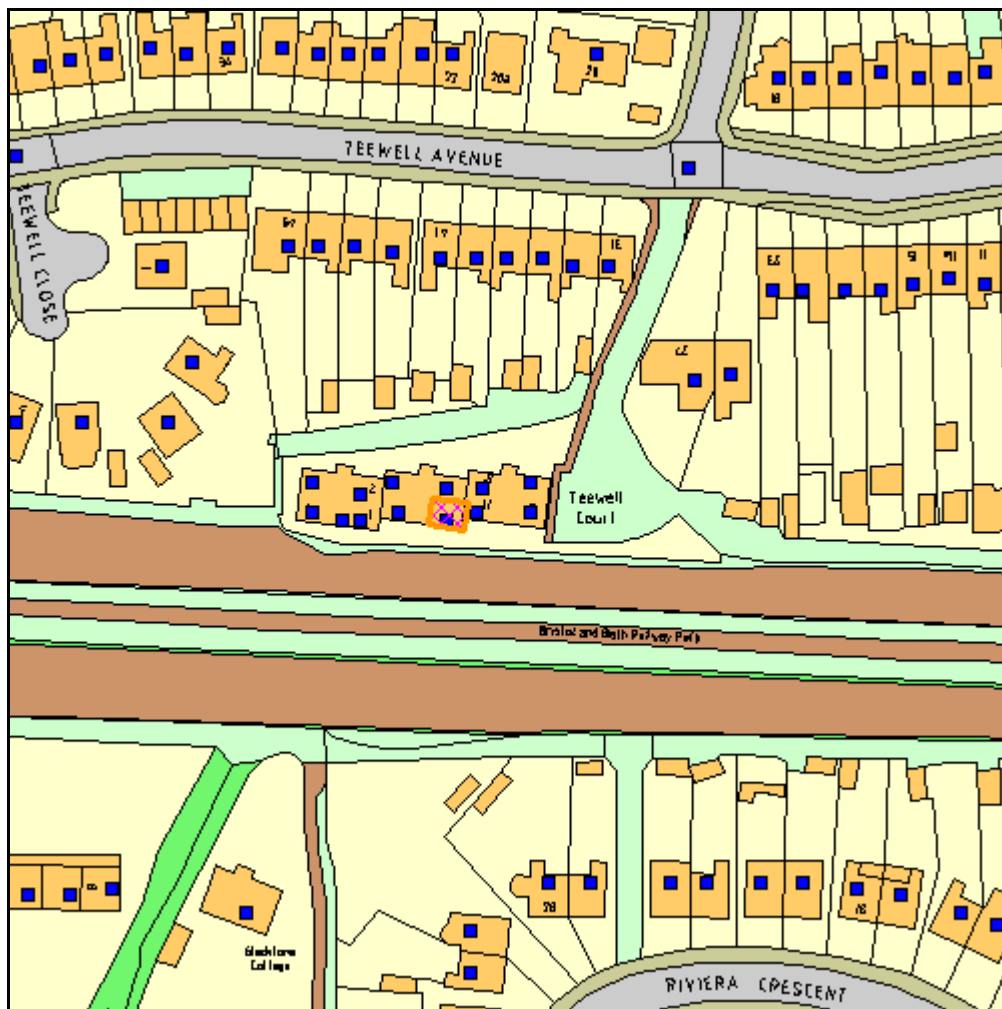
Dates and officer deadlines for Circulated Schedule May Bank Holidays 2019

# CIRCULATED SCHEDULE - 10 May 2019

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>MODK18/0008</b>	Approved Subject to Section 106	5 Teewell Court Teewell Avenue Staple Hill South Gloucestershire BS16 5QT	Staple Hill	None
2	<b>P19/1158/F</b>	Approve with Conditions	Little Normeads Golden Valley Lane Bitton South Gloucestershire BS30 6NZ	Bitton	Bitton Parish Council
3	<b>P19/1592/F</b>	Approve with Conditions	10 Lansdown View Kingswood South Gloucestershire BS15 4AW	Woodstock	None
4	<b>P19/1682/FDI</b>	No Objection	Land Near Plot 2 Severnside Hallen	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
5	<b>P19/2102/F</b>	Refusal	82 Clayfield Yate South Gloucestershire BS37 7HU	Yate North	Yate Town Council
6	<b>P19/2614/R3F</b>	Deemed Consent	New Horizons Primary Learning Centre Courtney Road Kingswood South Gloucestershire BS15 9RD	Woodstock	None
7	<b>P19/2808/F</b>	Refusal	Cloister Stables Cloisters Road Winterbourne South Gloucestershire BS36 1LL	Winterbourne	Winterbourne Parish Council
8	<b>P19/3754/F</b>	Approve with Conditions	17 Rockside Gardens Frampton Cotterell South Gloucestershire BS36 2HL	Frampton Cotterell	Frampton Cotterell Parish Council
9	<b>PT17/4923/O</b>	Approve with Conditions	M J Fews Ltd Wotton Road Charfield Wotton Under Edge South Gloucestershire GL12 8SR	Charfield	Charfield Parish Council
10	<b>PT18/0114/F</b>	Approve with Conditions	Naite Farm Oldbury Naite Oldbury On Severn South Gloucestershire BS35 1RU	Severn Vale	Oldbury-on-Severn Parish Council
11	<b>PT18/3896/F</b>	Approve with Conditions	Former Tennis Court To The Grange Baden Hill Road Tytherington Wotton Under Edge South Gloucestershire GL12 8UG	Ladden Brook	Tytherington Parish Council

**CIRCULATED SCHEDULE NO. 19/19 – 10 MAY 2019**

<b>App No.:</b>	MODK18/0008	<b>Applicant:</b>	DC Law
<b>Site:</b>	5 Teewell Court Teewell Avenue Staple Hill South Gloucestershire BS16 5QT	<b>Date Reg:</b>	26th October 2018
<b>Proposal:</b>	Deed of Variation of Section 106 Legal agreement attached to planning permission K333/5 to remove age restriction from no. 5 Teewell Court.	<b>Parish:</b>	None
<b>Map Ref:</b>	365219 175693	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>		<b>Target Date:</b>	14th December 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**

This application is referred to the Circulated Schedule as it would require a Deed of Variation to an existing planning obligation. While there would not necessarily be a detriment to the public benefit – based on current planning policy – the resulting agreement would be less restrictive than the current agreement and it is therefore considered proper that a resolution be gained through the circulated schedule.

### **1. THE PROPOSAL**

1.1 This application is made under section 106A of the Town and Country Planning Act 1990 (as amended). The application is made to remove the age occupancy restriction contained within the Agreement made under Section 52 of the Town and Country Planning Act 1971 attached to the authorising planning permission for this site.

1.2 The relevant clause in the Agreement states:

No flat erected on the land shall be occupied by a person under the age of sixty years without the written permission (which shall not be unreasonably withheld) of the Council's Chief Planning Officer for the time being who may at his discretion authorise occupation by a person under the age of sixty years PROVIDED that if any flat shall be occupied by a married couple or by an unmarried couple purporting to live together as husband and wife no objection shall be raised by the Council if either one of such couple shall be under the age of sixty years and in the event of the death of the older of such couple the younger shall be allowed to remain in occupation of the flat even though he or she may be less than sixty years of age.

1.3 The age restriction was imposed as: the development did not comply with the car parking standards in force at the time the authorising planning permission was given; and the access lane and its junction with the highway were inadequate (although works were undertaken as part of the permission to improve the access route). The age restriction was imposed as a means by which to mitigate the lack of parking provision.

### **2. POLICY CONTEXT**

2.1 Legislation  
Town and Country Planning Act 1990 (as amended)  
Community Infrastructure Levy Regulations 2010 (as amended)

2.2 National Guidance  
National Planning Policy Framework February 2019  
National Planning Practice Guidance

## 2.3 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
CS29	Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP11	Transport Impact Management
PSP16	Parking Standards

## 2.4 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013

## 3. RELEVANT PLANNING HISTORY

3.1 K333/5 Approved 21/11/1991  
Retention of 6no. flats (nos. 3, 4, 7, 8, 10, and 12) as approved under K333/4 without compliance with condition 'g'.

3.2 K333/4 Approved 22/06/1988  
Construction of 12 no. elderly persons flats alteration of existing vehicular access

### *In relation to 1 Teewell Court*

3.3 PK02/2218/RVC Approved subject to S106 09/06/2003  
Removal of condition 'g' attached to planning permission K333/4 to allow occupation by persons under 60 years of age

### *In relation to 9 Teewell Court*

3.4 PK02/0318/RVC Approved subject to S106 09/08/2002  
Variation of condition 'g' attached to planning permission K333/4 to allow persons under the age of 60 years to occupy no.9 Teewell Court

## 4. CONSULTATION RESPONSES

4.1 Parish/Town Council  
This area is unparished

### **Other Representations**

4.2 Local Residents  
None received

## **5. ANALYSIS OF PROPOSAL**

- 5.1 This application seeks to modify a planning obligation so that no.5 Teewell Court can be occupied without compliance with an age restriction.

### **Principle of Development**

- 5.2 The age restriction was imposed as, at the time the initial planning permission was granted, the parking arrangements were considered sub-standard. Therefore, the main issue to consider is whether parking issues would require the restriction to remain in place and whether the obligation passes the relevant statutory tests.

### **Parking**

- 5.3 Teewell Court consists of 12 one-bedroom flats and an area for car parking which provides approximately 12 spaces. Under policy PSP16, new development in the district would be required to provide 1 off-street parking space per one 1-bedroom dwelling plus a visitor's space per every 5 units. While the development does not meet this standard (as it would fail to provide a visitor's space) this would not result in a highway safety issues from inadequate parking.
- 5.4 According to the current parking standards, the imposition of an age restriction cannot be justified and would not pass the statutory tests of a planning obligation.

### **Other Units**

- 5.5 It is clear from the planning history that a number of other units have been relieved from the age restriction. This has been through removing the condition that requires compliance with the planning obligation and a variation to the obligation.
- 5.6 This application will modify the obligation rendering the condition unnecessary.

### **Impact on Public Benefit**

- 5.7 The age restriction cannot be justified and therefore in planning terms its removal would not result in a reduction to the public benefit. However, it would mean that the subject property is 'open market' housing. There is a public benefit to both providing age relevant accommodation and improving the supply of housing more generally.

### **Impact on Equalities**

- 5.8 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and

victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

- 5.9 With regards to the above this planning application is considered to have a neutral impact on equality as the benefits of age relevant accommodation and open market housing, in this instance in relation to vehicular parking, balance one another.

## **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.

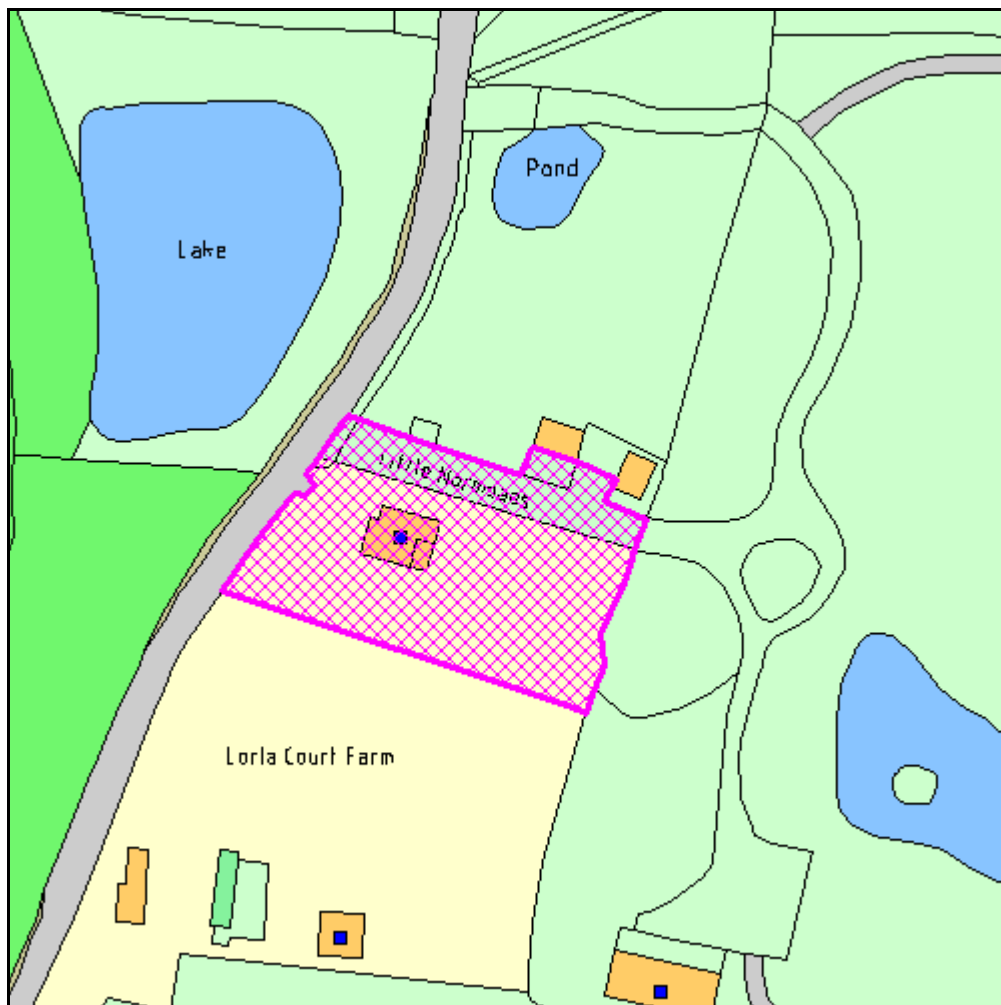
## **7. RECOMMENDATION**

- 7.1 It is recommended that the authority be delegated to the Director of Environment and Community Services to grant planning permission subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- (i) Modify the existing planning obligation relating to the occupancy of no.5 Teewell Court, Teewell Avenue, Staple Hill to remove the age restriction and enable persons of any age to reside there.
- 7.2 It is recommended that that the Head of Legal and Democratic Services be authorised to check and agree the wording of the Agreement.
- 7.3 It is recommended that should the Agreement not be completed within 6 months of the date of the resolution to grant planning permission, the application shall:
- (i) be returned to the Circulated Schedule for further consideration; or,
  - (ii) that delegated authority be given to the Director or Environment and Community Services to refuse the application.

**Contact Officer: Griff Bunce**  
**Tel. No. 01454 863438**

**CIRCULATED SCHEDULE NO. 19/19 – 10 MAY 2019**

<b>App No.:</b>	P19/1158/F	<b>Applicant:</b>	Mr J House
<b>Site:</b>	Little Normeads Golden Valley Lane Bitton Bristol South Gloucestershire BS30 6NZ	<b>Date Reg:</b>	4th February 2019
<b>Proposal:</b>	Erection of single storey rear extension to form additional living accommodation. Installation of front porch canopy, 2 no. front first floor balconies and flat to pitched roof alteration to west elevation (resubmission of planning application PK18/3689/F)	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	368524 170008	<b>Ward:</b>	Bitton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	28th 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 appears on the Circulated Schedule due to the receipt of an objection from the Parish Council

## **1. THE PROPOSAL**

- 1.1 This re-submission application seeks planning permission for the erection of a single storey rear extension, the installation of front porch canopy, 2 no. front first floor balconies and flat to pitched roof alteration to west elevation at Little Normeads Golden Valley Lane Bitton.
- 1.2 Little Normeads is not statutorily or non-statutorily protected, and the site is not situated within any conservation area. It is situated outside the settlement boundary and within Bristol / Bath Green Belt.
- 1.3 The applicant's planning statement stated that this application also seeks planning permission for the conversion of the host dwelling to a holiday let. Given the holiday let falls within the same use class as a dwellinghouse, i.e. Class C3, therefore, no planning permission is required for the proposed change.
- 1.4 It is noted that a separate planning application P19/1157/F, was submitted for the erection of a dwelling to the northeast of this application site.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework February 2019  
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

South Gloucestershire Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages

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

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

- 3.1 K5497 Two storey side extension. Approved 17.07.87
- 3.2 PK01/3486/F Erection of agricultural store and creation of new vehicular access. Withdrawn.
- 3.3 PK18/3689/F Erection of single storey rear extension and installation of 2 no. front balconies to form additional living accommodation. Withdrawn

It should be noted that a separate planning application, P19/1157/F, was submitted for the erection of 1 no. dwelling and detached garage with associated works. This application is being considered.

### 4. **CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
The Parish Council objected to this application as the Councillors feel it is an inappropriate.
- 4.2 Sustainable Transport  
No objection.

#### **Other Representations**

- 4.3 Local Residents  
Two letters of objection have been received and the residents' concerns are summarised as follows:
- we object to this development in Golden Valley Lane
  - The proposed extension/balcony is inappropriate for this building
  - The use of the property for business (holiday lets) is inappropriate when there is a need for residential housing

### 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. Of key importance in establishing the principle of development

- is the heritage classifications of the buildings and their siting. The development must seek to protect the special historic and archaeological interest of the building. The proposal accords with the principle of development subject to the consideration below.
- 5.2 National Green Belt policy under the NPPF has five aims which help to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. Inappropriate development is by definition harmful and should be avoided except in very special circumstances.
- 5.3 Green Belt Assessment  
Paragraph 145 of the NPPF February 2019 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. One of the Exceptions to this is:
- ( c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
- 5.4 The SPD *Development in the Green Belt (2007)*, has a disproportionate test for additions within this special area. In assessing whether a proposal is disproportionate account will be taken of:
- The increase in volume of the original dwelling.
  - The appearance of the proposal (it should not be out of proportion with the scale and character of the original dwelling).
  - Existing extensions and outbuildings within the curtilage.
- 5.5 Extensions to dwellings that would result in the overall volume increase exceeding 30% are carefully assessed. The 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*'. 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.
- 5.6 Based on the submitted plans and the available planning history, the original building has a volume of approximately 436m<sup>3</sup>. The existing extension has a volume of approximately 277 m<sup>3</sup> and the proposal, taking into consideration that part of the proposal would replace the original single storey structure, would have a volume of approximately 151m<sup>3</sup>, so the total volume of later additions to the original building would be 428m<sup>3</sup>. This would result in a volume increase of approximately 97.7% over the original size of the building.
- 5.7 Officers acknowledge that the resulting extensions to the original building is large in scale, and that the guidance would suggest that this is most likely to be considered disproportionate. However, it is possible that in a minority of cases larger extensions might still be considered to be proportionate. It is



considered that this is the case in relation to this site and proposed scheme. It is noted that part of the proposal would replace the original single storey structure at the rear and the volume of the current proposal would be approximately 150 m<sup>3</sup>, which is 34.4% to the original dwelling. Also, the proposal would present a compact form of development. It is therefore concluded that this would not have material adverse impact upon the openness of the Green Belt. Furthermore, the proposed single storey extension would be subservient to the host dwelling and other alternations, such as, balconies, porch, pitched roof, would be relatively small in scale. Officers therefore consider that the proposal would not be a disproportionate addition to the scale and character of the original dwelling. As such it is concluded that this is an appropriate form of development. Nevertheless, in order to safeguard the openness of the Green Belt and to allow the LPA to monitor further development on this site, it is considered that it would be necessary to remove the householder permitted development rights. This is because weight has been given to the compact form of development as opposed to a more spread out form of development. It is necessary therefore to remove the ability to revert to, or add even more development along these lines under permitted development rights. Therefore, the proposal would not be harmful to the openness of the Green Belt subject to such condition. Taking into consideration of all of the above, there are no objections to this proposal with regard to the Green Belt.

#### 5.8 Holiday Let

The applicant has stated that this dwelling would be converted to a documents and asked the Council to consider both applications favourably given that the existing dwelling will be used as a holiday let and the proposed new dwelling is to allow the applicants to live on site to operate the holiday let business.

5.9 Firstly, as stated in previous Paragraph 1.3, both holiday let and dwellinghouse fall within the same use class, i.e. Class C3. It is noted that the existing dwelling already has 4 no. bedrooms. The proposed internal alterations to convert the existing rooms on ground floor to additional bedrooms would not be required the express of planning consent. In addition, this property, as a result of the proposed alterations, would still have a lounge / dining and kitchen. Therefore, the proposal would not result in any material difference from the use as a dwellinghouse. Furthermore, the site benefits a large private amenity area and hard standing area for providing parking facilities for the host dwelling or the intended holiday let use. Therefore, it is considered that planning permission is not required for the proposed holiday let use.

5.10 Officers have also considered if it would be necessary or reasonable to impose a condition or seek a legal agreement to ensure that the property has to be used as a holiday let. Given that the proposal would not result in any adverse impact upon the amenity or highway safety (Detailed assessment is discussed as below), there is no planning reason to impose such conditions or seek a legal agreement.

- 5.11 Regarding the application for the proposed new dwelling, it should be noted that the proposed dwelling is not situated at the same footprint of the host dwelling. In addition, every planning applications need to be considered on its own merits.
- 5.12 Design  
The application site consists of a large detached dwelling with a two storey side addition. This property is not statutorily or non-statutorily protected and the site is not situated within a conservation area. The proposal seeks permission for a single storey rear extension, a balcony on the first floor front and rear elevation and a pitched roof onto the existing flat roof on the front elevation.
- 5.13 The depth of the proposed single storey extension would be very similar to the existing single storey structure. Although it would span across the entire width of the host dwelling, the proposed extension would remain subservient to its host dwelling and the proposed balconies and the pitched roof would not significantly distract from the character of the host dwelling. It is noted that there are some alternations to the existing openings, officers consider that such alterations would not cause significant harm to the character or appearance of the existing building. Overall, the proposed extension and alterations are considered to be acceptable in terms of design and it is not considered to have a detrimental impact on character or appearance of the host building or the locality. The proposed balconies are considered to be of an appropriate size and scale within the context of the site. As such, the proposal is deemed to comply with policies CS1 and CS9 of the Core Strategy.
- 5.14 Residential Amenity  
Policy PSP38 of the Policies, Sites and Places 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, as well as the private amenity space of the host dwelling.
- 5.15 The nearest neighbouring property to the site would be Lorla Court Farm, which is located to the south of the site. The application site benefits a large amenity area and the proposed extensions or alterations would be more than 10 metres from the north or south side boundary, therefore, it is considered that the proposal would not cause any unreasonable impact, in terms of overlooking or overbearing issues, upon the neighbouring properties. Furthermore, due to the relatively large size of the site, it is considered sufficient private residential amenity space would remain for the occupiers of the host dwelling.
- 5.16 In terms of amenity issues during the construction period, it would be reasonable to impose a planning condition to restrict the construction hours to minimise the nuisance upon the neighbouring occupiers.

#### 5.17 Transportation

The proposed development will increase the bedrooms within the dwelling to seven. The site plan shows that there would be 9 no. parking spaces available within the application site. Officers consider that the proposal would provide adequate parking facilities for this proposal, therefore there is no transportation or highway objection.

#### 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.

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

**Contact Officer: Olivia Tresise**  
**Tel. No. 01454 863761**

### CONDITIONS

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

Reason

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

2. 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 and E), 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 safeguard the openness of the Green Belt and in the interests of visual amenity and to accord with the National Planning Policy Framework, Policy CS1 and CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and the South Gloucestershire Development in the Green Belt SPD (Adopted) June 2007.

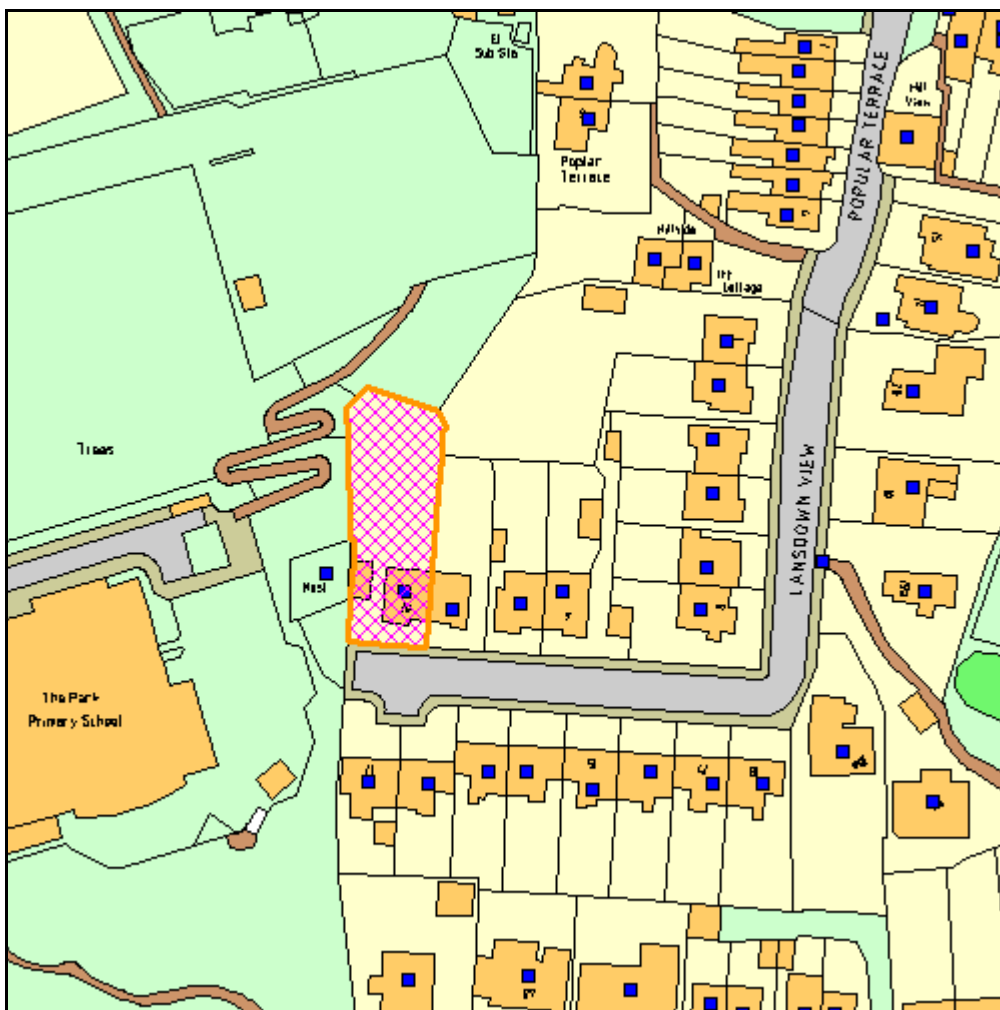
3. The hours of working on site during the period of construction shall be restricted to 0730 to 1800 Mondays to Fridays and 0800 to 1300 Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2003, and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 19/19 – 10 MAY 2019**

<b>App No.:</b>	P19/1592/F	<b>Applicant:</b>	Mr John Billings
<b>Site:</b>	10 Lansdown View Kingswood Bristol South Gloucestershire BS15 4AW	<b>Date Reg:</b>	13th February 2019
<b>Proposal:</b>	Erection of a two storey side and rear extension to form additional living accommodation and erection of front porch canopy.	<b>Parish:</b>	None
<b>Map Ref:</b>	365460 173665	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Householder	<b>Target Date:</b>	9th April 2019



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 100023410, 2008. **N.T.S.** **P19/1592/F**

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 is referred to the Circulated Schedule in accordance with procedure as objections have been received that are contrary to the officer recommendation.

## **1. THE PROPOSAL**

- 1.1 This applicant seeks planning permission for the erection of a two storey side and rear extension with a front porch. The extension will involve the removal of an existing single storey structure on the rear elevation and a small detached garage to the side of the property. The extension will extend to the rear by 3.66m at first floor level and 3.5m to the side. The roof will match the height of the original roof at its apex to form a gable end. The development will create a four bed property. Additional information has been sought and secured while considering the application to show that 3 spaces can be provided to the front of the property.
- 1.2 The host dwelling is a two-storey, semi-detached dwelling located within the defined settlement boundary of Kingswood. The property is located at the end of the street.

## **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

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

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

### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist (Adopted) 2007

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

PK06/1564/F Erection of single storey front extension to facilitate the conversion of existing dwelling to form 3 no. flats and 3 no. parking spaces (Refused)

PK07/3086/F Erection of 1no. detached bungalow. Erection of side porch and conversion of existing dwelling to form 2no. self-contained flats and associated works. (Refused)

### **4. CONSULTATION RESPONSES**

#### **4.1 Town/Parish Council** Unparished area.

##### **Sustainable Transport**

##### Initial Comments

The description of the proposal does not state that the garage will need to be demolished to facilitate the extension of this dwelling. If permitted the bedrooms within this dwelling will increase to four as part of this development.

South Gloucestershire Council's residential parking standards state that a dwelling with four bedrooms requires a minimum of two parking spaces to be provided with the boundary of the site. No detail on vehicular access and parking have been submitted but it would appear that there is insufficient space available within the site boundary to provide the required vehicular parking. In light of the above, a transportation objection is raised to the proposed development as it will remove existing vehicular parking from the site and fails to demonstrate that adequate alternative vehicular parking can be provided to meet South Gloucestershire Council's current parking standards.

Following receipt of additional information showing parking space provision, the following comments were received:

A revised plan has now been submitted which shows that vehicular parking which complies with South Gloucestershire Council's residential parking standards can be provided within the site boundary. On that basis, there is no transportation objection raised.

#### **Other Representations**

#### **4.2 Local Residents**

In response to the original proposal there were 6 letters of objection. The grounds of objection can be summarised as follows:

- There is insufficient parking provided.
- Loss of parking provision
- The road is congested

- Problems for refuse collection
- The road is used by others from adjoining areas inc Council and Heath Centre

Following receipt of plans to indicate parking provision at the property, 7 objections were received. The grounds of objection were as above. It was considered that insufficient parking provision is being made.

One letter of support has been received indicating that the proposed development would improve the visual appearance of the area

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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

### 5.2 Design and Visual Amenity

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

5.3 The application site is a two-storey, semi-detached dwelling located on a residential street in Kingswood. The property benefits from a large projecting gable bay. Of note is the fact that the property is situated at the end of the street. Opposite are standard 1930's style semi-detached properties while on this side there are the two similar semi-detached pairs with a distinctive projecting bay on each unit. While it is noted that the current proposal will create a gable end, it is not considered inappropriate visually. The porch is a little unusual but again not visually intrusive. The use of matching materials as set out in the submitted details will ensure that the structure integrates successfully with the original property. In summary the proposals are considered to accord with policy CS1 of the Core Strategy and PSP38 of the PSP Plan.

### 5.4 Residential Amenity

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

Given the location at the end of the street any impact must largely be considered against the other half of the semi-detached pair (there would be no significant impact upon properties on the opposite of the street). This impact would come from the rear element of the proposal. It was noted by the Case Officer on the site visit that the neighbouring property benefits from a single



storey element such that any impact from this proposal would largely be limited to first floor level. With a depth of 3.66m it is acknowledged that there would be some impact in terms of loss of light/overshadowing however that impact would be limited and it is not considered that it would warrant the refusal of the application. It is not considered that there would be any significant impact in terms of loss of privacy.

In terms of the existing house sufficient amenity space would be retained for the occupiers of that property.

#### 5.5 Transportation

All concerns raised and received following the consultation process relate to concern over whether the development would increase an existing parking problem in the road. Additional information has been supplied to show that two spaces and possibly 3 spaces would be provided to the front of the property. This is accepted by officers. While concerns are noted the required parking provision for a 4 bed property would be two spaces. As such the situation is policy compliant. No objection is raised on transportation grounds.

#### 5.6 Equalities

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

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

### 6. CONCLUSION

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

### 7. RECOMMENDATION

- 7.1 That planning permission be **GRANTED** subject to the condition(s) on the decision notice.

**Contact Officer: David Stockdale**  
**Tel. No. 01454 866622**

**CONDITIONS**

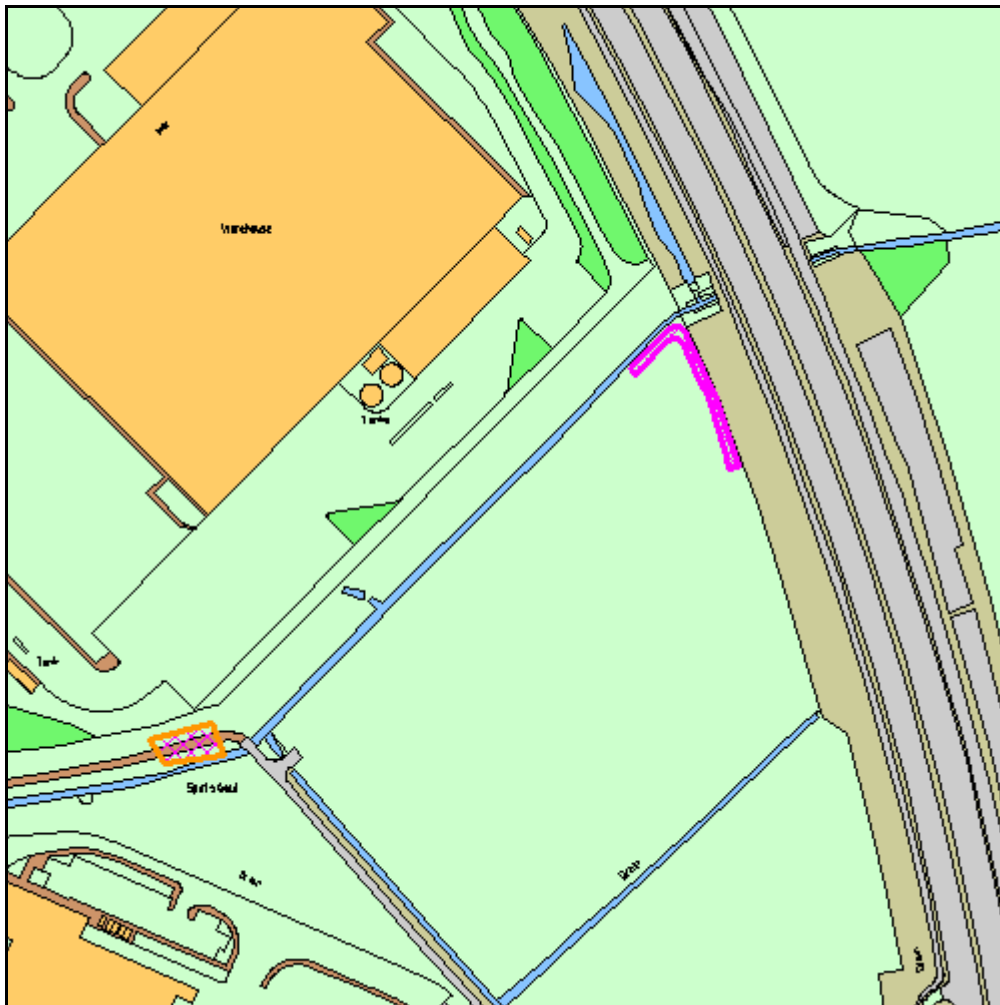
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 19/19 – 10 MAY 2019**

<b>App No.:</b>	P19/1682/FDI	<b>Applicant:</b>	Sevenside Distribution Land Ltd
<b>Site:</b>	Land Near Plot 2 Sevenside Hallen	<b>Date Reg:</b>	14th February 2019
<b>Proposal:</b>	Diversion of bridleway ORN/57	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	355657 183324	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Footpath Diversion	<b>Target Date:</b>	10th April 2019



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 100023410, 2008. **N.T.S.** **P19/1682/FDI**

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**

Under the current scheme of delegation all footpath and bridleway diversion orders are required to be determined by the Circulated Schedule process.

## **1. THE PROPOSAL**

- 1.1 The application is made under Section 257 of the Town and Country Planning Act 1990 (as amended) for the diversion of bridleway reference no. ORN/57.
- 1.2 The proposed route continues along the northern boundary of 'Plot 2' and then bends to follow the M49 boundary before re-joining the existing bridleway at Point B, the proposed route is shown on the attached drawing 10239-1000 A Plot 2 Bridleway Diversion Layout, and will run between points A,C,D and B, the bridleway will be 3.0m wide to match existing and constructed to the same specification.
- 1.3 Existing bridleway which crosses land at Central Park, Severnside, the bridleway skirts a development known as 'Plot 2' and it runs parallel with the M49 Motorway, as shown on the attached drawing 10239-1000 A Plot 2 Bridleway Diversion Layout, the bridleway is to be diverted between points A and B.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework March 2012  
Town and Country Planning Act 1990 (as amended) Section 257  
Circular 01/2009 Rights of Way

### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS9 Managing the Environment and Heritage  
CS35 Severnside

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

PSP10 Active Travel Routes  
PSP11 Transport Impact Management  
PSP26 Enterprise Areas

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

- 3.1 PT05/1153/RM                      Erection of Class B8 distribution centre incorporating ancillary Class B1 offices with car/HGV parking and associated landscaping. (Approval of Reserved Matters) (To be read in conjunction with outline planning permission PT01/0293/RVC).  
Approved 27.06.05
- 3.2 P97/2501/F                          Diversion of footpath ORN57  
No objection 14.01.1998.
- 3.3 P94/0400/8                         Development of 87.9 hectares of land for the layout and construction of a distribution park (Class B8 as Defined in the Town and Country Planning (Use Classes) Order 1987).  
Approved 08.06.1995.
- 3.4 SG.4244                              Development of Areas 1, 2 and 3  
Land at Severnside  
Approved 27.11.1957

### **4. CONSULTATION RESPONSES**

- 4.1 Pilning and Severn Beach Parish Council  
Objection.  
Pilning & Severn beach Parish Council objection because the diversion will hem in the bridleway between the proposed sheds and the motorway. Altering the natural amenity and ambiance of the already existing pathway.
- The proposed diversion ensures that the bridle route continues against the motorway boundary for an even longer distance than now. The current route was an amendment requested recently as a measure to enable the land-raising and drainage works preparatory to the development of this land (part of the 1957 consent). The route alongside the M49 was objected to at the time. As this bridleway is going to the new junction over the M49 to connect to Farm Lane, it would be good if the proposers, now able to be more clear about what buildings they wish to construct, could propose a diversion route, away from the motorway for as far as possible, say between this site and Chep pallets as part of their landscaped buffer.
- 4.2 Byeways and Bridleways Trust  
No comment received.
- 4.3 British Horse Society  
No comment received.
- 4.4 Open Spaces Society  
No comment received.

4.5 Public Rights of Way

No objection.

It is relatively minimal and, whilst having less of a corner on the bend of the bridleway is desirable, we do not believe that it will impact on the bridleway significantly.

4.6 The South Gloucestershire Ramblers Association

No comment received.

**Other Representations**

4.7 Local Residents

No comments received.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The diversion of a Public Right of Way is not development as defined in the Town and Country Planning Act. As such, a diversion order can only be considered within planning legislation when the diversion of the footpath is required in order to allow the implementation of a planning permission. The nature of the assessment should consider the proposed route and its suitability in terms of the amenity of the public right of way and whether or not the diversion is reasonable in respect of the planning permission it relates to.

5.2 The existing bridleway crosses land at Central Park, Severnside. The proposed change of route of the bridleway Ref. ORN.57 is to enable the implementation of planning permission Ref. SG.4244 (approved 27.11.1957). The bridleway skirts a development known as 'Plot 2' and it runs parallel with the M49 motorway. It is proposed to divert the bridleway between points A and B and to extend the bridleway further to the northern boundary. The bridleway will be 3.0 metres wide to match the existing and constructed to the same specification.

5.3 The existing bridleway is required to be diverted because of the implementation of development, which has been granted consent makes the existing route unviable. The sections of the bridleway to be diverted are clearly shown on the plans submitted and alternative routes are shown as dotted lines.

5.4 The diversion is considered to retain as far as practical the utility and the amenity of the existing right of way. The additional distance is not excessive, merely hugging the northern boundary rather than cutting the corner as existing. Overall, the proposed amendment to the bridleway is considered acceptable.

5.5 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between

people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

## **6. CONCLUSION**

- 6.1 The recommendation to raise no objection 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.
- 6.2 The proposal complies with national guidance in relation to public rights of way.

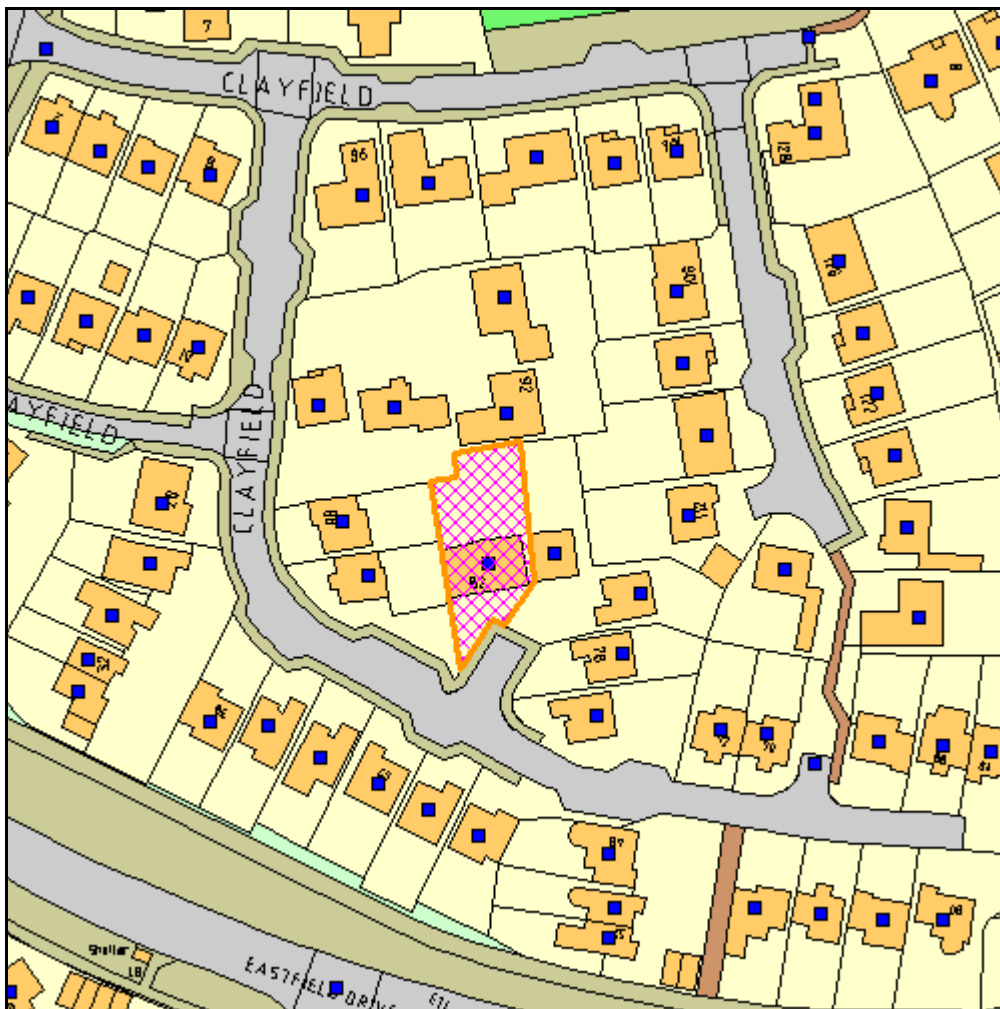
## **7. RECOMMENDATION**

- 7.1 It is recommended that **no objection** is raised and an Order to divert the legal route of the bridleway is made.

**Contact Officer:** Katie Warrington  
**Tel. No.** 01454 864245

**CIRCULATED SCHEDULE NO. 19/19 – 10 MAY 2019**

<b>App No.:</b>	P19/2102/F	<b>Applicant:</b>	Mr And Mrs G Rushent
<b>Site:</b>	82 Clayfield Yate Bristol South Gloucestershire BS37 7HU	<b>Date Reg:</b>	26th February 2019
<b>Proposal:</b>	Erection of first floor front and side extension. Installation of front and rear dormer windows above existing garage to form additional living accommodation.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371398 184021	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	18th April 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 CIRCULATED SCHEDULE**

The application is referred to the Circulated Schedule as 3no support comments have been received from local residents which are contrary to the Officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a first floor extension with front and rear dormer windows above an existing garage to form additional living accommodation at 82 Clayfield, Yate.
- 1.2 The application site relates to a two storey, detached property with attached double garage located within the established residential area of Yate.

## **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

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

PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP11 Transport Impact Management  
PSP16 Parking Standards  
PSP38 Development within Existing Residential Curtilages  
PSP43 Private Amenity Standards

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

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PK17/5570/F  
Erection of first floor side extension to form additional living accommodation.

Refused: 21/01/2018

3.2 P94/0600/30

Development of land for the erection of 71 dwellings, construction of associated driveways, cycleways, access roads, and pavement, provision of landscaped areas (in accordance with the revised layout plans received by the council 6 April 1993 and amended plans received by the council on 22 and 27 April 1993), without complying with condition 09 of planning permission P93/600/21 dated 4 May 1993.

Approved: 12/10/1994

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

4.1 Yate Town Council

No comment received

4.2 Sustainable Transport

It would appear that the parking and access arrangements remain unchanged from the previous proposal. The number of bedrooms to be created also remain unchanged.

In light of the above, there is no transportation objection raised.

#### **Other Representations**

4.3 Local Residents

Objection comments received from 2no local residents, summarised as follows;

- Loss of light to back garden.
- Overbearing, imposing feature which will increase the sense of enclosure.
- Will look out onto a brick wall.
- Will devalue my property.

Support comments received from 3no local residents. Summarised as follows;

- Roof height has little to no change.
- Dormers will break up the view with the differing angles of the roof.
- No sunlight will be blocked as the existing house height hasn't changed.
- Will allow elderly family members with mobility issues to live in the property and be cared for by family.
- Proposal is significantly smaller than the first application and should not impact residents in the area.
- No objections to this extension.

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

5.1 Principle of Development

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of

the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

The existing property consists of a two storey detached dwelling which measures approximately 8.7 metres in width, with an attached garage projecting from the side elevation at approximately 5.5 metres in width. The garage and ground floor of the main dwelling are set forward of the first floor of the main dwelling by approximately 1.3 metres.

5.3 The proposed development seeks to erect a first floor extension above the existing garage to include two gable dormers, to the front and rear of the proposal. The proposal would extend above the entire footprint of the existing garage, increasing the height of the eaves and ridge by approximately 1.2 metres. The ridge height of the proposed extension would be significantly lower than the main roof ridge and therefore the proposal would retain the subservient appearance of the existing garage, giving a distinction between the proposal and existing two storey building. The introduction of gable dormers are not considered to significantly harm the character or visual amenity of the area.

5.4 The materials to be used in the external finish of the proposal include natural stone blockwork with brickwork detailing; concrete roof tiles and white UPVC windows. All proposed materials would match those of the existing dwelling and are therefore deemed to be acceptable.

5.5 Overall, it is considered that the proposed first floor extension would not be detrimental to the character of the host dwelling or the surrounding area and is of an acceptable standard of design. As such, the proposal is deemed to comply with Policy CS1 of the Core Strategy.

5.6 Residential Amenity

Policies PSP8 and PSP38 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

5.7 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. The main properties under consideration are no's 84 and 86 Clayfield which are situated to the west of the subject property.

5.8 Due to the orientation of the subject property, the side elevation of the attached double garage is built up to the rear boundary of no.84 Clayfield. The existing garage has a depth of approximately 8.3m and as such extends along the majority of the boundary separating the two properties. The proposal would increase the eaves and ridge height of the existing garage by approximately 1.2 metres, although this is considered to be a modest increase in terms of scale

- and has been reduced from the previously refused proposal, it is still thought to represent a significant impact to the residential amenity of no.84. The garden of no.84 is relatively small and currently has the existing single storey garage along the majority of the rear boundary, therefore any increase in height of the existing garage would increase the sense of enclosure and as a result significantly impact upon the use and enjoyment of the rear conservatory and private amenity space for the occupiers of the neighbouring property.
- 5.9 Concerns were raised by a neighbouring occupier of a potential loss of light impact, however taking into account the path of the sun throughout the day, it is the opinion of the Officer that the existing levels of light afforded to the neighbouring occupiers would not be detrimentally impacted to such a degree as to warrant refusal.
- 5.10 The proposed rear dormer window would serve a bathroom and is therefore likely to be obscure glazed, also considering the location of the proposed dormer to the front of the property, it is not considered the proposal would result in any material overlooking issues. Furthermore, it is considered that sufficient private residential amenity space would remain for the occupiers of the host dwelling following development.
- 5.11 Given the above, it is considered that the proposed extension would have an unacceptably adverse impact on the residential amenity of no.84 Clayfield. It would be overbearing on the outlook and living conditions of the occupiers of no.84, resulting in substantial harm to residential amenity. It therefore follows that the proposal should be refused as it is deemed contrary to Policies PSP8 and PSP38 of the Policies, Sites and Places Plan.
- 5.12 Sustainable Transport and Parking Provision  
The application is proposing an increase in bedroom numbers from four to five; South Gloucestershire Council's residential parking standards require a five bedroom property to provide a minimum of three off-street parking spaces. It was noted during a site visit that the property currently benefits from a driveway to the front of the property which is able to accommodate two vehicles. The existing garage is able to accommodate a further vehicle. The existing driveway and garage would remain following development and therefore no objections are raised in terms of transport.
- 5.13 Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

#### 5.14 Other Matters

The impact to the value of neighbouring properties is not a material planning consideration and therefore does not form part of the assessment of this application.

It has been suggested by a local resident that the proposed extension is to enable elderly relatives to be cared for within the property. The application makes no reference to elderly relatives in need of care. As such, no evidence has been provided in relation this.

### 6. CONCLUSION

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

6.2 The recommendation to **refuse** permission has been taken having regard to the policies and proposals in the 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 **REFUSED**.

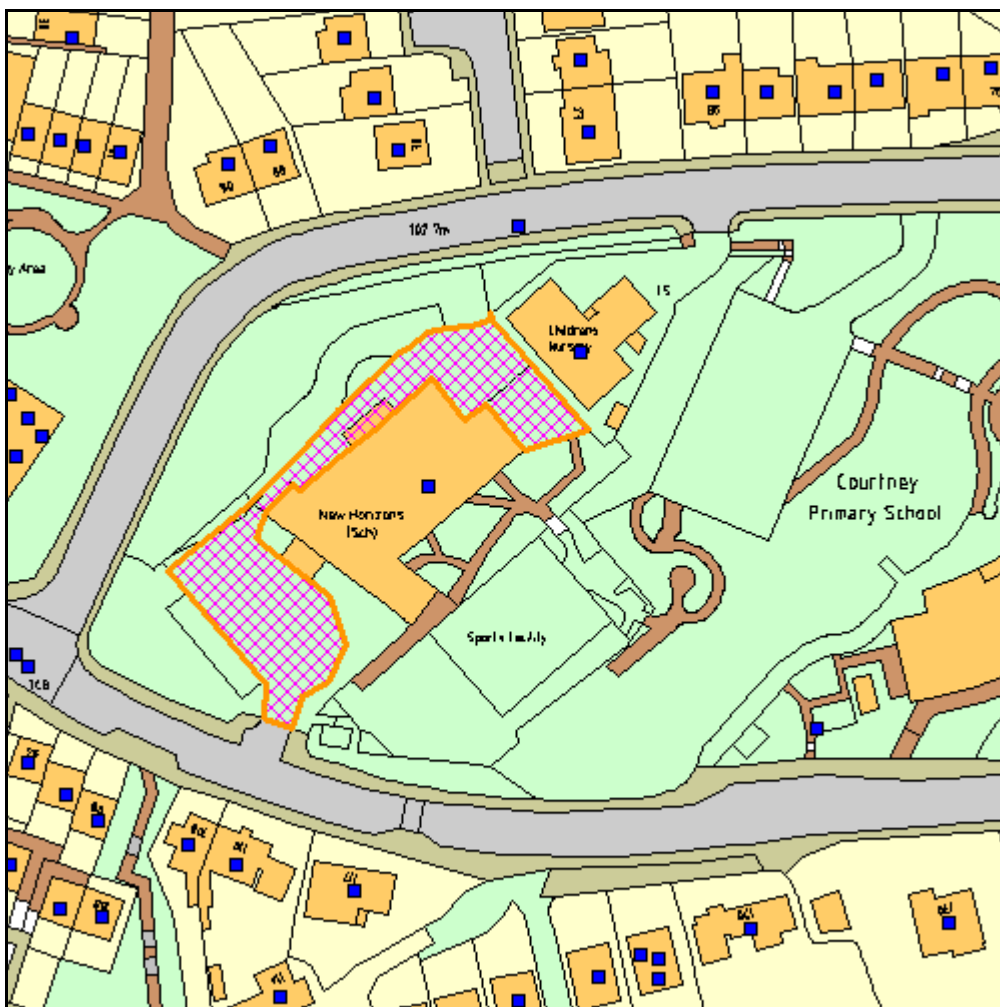
**Contact Officer: James Reynolds**  
**Tel. No. 01454 864712**

### REFUSAL REASONS

1. The proposed erection of a first floor side extension, by reason of its siting and scale; if allowed would be detrimentally overbearing on the outlook and living conditions of the neighbouring dwellinghouses, resulting in significant harm to residential amenity. The proposal is therefore considered contrary to Policies 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. 19/19 – 10 MAY 2019**

<b>App No.:</b>	P19/2614/R3F	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	New Horizons Primary Learning Centre Courtney Road Kingswood South Gloucestershire BS15 9RD	<b>Date Reg:</b>	13th March 2019
<b>Proposal:</b>	Erection of extension to existing school to form 2no additional classrooms and outdoor play area.	<b>Parish:</b>	None
<b>Map Ref:</b>	365522 173223	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd May 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 CIRCULATED SCHEDULE**

This application is referred to circulated schedule due to it being submitted by the Councils Property Services Team.

### **1. THE PROPOSAL**

- 1.1 This application seeks the erection of an extension to an existing school to form 2no, additional classrooms and an outdoor play area at New Horizons Primary Learning Centre in Kingswood.
- 1.2 The site relates to an existing BESD primary school and associated ground in a built up residential area of Kingswood. The site sits between Gages Road to the North and Courtney Road to the south. It is in part of the East Fringe of Bristol Urban Area.
- 1.3 The site is formed of one main building, green playing areas, as well as playing areas on hardstanding. The school has a car park to the front and there are nearby sports facilities. The extension would be located on an area of hardstanding to the rear of the main school.
- 1.4 Pre-application advice was sought on the scheme.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework Feb 2019  
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
CS23	Community Infrastructure and Cultural Activity
CS29	Communities of the East Fringe of Bristol Urban Area.

South Gloucestershire 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
PSP22	Unstable Land
PSP44	Open Space, Sport and Recreation

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

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

- 3.1 PK10/3098/R3F Deemed Consent 14.12.2010  
Erection of new 15 place BESD special primary school with associated works. Erection of 3m maximum high boundary fence and gates. (Resubmission of PK09/6022/R3F)
- 3.2 PRE18/1104 06.12.2018  
Extension of the school building by the addition of 2 new classrooms and ancillary areas. Advice required regarding the layout of the site (landscape and buildings nearby) and the appearance of the new build (size and scale).

### 4. **CONSULTATION RESPONSES**

- 4.1 Sustainable Transport  
No objection.
- 4.2 Tree Officer  
No comments received.
- 4.3 Environmental Protection  
No objection

#### **Other Representations**

- 4.4 Local Residents  
No comments received.

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

- 5.1 Principle of Development  
The National Planning Policy Framework (NPPF) sets out in para. 94 that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. It also goes on to state that great weight should be given to the need to create, expand or alter schools. In addition to the above, CS23 sets out that the Council will work to provide additional, extended or enhanced community infrastructure.
- 5.2 The applicant has provided information in the form of an Education Needs Statement. This sets out that South Gloucestershire Council does not currently have its own specialist provision for younger pupils with BESD (Behavioural, Emotional and Social Difficulties) and as such is currently reliant on authority partners. There is currently a need for places in the early primary phase (Key



Stages 1 and 2). Significant weight is therefore given to the fact that the proposal will help meet identified demand in the local authority area.

5.3 While the development is considered acceptable in principle, detailed matters will be discussed below.

5.4 Design and Visual Amenity

Policy CS1 only permits new development where the “highest standards” of site planning and design are achieved. This policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

5.5 The development would involve a fairly modest extension to the rear of the building which is currently part of a hardstanding play area. Plans show that this would provide two additional classrooms, quiet room, group room and toilets.

5.6 The extension would be a single storey structure which would have ‘stepped footprint’ with both classrooms facing out on to play areas. The design of the extension would replicate the rest of the main school building. It would have a flat roof with sky lights, and the materials would match those found on the existing building. Accordingly, it is considered that the extension is informed, and respects the character of the site, it also appears to be suitable for its use. It would be tucked away in the corner of the school site and would not generally be visible from the public realm. In any case, it is not considered that it would result in unacceptable visual impacts.

5.7 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.

5.8 As aforementioned, the extension would not generally be visible from the public realm. It is a fairly modest, single storey structure which would not result in harmful impacts to surrounding occupiers.

5.9 Parking and Highway Safety

There is currently a single vehicular access to the school off Courtney Road. This access leads in to the school car park and is also used by delivery vehicles. It is proposed that the same access would be utilised for construction traffic as part of this development. It is proposed that the existing access would be managed to ensure avoidance of school drop off and pick up times. This is considered acceptable.

5.10 Details of various types of vehicles which would be accessing the site and the proposed vehicular movements have been submitted. The highways authority have reviewed this information and are satisfied that the access is adequate to accommodate additional construction traffic.

5.11 In terms of parking, the site currently has 11no. parking spaces and 1no. accessible parking space. There is a drop off area for 5no. taxis, 1no. secure space for a minibus and a cycle shelter for 5no. bicycles. As part of this development it is proposed to introduce 2no. additional parking spaces and 1no. additional accessible parking space. There would be an increase of 2 staff at the site. However, the parking proposed is considered acceptable and no objection is raised to these matters. This will be subject to conditions.

5.12 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.

5.13 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 given **DEEMED CONSENT**.

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

**CONDITIONS**

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

3. The development hereby permitted shall proceed in accordance with the Access Arrangements Plan (dwg no. LA/226/06, as received by the Council 8th March 2019).

Reason

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

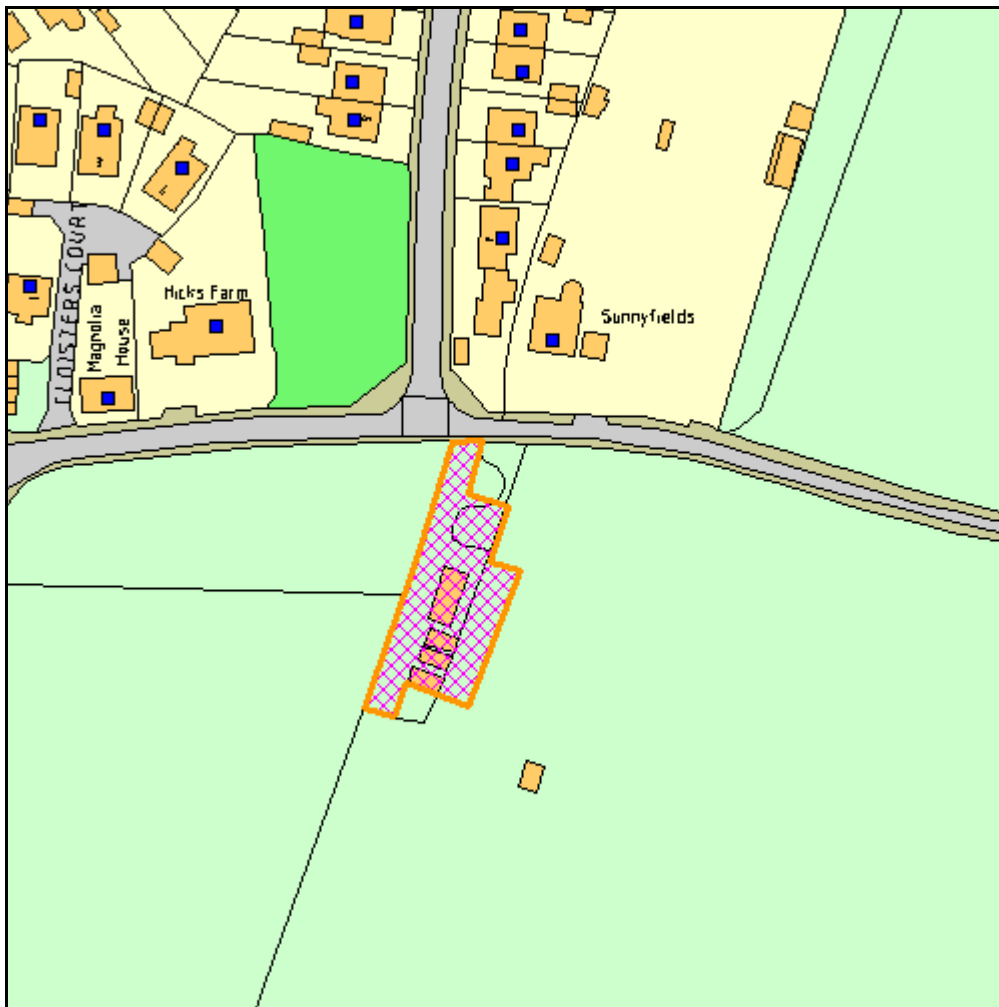
4. The off-street parking facilities as shown on the Proposed Site plan (dwg no. 56B, as received by the Council 8th March 2019) hereby approved shall be provided before the extension is first occupied, and thereafter retained for that purpose.

Reason

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

**CIRCULATED SCHEDULE NO. 19/19 – 10 MAY 2019**

<b>App No.:</b>	P19/2808/F	<b>Applicant:</b>	Messrs Drew And Pickett
<b>Site:</b>	Cloister Stables Cloisters Road Winterbourne South Gloucestershire BS36 1LL	<b>Date Reg:</b>	19th March 2019
<b>Proposal:</b>	Demolition of existing stables and outbuilding. Erection of 1 No. dwelling and associated works.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365573 180729	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th May 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 CIRCULATED SCHEDULE**

This report appears on the Circulated Scheduled following 4 comments of support from local residents contrary to Officer recommendation.

## **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the demolition of existing stables and outbuildings and the erection of one new dwelling with associated works. The site is Cloister Stables, Cloister Road, Winterbourne.
- 1.2 The application site lies outside the settlement boundary of Winterbourne, in the open countryside and in the Bristol/Bath Green Belt.

## **2. POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework February 2019  
National Planning Guidance

### 2.2 Development Plans

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

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP10	Active Travel Routes
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
PSP28	Rural Economy
PSP38	Development within Existing Residential Curtilages
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007)

South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013  
Affordable Housing SPD (Adopted) Sept.2008.

Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide  
SPD – (Adopted) March 2015

SPD: Development in the Green Belt (Adopted) 2007

South Gloucestershire Council Waste Collection: guidance for new  
developments SPD (Adopted) Jan 2015

South Gloucestershire Landscape Character Assessment (Adopted) 2014

## 3. RELEVANT PLANNING HISTORY

- |     |                     |   |
|-----|---------------------|---|
| 3.1 | P92/2210<br>Refusal | Use of land for the stationing of a mobile home<br>11.11.92   |
| 3.2 | P85/2591<br>Refused | Residential and ancillary development together with related<br>highway and drainage works on 42.75 ha (outline).<br>20.7.86   |
| 3.3 | P85/2390<br>Refused | Residential development together with ancillary highway<br>and drainage works on 42.75 ha. (105.6 acres) of land.<br>14.11.85 |

## 4. CONSULTATION RESPONSES

### 4.1 Winterbourne Parish Council

Objection. The property development is in the Green Belt. No demonstrable  
reason has been given under green belt terms for this development.

### Internal Consultees

#### 4.2 Conservation

No objection:

No harm to the setting of the nearby listed building.

#### 4.3 Ecology

No objection subject to conditions regarding lighting strategy and an ecological  
enhancement feature.

#### 4.4 Highway Structures

No comment

## **Statutory / External Consultees**

### 4.5 Drainage

Query method of foul sewage disposal.

*Updated comments:*

*Following the submission of further details there are no objections.*

### 4.6 Transport

No objection however more details on visibility splay needed.

*Updated*

*Whilst the plans provided are not particularly clear, they are sufficient to allow us to reach a conclusion that the proposed access will be acceptable in terms of visibility and surface material. Consequently, we have no further comments about this application. We would, however, take this opportunity to remind the applicant of the need for any works on the public highway, including installation of dropkerbs, to be fully approved by this Council before and after construction.*

## **Other Representations**

### 4.7 Local Residents

13 letters of objection have been received. The points raised are summarised as:

- This is Green Belt land – no valid reason for residential development – not in keeping with the surrounding land which is open fields. Stables are fine; housing not.
- What is point of identifying Green Belt land if rules around it are to be ignored
- Hicks Common is an important part of the green area between villages of Winterbourne, Winterbourne Down, Frampton Cotterell and Coalpit Heath. Also close to Frome Valley Walkway
- Important to retain green areas between developments
- Wholly inappropriate
- Contrary to current land use
- Streets of Winterbourne are unable to cope with any more traffic
- No infrastructure to support additional dwellings in this area – difficult to get doctor's appointments, to park at local shops and local facilities are at breaking point
- Hicks Common Road is already a rat run and a high risk area

4 letters of support have been received. The points raised are summarised as:

- Small dwelling would not impact on surroundings and would like to see this area kept in local hands
- Dwelling is sympathetic to and will blend into the surroundings
- As a single dwelling would have little impact on the Green Belt or create any precedent for further development
- This development is in reaction to prevent others purchasing the land and using it in a far less sympathetic manner which would have had a dramatic impact on Frome Valley area
- Positive way to utilise the land and fully maintain its look and feel.

## 5. **ANALYSIS OF PROPOSAL**

5.1 The proposal is for the demolition of existing stables and outbuildings and the erection of one dwelling.

### 5.2 **Principle of Development**

The application stands to be assessed against the above listed policies and all material considerations. The site is located within the Bristol/Bath Green Belt, outside any settlement boundary.

5.3 Any new development must accord with all the relevant policy tests and these include design, appearance, impact on the character of the area, impact on amenity space and on highway safety. PSP40 lists the type of development that is acceptable in the countryside and Policy CS5 establishes the spatial strategy for development in the district. Under this policy, new development is directed to the existing urban areas, market towns, and defined rural settlements. Residential development outside of these locations is strictly controlled. Similarly, Policy PSP2 and CS34 aim to protect the countryside and the designated Green Belt from inappropriate development which adversely affects its natural beauty.

5.4 Following the publication in December 2018 of an extract from the Authority Monitoring Report, South Gloucestershire Council can demonstrate a 5 year housing land supply. Policies that restrict the supply of housing are no longer be considered out of date and are afforded full weight in decision taking. The tilted balance – on the basis of housing supply policies – is no longer applied.

5.5 Under the spatial strategy set out above, development of this nature should therefore be permitted only in the urban areas or defined settlements. The site is not within a defined settlement and nor does the built form in this location represent a village.

5.6 It therefore follows that there is an in principle objection to the proposed development as it does not accord with the spatial strategy as expressed in the Development Plan.

5.7 Notwithstanding this, and whilst the majority of applications for new residential development outside of settlement boundaries should be resisted in accordance with the Council's spatial strategy, the Local Planning Authority does consider that it may be suitable, in a few circumstances, to recommend approval of dwellings outside of the settlement boundary.

5.8 This will only apply when the site lies close to the edge of the defined settlement boundary and has a direct relationship with it (for example, may be linked to the settlement boundary by other buildings, or have good footpath links to the settlement boundary). Essentially, it should read as a natural extension to the settlement boundary. However in the interests of the Council's overall spatial strategy for new housing, this should only apply to very small development proposals of 1-2 dwellings.



- 5.9 Given the above, policies relating to housing such as CS5 and PSP40 are considered up to date and attract full weight. Due to the position of the site in an open field, separate to and some distance away from any other dwellings the proposal does not have a direct relationship with the settlement boundary and would not be read as a natural extension to it. This counts towards the in principle objection to the scheme. The assessment continues below with regards to compliance with the principle of Green Belt policy and residential development in the countryside.
- 5.10 Green Belt  
The application site is on the south part of Cloisters Road. This side of the road is outside the settlement boundary and forms part of the patchwork of fields which separates Winterbourne from nearby villages and where the land slopes down to the Frome Valley.
- 5.11 The aim of both national and local Green Belt policy is to protect this special area from inappropriate development. The erection of new buildings is regarded as inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.12 Paragraphs 145 and 146 set out exception categories where the construction of new buildings within the Green Belt can be considered to be appropriate development.
- 5.13 The applicant has stated that the most appropriate criteria for this application is that of criteria (g) :
- Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would*
- *Not have a greater impact on the openness of the Green Belt than the existing development*
- 5.14 The agent has stated that the proposal would be the redevelopment of previously developed land and has argued that the removal of the stables and outbuildings and their replacement by 1 house would not have a greater impact on the openness of the Green Belt.
- 5.15 To comply with the exception criteria it is necessary to examine the definition of limited infilling and of previously developed land.
- 5.16 Limited infilling:  
The Council's Development in the Green Belt SPD states that infill development is defined as '*development that is small in scale and which fits into an existing built up area in a defined settlement boundary, normally in between existing buildings in a linear formation.*' The definition of infill development within the Core Strategy also states the same criteria.

- 5.17 The site lies outside the established settlement boundary and on this basis does not meet the above definition.
- 5.18 The NPPF itself does not provide a definition of 'limited infilling' but in planning terms it refers to the filling or closing of gaps, for example in a row of houses.
- 5.19 In the appeal decision for Pepper Hill House (ref APP/J1915/W/17/3183096), the Inspector tackled the issue of infilling. The Inspector felt it was the *filling of something of a defined and limited gap such as a vacant part of a street scene or noticeable empty area between existing built development*.
- 5.20 In this application the site is within an open field to the south of Cloisters Road. It would therefore not be the filling in of any gap and as such fails to meet with the described understanding of what good infilling should and is intended to represent.
- 5.21 Moving on to the matter of previously developed land (PDL). The NPPF gives a definition which states that PDL is that which is or was occupied by a permanent structure and any associated fixed surface infrastructure. This excludes land this is or was last occupied by agricultural or forestry buildings.
- 5.22 It is acknowledged that as stables with associated outbuildings, the site meets the definition of PDL. However, the impact the introduction of a residential dwelling, its curtilage and associated paraphernalia would have on this part of the Green Belt now requires additional consideration.
- 5.23 Openness  
In the supporting documents, figures demonstrate that both the existing and proposed volume and the existing and proposed footprints of the stables and outbuildings and that of the proposed dwelling would be very similar and on this basis it is argued by the applicant, there would be no greater impact on openness above the existing situation.
- 5.24 Keeping land permanently open is a fundamental aim of Green Belt policy. Openness has both spatial and physical elements and can be defined as the absence of built form. The dwelling would be somewhat removed from the houses on the opposite side of Cloisters Road and would not be seen within the background of the existing built up area of Winterbourne. Views of it would be possible from the surrounding landscape. In addition, the curtilage would be increased to the east to create the associated garden space, overlooking open fields and the main openings for the new dwelling would be in this east elevation. A landscape plan indicates additional planting would be put in place. However, by means of physically creating a garden, domestic clutter and other paraphernalia would be added to the site and this way would undermine the rural character of the area and represent encroachment into the countryside.
- 5.25 The introduction of a residential curtilage would consequently, have a greater impact on the openness of the Green Belt than the existing situation. Substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm can be clearly outweighed by other considerations.

- 5.26 The applicant has, however, argued that the proposal accords with the criteria and as such, there has been no need to submit very special circumstances.
- 5.27 Openness is an essential characteristic of the Green Belt. The proposed residential development on this site would result in encroachment into the countryside, would affect the character and appearance of the Green Belt and furthermore, detract from the openness of the Green Belt.
- 5.28 Given the above, the proposal would fail to comply with Green Belt policy.
- 5.29 Development in the countryside (PSP40):  
The scheme would be for the erection of a new dwelling in a field. Acceptable residential development in the countryside as listed under PSP40 include: rural housing exception sites; rural workers dwellings; replacement of a single dwelling; or the conversion and re-use of existing buildings.
- 5.30 The scheme fails to accord with any of these policy criteria and is therefore inappropriate development in the countryside.
- 5.31 Conclusion of principle of development:  
Given the above there is an in principle objection to the scheme but the assessment of other components of the application continues below.
- 5.32 Design/appearance  
The NPPF and local adopted policy under CS1 places great emphasis on the importance of design. Good quality design respects both the character of existing properties and the character of an area in general. The NPPF suggests good design should respond to and be sensitive to local character, should aim to raise standards of design and enhance the immediate setting. The updated guidance emphasises high quality design that takes into account local design standards continues to be important, and poor design that fails to take opportunities to improve the quality of an area or to take this into account, should be resisted.
- 5.33 A definition used by CABE (commission for Architecture and the Built Environment) stated:  
  
*It is possible to distinguish good design from bad design. By good design we mean design that is fit for purpose, sustainable, efficient, coherent, flexible, responsive to context, good looking and a clear expression of the requirements of the brief*
- 5.34 Although CABE was merged with the Design Council, the organisation, Design Council CABE, remains a government adviser on design. Its published documents on design emphasise the importance the government places on good design demonstrated in the updated NPPF 2018, *Achieving well-designed places* which states:  
  
*The creation of high quality buildings and places is fundamental to what the planning and development process should achieve*

5.35 Most relevantly the NPPF 2018 at paragraph 130 states quite clearly:

*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*

5.36 In addition the government has recently launched the Building Better, Building Beautiful Commission to tackle the challenge of poor quality design and build of homes and places. This demonstrates the high importance the government puts on good quality design.

5.37 The covering letter included with the submission indicates the proposed new dwelling would be constructed of local stone to the end gables with unstained hardwood boarding cladding to the front and rear elevation with a plain clay tiled roof. The structure would be single storey with openings in the south, east and west elevations. Internally the accommodation would comprise a sitting room, dining room/kitchen, utility area, bathroom and 2 bedrooms, one with ensuite.

5.38 Three high level windows would be positioned in the west elevation, a set of full height doors in the southern elevation and a large number of openings in the east. These would include two sets of double doors, four single doors, one set of double windows and four individual windows. The building would achieve a footprint of around 23 metres by 4.7 metres, 2.1 metres to eaves and an overall ridge height of 3.3 metres. The accompanying letter has stated this would be a simple dwelling. This is acknowledged in terms of its height but the number of openings in the east elevation is considered an excessive amount of glazing for this proposed 2 bed dwelling. Furthermore, it is likely that this amount of glazing will be evident from across the valley.

5.39 It is considered that the proposed dwelling would not represent the best possible design that could be achieved on this prominent, rural location. The proposal fails to accord with CS1 and PSP1 and the aims of national guidance.

5.40 Residential Amenity

Adopted Policy PSP43 requires that all new residential units will be expected to have access to private amenity space which among other things should be: functional, orientated to maximise sunlight and designed to take account of the context of the development including the character of the surrounding area.

5.41 The proposal would be a 2 bed dwelling. Adopted Policy PSP43 indicates the minimum size amenity space that is required for new dwellings. A 2 bed property would need 50 square metres. All new dwellings must meet this standard. In addition amenity space must be functional and private. This means open front gardens and pathways would be excluded from the calculation. The submitted plan shows that the amenity space to the east of the site would be around 170 square metres. This is quite excessive for a new dwelling of this size in a countryside location and furthermore, would be using part of the open field.

- 5.42 Although this is a different scheme, a useful indication is the amount of new residential amenity space allowed under Class Q permitted development where existing barns are converted into residential accommodation. These regulations suggest a residential curtilage should be no larger than the footprint of the building and parking spaces should be included within it. No justification has been given for the size of the amenity space and it represents encroachment into the countryside which has been assessed above as being inappropriate.
- 5.43 Landscape:  
The site is within the Frome Valley Landscape Character Assessment (LCA13). Some of the key characteristics include it being identified as a *rural area comprising a mix of medium sized pasture and arable fields, with some limited common land. Small fields are located nearer settlements with a more mixed land use, including some paddocks, plant nurseries, recreation grounds and storage compounds.* It is specifically noted that *The separate settlements of Winterbourne, Frampton Cotterell and Coapit Heath form a distinct horseshoe shape surrounding a rural landscape.*
- 5.44 Adopted policy expects new development to, among other things, respond constructively to the buildings and characteristics that make a positive contribution to the distinctiveness of the area, to conserve the quality, distinctiveness and special character of the landscape, to minimise the loss of vegetation and to provide opportunities for local wildlife.
- 5.45 The Landscape Assessment states: *The Frome Valley [is] sensitive to further encroachment of settlement edges or change, which might erode their distinctive pattern, rural character or their perception of relative remoteness and tranquillity.*
- 5.46 In particular it goes on to declare *Scattered settlements such as Winterbourne Down, Whiteshill, Kendleshire, Moorend, Pye Corner and Hambrook are sensitive to incremental infill, or erosion of the vegetation framework and field pattern, which give them their local distinctiveness. This applies also to the settlement edges of Winterbourne, Frampton Cotterell and Coalpit Heath, which contain pockets of older buildings and development pattern, which have a distinctive character*
- 5.47 The landscape character assessment is therefore very clear where it is not supportive of development which erodes the sensitive rural pattern found in The Frome Valley.
- 5.48 Some details regarding additional planting and boundary treatments proposed on the site have been included on the site plan. However, these indicate small trees, including some fruit trees, and a post and rail timber fence. By this means the garden area to the east and all its paraphernalia, including the bin / recycling and parking areas, would be in full view. To contribute to the character of the landscape, boundaries, including that along the entrance driveway, should be of native hedging with some hedgerow trees. It is considered that the opportunity for planting larger significant trees has also been missed.

- 5.49 The submitted landscape plans fall short of what is expected but revisions have not been requested given the in principle objection to the scheme.
- 5.50 Impact on heritage asset  
To the northwest of the site lies the grade II listed Hicks Farm. The proposal is at a sufficient distance from this heritage asset to not have an impact on it or its setting. The scheme is therefore acceptable in heritage terms.
- 5.51 Access and transport:  
In terms of sustainable transport methods, although not located within a defined settlement boundary – which is the local planning authority’s preferred means by which to denote sustainable locations – the sustainability criteria of policy PSP11 can be used as an alternative to review sustainability.
- 5.52 Under PSP11(3), residential development should be located on safe, useable walking or cycling routes that are an appropriate distance to key services and facilities and, where those facilities are beyond walking or cycling distances, be served by public transport. The distance to a bus stop that is considered acceptable is 400 metres.
- 5.53 This site is located in a rural area but only around 130 metres from a bus stop and around 300 metres from a primary school. There is therefore opportunity to use public transport and some services from this location.
- 5.54 Comments from local residents regarding traffic are noted, however, as a single property relatively close to the facilities of an existing settlement the dwelling is unlikely to generate a severe impact on the adjoining highway over and above the existing use as a livery.
- 5.55 Moving on to the onsite parking; plans indicate an acceptable level of parking for the house within the site and there is sufficient space for vehicles to manoeuvre and turn around to enter and leave in forward gear.
- 5.56 The issue of visibility splay from the site has been raised by the Transport Officer and additional information submitted during the course of the application has addressed this issue.
- 5.57 Impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.
- 5.58 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.

5.59 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 neutral impact.

5.60 **Planning Balance:**

The proposal would result in 1 no. new house at a location that is unsupported by the spatial strategy. The settlement boundary is drawn to the north of Cloisters Road which very clearly separates the built-up area of Winterbourne from the open countryside and provides a strong demarcation between the two areas. The land use to the south of Cloisters Road is evidently rural with rural uses. The introduction of residential dwellings has been shown to be contrary to Policy PSP40 and Green Belt aims. This weighs heavily against the scheme.

5.61 The benefits of one new house to the overall housing supply would be very limited and would fail to outweigh the harm arising from the location of the development; particularly in the context of the Council's current housing land supply position and harm to the openness of the Green Belt.

5.62 The proposed is considered not to represent the highest quality of design or best form of site planning given the rural location of this site. This also counts against the scheme.

5.63 Given the above the proposal is recommended for refusal.

## 6. **CONCLUSION**

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

6.2 The recommendation to **refuse** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: 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 the application be **REFUSED**.

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

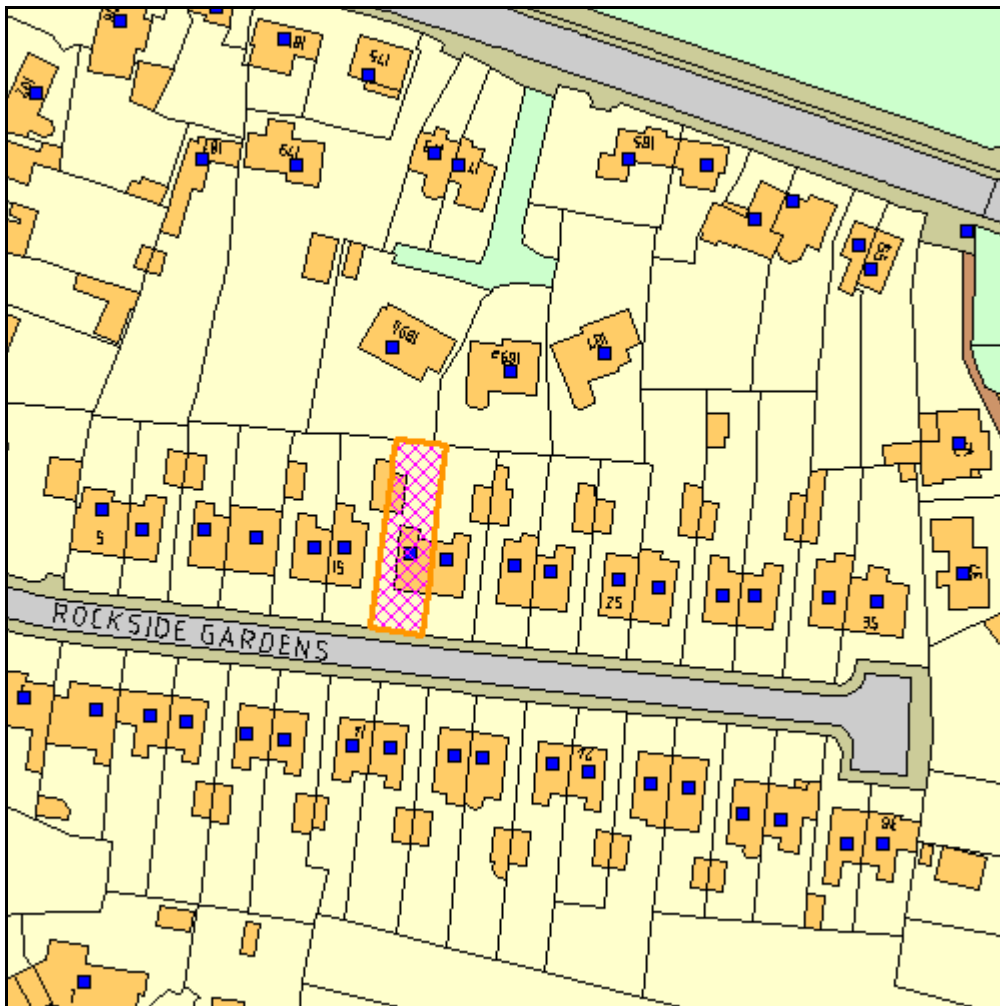
## **REFUSAL REASONS**

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development 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 the provisions of Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP7 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.
2. The proposal is outside an established settlement boundary and therefore the introduction of new houses and new residential curtilages in this rural location has failed to accord with the criteria set out in adopted policies which seek to ensure that development in the countryside is strictly limited. The proposal is therefore contrary to adopted Policy CS5, CS8 and CS34 of the South Gloucestershire Local Plan (Adopted) 2013; and Policy PSP40 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the NPPF in general.
3. By virtue of its overly domesticated design, including the creation of a residential curtilage in the open countryside, the proposal fails to represent the highest standard of site planning and design expected of both local and national planning policies and guidance. The proposal is therefore contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013; Policy PSP1 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the NPPF.



**CIRCULATED SCHEDULE NO. 19/19 – 10 MAY 2019**

<b>App No.:</b>	P19/3754/F	<b>Applicant:</b>	Mr King
<b>Site:</b>	17 Rockside Gardens Frampton Cotterell Bristol South Gloucestershire BS36 2HL	<b>Date Reg:</b>	9th April 2019
<b>Proposal:</b>	Demolition of existing garage. Erection of single storey side and single storey rear/side extensions to form additional living accommodation. Creation of new vehicular access.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	367194 181618	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	30th May 2019



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 100023410, 2008. **N.T.S.** **P19/3754/F**

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 SUBMISSION TO THE CIRCULATED SCHEDULE**

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

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the demolition of an existing garage and the erection of a single storey side and single storey rear extensions to form additional living accommodation at 17 Rockside Gardens, Frampton Cotterell. The application also seeks permission for the creation of new vehicular access.
- 1.2 The application site relates to a two-storey, semi-detached dwelling, which is located in a residential cul-de-sac in Frampton Cotterell.

## **2. POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework February 2019  
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 No relevant planning history for the subject dwelling.

- 3.2 The Parish Council have objected on grounds which surround a similar application for the adjacent property, no.15 Rockside Gardens. This is therefore considered to be relevant and is given below.
- 3.3 P19/1633  
Erection of a single storey front, rear and side extension to form additional living accommodation.  
Approved with conditions: 03/05/2019

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

- 4.1 Frampton Cotterell Parish Council  
The Parish Council objects to this planning application. They have queried the integrity of the application as it relies on the coalition being granted to the neighbour for the adjoining wall.
- 4.2 Transportation DC  
Applicant has demonstrated a proposed parking provision which is in line with the SGC parking standards and therefore, there is no objection. The applicant will need to obtain specifications for dropping the kerb from the SGC Streetcare Team.

#### **Other Representations**

- 4.3 Local Residents  
One objection comment has been received from a local resident and is summarised as follows:
- Object due to extreme lack of parking on the road
  - This would add to the congestion

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

- 5.1 Principle of Development  
Policy PSP38 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 is relevant to this application. The policy indicates that residential extensions are acceptable in principle subject to considerations of visual amenity, residential amenity and highway safety.
- 5.2 Design and Visual Amenity  
Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.3 The application proposed to demolish the existing garage. There are no objections to this in design terms. The proposed single storey rear element will infill the existing gap between an existing extension and the adjoining boundary. The resulting extension will span the width of the existing dwelling and continue to the adjacent boundary. It will feature a flat roof with double and

- bi-folding doors to the rear elevation. Whilst a flat roof is not always encouraged, this is contained to the rear elevation which will limit its impact on the street scene. In addition, the proposed materials will match the existing.
- 5.4 The single storey side extension, will form a continuation of the rear extension, creating an “L” shaped development. This will continue past the frontage of the existing dwelling by approximately 1.2 metres. The frontage will feature a garage door and pitched roof. Although the extension is large in terms of the resulting floor space, it is a single storey and of an appropriate design in a residential setting. It is therefore not considered to be detrimental to the character of the existing dwellinghouse, nor the visual amenity of the locality. The proposal concords with policies PSP38 and CS1 and thus, there are no objections in terms of design.
- 5.5 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.
- 5.6 The residential amenity of the neighbouring occupiers has been considered. The proposal has the potential to have some impact on the residential amenity of the occupiers of no.19. Due to the existing extension on this property, the proposal will create a tunnelling effect to the window adjacent to the proposal. This may cause some overshadowing and overbearing to the occupier. However, it is important to note that the gardens face north and as such, this window does not get a lot of direct sunlight as existing. The proposal is unlikely to therefore create excess shadowing to an unacceptable level. The proposal is a single storey, with an approximate height of 2.9 metres and a depth of 2.1 metres. This helps to limit the potential for overbearing to this window. As such, although officers acknowledge that there will be some impact to the occupier, it is not considered that this will be unacceptable and would not warrant a refusal.
- 5.7 The neighbouring property (no.15) has recently had a proposal granted for a similar extension. Should this be constructed, there would be little impact on their residential amenity as a result of the proposal at no.17. However, officers feel it is important to consider the impacts of the proposal should this extension not be constructed. Whilst the proposal would introduce built form closer to no.15, there would still be a degree of separation between the two properties. As such, the proposal is not considered to have an unacceptable impact on these occupiers.
- 5.8 Transport  
One local resident has raised concerns regarding the parking situation in the road and has stated that the proposal will create addition issues. The proposal is a 3 bedroom property; the proposed development will not increase this. South Gloucestershire Council’s Residential Parking Standards SPD states that for a 3 bedroom property, 2 off-street parking spaces should be provided. The proposal includes the provision of a dropped kerb, to extend the existing vehicular access at the property and the creation of a driveway. This would ensure that 2 off-street parking spaces could be provided at the site.

As such, the proposal complies with the adopted standards. Whilst on-street parking may be an issue in this road, the proposal will ensure that sufficient off-street parking is provided for this property. It would therefore be unreasonable for the proposal to be refused on this basis and the council have no objection.

#### 5.9 Other Matters

The Parish Council have queried the integrity of the application, stating that it relies on the proposal at no.15 being approved so that a coalition wall can be built. Officers dispute this view and consider that the application at no.17 could be built should the approved scheme at no.15 not be forthcoming. The drawings have shown the proposal at no.15 for clarity, however a side elevation wall could be constructed to stand alone and not join the proposed development at no.15.

#### 5.10 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.

5.11 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. The development hereby approved shall be implemented strictly in accordance with the following plans:

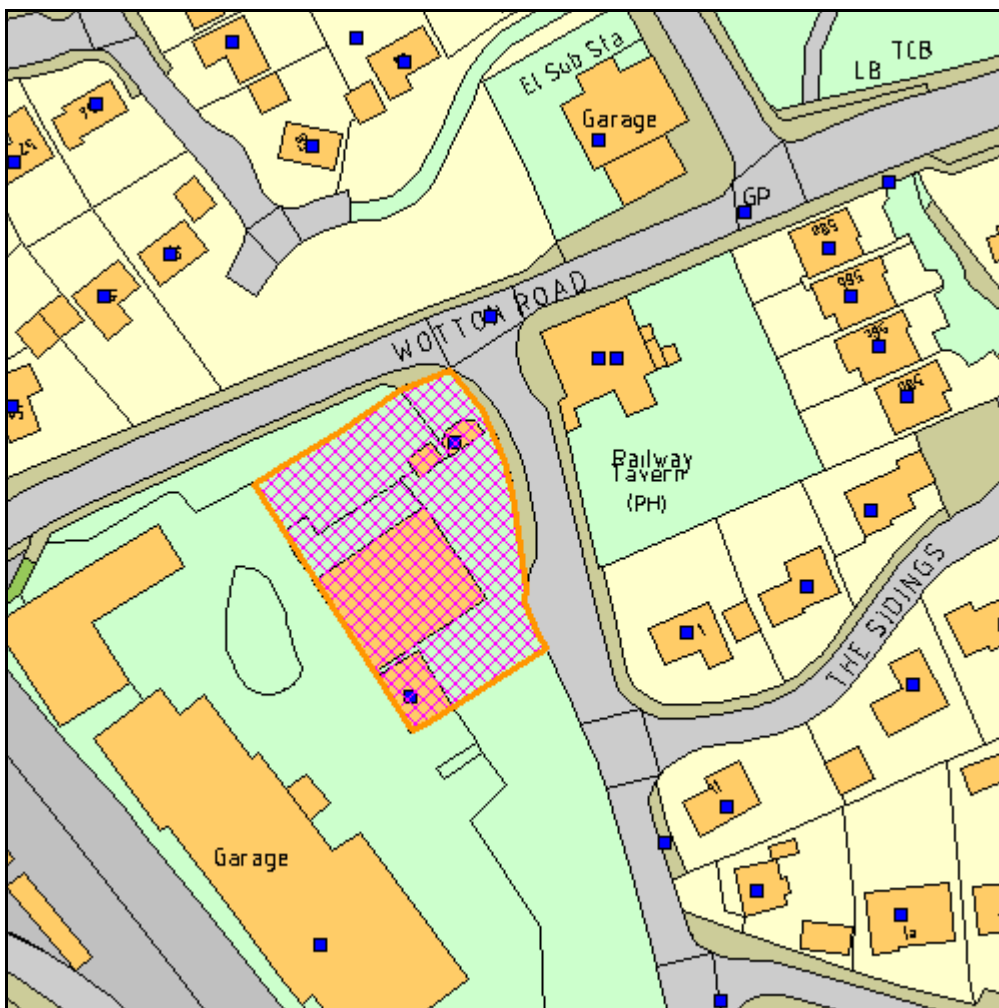
Existing and Proposed Plans and Elevations. 19011\_P1 A  
Received by the Local Planning Authority 9th April 2019.

Reason

For the avoidance of doubt.

**CIRCULATED SCHEDULE NO. 19/19 – 10 MAY 2019**

<b>App No.:</b>	PT17/4923/O	<b>Applicant:</b>	Mr P Herbert
<b>Site:</b>	M J Fews Ltd Wotton Road Charfield Wotton Under Edge South Gloucestershire GL12 8SR	<b>Date Reg:</b>	3rd November 2017
<b>Proposal:</b>	Demolition of existing industrial unit and erection of 1no. building to form retail unit (Class A1) (Outline) with access, layout and scale to be determined; all other matters reserved.	<b>Parish:</b>	Charfield Parish Council
<b>Map Ref:</b>	372424 192240	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th December 2017



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 100023410, 2008. **N.T.S.** **PT17/4923/O**

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.

## 1. **THE PROPOSAL**

- 1.1 The application seeks outline planning permission for the erection of a shop with a total gross new internal floor space of 375m<sup>2</sup> shop (class A1) with access, layout and scale to be determined. Appearance and landscaping are reserved for later consideration. The proposal would displace a tyre and exhaust fitting business (class B2).
- 1.2 It is proposed that the ridge height will not exceed 7 m and the eaves height will not exceed 4.5 m. The building will be lower than the existing building. The proposal is to develop the existing brownfield site to provide for a retail unit to meet an identified convenience retail need in the locality
- 1.3 It is envisaged that the shop would employ 8 part time employees and opening hours were not proposed in the application form.
- 1.3 During the course of the application numerous amendments and additional details have been submitted and officers have been to and met the clients and agent on site. The site now includes a larger area than originally sought and the vehicular and pedestrian routes indicated.

## 2. **POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework February 2019

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)

### 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS7 Strategic Transport infrastructure

CS8 Improving Accessibility

CS9 Environment and Heritage

CS12 Safeguarded areas for economic development

CS14 Town Centres and Retail

CS34 Rural Areas



South Gloucestershire Policies Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP10	Active travel routes (runs along Station Road)
PSP13	Safeguarding strategic transport schemes and infrastructure
PSP14	Safeguarding rail schemes and infrastructure
PSP16	Parking Standards
PSP21	Environmental pollution and impacts
PSP27	B8 Storage and distribution uses
PSP31	Town Centre Uses
PSP33	Shopping Frontages

West Of England Joint Spatial plan submission draft November 2018

Policy 7	Strategic Development Locations Site Requirements (including Buck over Garden Village, Charfield Thornbury which include desire for Charfield rail station re-opening)
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- 2.3 Supplementary Planning Guidance  
South Gloucestershire Local List SPD  
South Gloucestershire Waste SPD

**3. RELEVANT PLANNING HISTORY**

- 3.1 None recent

**4. CONSULTATION RESPONSES**

4.1 Charfield Parish Council

Object Further to our comments of 19th February which drew attention to our concerns regarding visibility splays, parking, access for staff and deliveries, tree protection and CEMP provision, we note the amended plans.

The visibility splay to the east remains unaltered, being the wall and front structure of the Railway Tavern. Parking and delivery areas have been clarified, and the tree protection issues appear to have been adequately addressed, albeit there is concern still over the root protection area of T01.

Charfield Parish Council recognises the comments of the officer at South Gloucestershire Council, who apparently felt the draft neighbourhood plan CEMP guidelines we offered were unduly arduous and unhelpful. The Parish Council remains concerned about the impact construction has on the life of the village and the traffic flowing through it, based on recent evidence of pollution and adverse impact from other developments, and emphasises their wish for a strong CEMP, which has yet to be seen in this applications. The Parish Council notes two relevant facts. Firstly that the land in this vicinity is safeguarded for a railway station and car park, and that increasing traffic in this minor road might prejudice the viability of the safeguarded land. Also that Charfield is being offered up as a Strategic Development Location, and in the event the JSP is adopted and Charfield more than doubles in size, this facility may be too small to cope with local demand, and yet be so large as to dissuade more appropriate development. It is a spurious drop-in development that works against the overall planned development of the village.

## Other Consultees

### Highways

No objection since amended plans subject to securing the details on plan 101L. Also CMP should be submitted and agreed prior to works commencing on site.

### Transportation policy

Adjacent land is safeguarded as part of the proposal to reopen a station at Charfield.

### Conservation officer

With the Locally Listed Building now shown as being retained the previous objections to the scheme can be considered to be largely overcome. What I would suggest however needs to be resolved prior to determination is an understanding of how the building is to be incorporated into the proposed development, as to suggest it will just remain unused on the edge of a car park is not a sustainable solution. An indication of potential use should be therefore be advanced- click and collect facility, café/ sandwich bar for example.

### Lead local flood authority

No objection – query the method of SUDS.

### Environmental protection

No objection subject to conditions and suggested informatives being attached to decision notice.

No in principle objection to the change of use to A1 retail, however details of chiller equipment, needs further consideration. Hours of opening 7am-10pm and the proposed delivery times 8am-8pm and none on Sundays Bank Holidays to ensure this does not have a detrimental effect on the amenity of nearby residential properties.

### Archaeology

No comment

### Avon and Somerset Police -Crime Prevention Design Advisor

At this early stage where only outline planning is sought, it is very difficult from a crime reduction/prevention point of view to give any detailed comments as the areas to be addressed such as access, layout and detailed design would normally be decided upon at Reserved Matters stage. The National Planning Policy Framework March 2012 Sections 58 and 69 both require crime and disorder and fear of crime to be considered in the design stage of a development.

I am concerned that the application if not designed and managed correctly would significantly contribute to the increase of these offences in the area. To address the concerns the applicant needs to consider:

- i. No design features in the building should allow for its use as a shelter.
- ii. the outside of the building must be adequately lit
- iii. The hours of opening should be limited

- iv. The management practices must take into account the sale of alcohol to minors.
- v. The curtain walling system of the retail units must be flush with the fabric of the building so as not to leave a 'shelf' usable for seating
- vi. No landscape features provided in the area should be usable for seating
- vii. A planning condition could be placed upon the occupier of the retail unit to provide CCTV coverage on the outside areas as well as the inside of the premises.

Failure to consider the above issues during the future planning application stages may result in the Police objecting to the application for failing to consider crime and disorder, and fear of crime as required by the National Planning Policy Framework March 2012.

#### Strategic Economic development

No objection - The team recognises that the existing occupant will be relocated to the adjacent unit, resulting in the retention of a local business and its employees. The ageing building referred to in this application will benefit from the proposed investment, providing a more attractive offer, which has attracted attention from potential occupants.

### Other Representations

#### 4.3 Local Residents

Four households have objected to the proposal on the following grounds, some date back to the initial time of the submission of the application but have been included here regardless.

- Inadequate parking for customers and staff – no differentiation
- Parking on Station Road already causes a traffic hazard due to poor visibility – no parking should be permitted on station road if development goes ahead. Site is hard to turn into and out off
- Until the railway bridge (a choke point) is dealt with further pressure on the village is a bad thing.
- The footpath on the eastern side of Station Road could be widened and improved
- Charfields needs are already served by the petrol station shop and cost cuter of manor Lane – no need for more development.
- Bank House is not listed but it a unique building reflecting the history of Charfield and the markets which used to take place at the site. Use of red brick is not a viable alternative to removing Bank house from eth scheme but the writer would expect that the new building would be designed to be sensitive to eth existing local area.
- Concerns that village is getting unplanned development such as Warner's Court and then the JSP development. If Charfield is getting development then retail units should be part of that plan and is this development right?

One neutral comment pointed out the viability of the retail unit proposed in the approved Warners Court development only 200m away.

Three listed structures (the Brunel design station, stationmaster's house and the water tower) on site area being neglected. Should this application be successful then can some condition be imposed in the granting of it to effectively limit this deterioration?

One support comment was submitted which calls for additional services now rather than waiting for the 2018-2036 plan and a shop placed at the centre of the village is an excellent idea and the station could go elsewhere.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The proposal is not located on the 0.84Ha of land marked under policy PSP14 as safeguarded land for a heavy rail passenger station and station car park and transport interchange. Part of the package of transport measures being suggested to facilitate additional housing in and around Charfield under the draft Joint Spatial Plan is the reopening of a Railway Station. Looking at the unfortunate appeal decision of Warners Court which allowed housing development on one of the potential alternative station sites it is more likely that reopening of the existing station infrastructure could finally come to fruition. Investigations continue as to how much land will be required to facilitate the reopening of the station and to pursue the bid to achieve a passenger rail station in Charfield. Given that the site is not allocated as safeguarded for a train station any uncertainty about the scale of land is not relevant here.

5.2 This site is however listed as a safeguarded area for economic development, under policy CS12, such that changes of use from B uses to other economic development uses will need to demonstrate that the proposal would not prejudice the regeneration and retention of B use classes elsewhere within the defined employment area, and it can be clearly demonstrated that it will contribute to a more sustainable pattern of development as a consequence of the appropriateness of the proposed use to the location, and the proposal would increase the number of and range of jobs available in the area and no alternative provision for the proposal has been made elsewhere in the Local Development Framework.

5.3 With the above in mind the agent has advised that there is potential to incorporate the tyre business currently operational on site to another site within the MJ Fewes site such that the jobs are not lost locally. Whilst the A1 shop is not a B use officers consider that a wider view of the dynamic of the site needs to be undertaken. Over the last two years or so appeal decisions have resulted in the granting of significant areas of new housing to the west and north east and Charfield is also being put forward for major housing expansion as part of the JSP. Whilst the JSP plan remains at an early stage the existing village has limited shopping facilities and the site is now central to the significantly expanding village. It is therefore considered that a convenience store of limited scale as proposed (gross internal floor space of 375m<sup>2</sup>), and central to the village will contribute to a more sustainable pattern of development. The retail offer will create 8 additional jobs, seemingly of a part time nature according to the application form but it is assumed that this will be a convenience store and potentially increase staffing numbers above this level to cover a 7 day a week

trading period. Whilst this is not a significant employer it is therefore likely to modestly improve the number and range of jobs in the area.

5.4 This site is not listed as a local centre or parade as it would be a new offering. However policy CS14 seeks to ensure that development in local centres/parades will be primarily to meet local needs only and should be appropriate to the role and function of the centres/parade and where it would not harm the vitality or viability of other centres. This policy requires a retail impact assessment for proposals of over 1000m<sup>2</sup> on edge of centre or out of centre sites but as this site is central to the village of Charfield and does not exceed the 1000m<sup>2</sup> threshold a retail impact assessment is not required. A sequential approach is however required under this policy and given that the site is located at a central position within the village and there is a large supply of approved and under construction housing very close to the site, which is expanding the village, this site is considered to be acceptable for retail in this instance and at this scale. As such the principle of the development is acceptable subject to other considerations as set out below.

#### 5.5 Transportation

The site is located in a good central position in an existing employment area and adjacent to long time safeguarded land for a new train and transport interchange (train, bus, car, bike). As such the limited additional vehicles accessing this site raises no objection from the transportation officer subject to securing the details negotiated during the application and for details of construction in a Construction Management Plan. The details of particular interest in the revised proposed site layout are the yellow lining of part of Station Road to secure turning into the new user access which should also secure better access along Station Road. Service area and manoeuvring zone being separate to user entrance. Disabled parking facilities on level land next to likely store entrance and 17 other parking spaces which are considered adequate for the users and staff of this limited scale of the retail use, noting that there is no adopted Council minimum standard.

#### 5.6 Conservation

There is no Archaeological objection to the redevelopment of the site but there are listed buildings close by which consist of the Stationmasters House, station buildings and water tower are considered and an Old Bank House at the north east corner of the proposed site which was likely used in connection with the previous cattle market use of the site.

5.7 Local Plan Policy and the Local Plan SPD requires that locally listed buildings that make an important contribution to the character and distinctiveness of the locality should be preserved as part of any redevelopment proposal. Consequently, further to negotiation the Old Bank House is now to be incorporated into the site and a use for it will be found in due course as it is unreasonable to expect for a speculative developer to already determine its ongoing user. Its maintenance will however be required by condition such that it is better able to be used incidentally or ancillary to the shop or in a different use.

5.8 The Old Bank House sits at the corner of the site where pedestrians will be encouraged to access the site and in order to prevent cars parking on the existing tarmac frontage a dwarf wall is proposed to surround the site. Details of this and landscaping of the area will be invited at reserved matters stage and this will need to be carried out in conjunction with the police comments above, although at this location there is good surveillance as a result of the roadside location. Specifically the developer will need to bear in mind the nature of the walling as part of the reserved matters application submission so as to prevent its use as a seating area but cock and hen wall topping and landscaping should adequately manage any potential antisocial behaviour.

5.9 As such the proposal accords with the adopted Local List SPD, Policy L15 of the SGLP; Policies CS1 and CS9 of the Core Strategy and PSP17.

5.10 Design and appearance

Policy CS1 requires that development will only be permitted where the highest possible standards of design and site planning are achieved. Appearance is not being assessed at this stage and the site is located alongside modern sheds which house the Landover dealership. The building will replace the existing modern sheds associated only with the type depot and will have a lesser foot print overall. The form of the buildings as yet unknown except for the parameters given in the Design and Access Statement which indicate maximum footprint of 375m<sup>2</sup>, maximum height to ridge of 7m and 4.5m maximum eaves level. This is considered to be acceptable overall and can be conditioned

5.11 Trees

A tree report was submitted post submission which indicated that all of the trees on or near the site are mature. Specifically the Beech tree central to the site and most likely to be affected is classified A1 or 2 on the British Standards scale, a line of Scots pines flanking Wotton Road range from a B2 tree closest to the junction with Station Road to c grade trees and just south of the junction into the site are a few more trees one of which is a B2 grade Horse chestnut. An Oak between the site and the MJ Fewes showroom is unclassified and appears to be in terminal decline.

The report has been considered by the Council's tree officers and further levels requested and received from the agent. Whilst the Tree protection and Arboricultural method Statement will need amending as part of the reserved matters application the scheme is capable of protecting the Beech in the centre of the site and the other surrounding trees. As such there is no objection to the scheme in relation to trees.

A modest landscape scheme will however be necessary to secure appropriate and beneficial use of the limited remain green spaces on the site.

5.12 Residential amenity

The alteration of boundary walls and the limitation of the height of the replacement building to 7m with eaves at or below 4.5m will mean that there is no physical impact on neighbours. Considerations around noise and lighting in respect of neighbours are considered below.

5.13 Environmental matters

The shop would be based in an existing employment area but one where visitors are likely to be less frequent. Much of the site is safeguarded land to be used as a reopened train station with the consequent expectation of regular comings and goings of visitors to the transport hub. The shop would be expected to be open longer hours than the existing tyre fitting establishment and these longer hours are considered reasonable within the village context and also in light of the previous uses of the site. However it is also acknowledged that houses are located close to the site and as such it is considered reasonable to limit the hours of deliveries to between 8am and 8pm, particularly as this part of the development is closest to the nearest housing on Station Road and that the shop is limited to operation to customers between 7am and 10pm.

5.14 The shop would very likely have chiller equipment and this needs to be considered at an early stage of the design of the proposal to protect neighbours from their impacts. As such this needs to be submitted with the reserved matters application as it will include the location on the building of such plant and equipment.

5.15 There is no drainage or flooding concern and drainage matters will be dealt with during buildings regulations.

5.16 The police design liaison team have raised issues for future consideration as the reserved matters are drafted up. The proposal to date can be designed without compromising these policing concerns and hours of operation are already limited. The Police seek a planning condition requiring the occupier of the retail unit to provide CCTV coverage on the outside areas as well as the inside of the premises. This is not considered to meet the tests of conditions as it is unreasonable as a planning condition but could well be good practice for their own store security and possibly a requirement of an alcohol licence.

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

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

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

Reason

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

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

Reason

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

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



Reason

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

5. The reserved matters shall include details of the renovation of the Old Bank House, together with proposals for its ongoing use.

Reason

To safeguard the special architectural and historic character of the building, and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013, policy PSP17 of the South Gloucestershire Policies Sites and Places Plan Adopted November 2017, Local List Supplementary Planning Document (adopted March 2008) and the NPPF.

6. To be submitted as part of the Reserved Matters Application shall be a revised Tree Protection Plan and Arboricultural Statement to replace those submitted 23/1/2019 and which are specifically not accepted as being up to date with the latest set of plans received during the application. Works shall thereafter be carried out in accordance with these amended plans.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the trees on site, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

7. As part of the reserved matters details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In the interests of the residential amenity of the occupants of nearby residential dwellings and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and policy PSP21 of the South Gloucestershire Policies Sites and Places Plan Adopted November 2017.

8. The reserved matters shall include details of any external plant/chiller units including their type, noise emittance, position, number of units and combined environmental effects of such units.

Reason

In the interests of visual amenity and 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, policy PSP21 of the South Gloucestershire Policies Sites and Places Plan Adopted November 2017 and the provisions of the National Planning Policy Framework.

9. Prior to first occupation of the proposed development the access arrangements, parking on site and parking restrictions along Station Road as shown in principle on plan 52036-00-101 rev L shall be submitted for approval and implemented in accordance with the approved plans.

Reason

To ensure a safe secure access to the development. In the interests of highway safety and to comply with PSP16 of the South Gloucestershire Policies Sites and Places Plan Adopted November 2017 and policy CS8 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

10. Prior to commencement of the development, including any works of demolition, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accordance with approved details. For the avoidance of doubt, the Statement shall include details of:
- (i) The hours of working
  - (ii) The parking of vehicles of site operatives and visitors
  - (iii) Loading and unloading of plant and materials
  - (iv) Storage of plant and materials used in constructing the development
  - (v) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
  - (vi) Wheel washing facilities
  - (vii) A detailed Dust Management Plan (DMP), with measures to control the emission of dust and dirt during construction
  - (viii) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason

In the interests of highway safety and residential amenity.

This is a pre-commencement condition because later timescale would miss the purpose of the condition.

11. The total gross new internal floorspace shall not exceed 375m<sup>2</sup> Retail Class A1 in accordance with the Town and Country Planning Use Classes order 2015 (as amended), the height shall not exceed 7m and eaves shall not rise above 4.5m as set out in the application and no change to other uses shall be permitted without further express consent of the Local Planning Authority to any change from this use.

Reason

Permission has been granted due to the particular circumstances of the site within the centre of the village and the valuable contribution a convenience store can make to the everyday needs of the growing settlement, bearing in mind nearby constraints and to accord with Policies CS9, CS12 and CS14 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013, PSP31 of the South Gloucestershire Policies Sites and Places Plan Adopted November 2017 and the requirements of the NPPF.

12. The main premises (i.e. not necessarily including the Old bank House building) shall be used for the sale of convenience goods/non comparison goods and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

Permission has been granted due to the particular circumstances of the site within the centre of the village and the valuable contribution a convenience store can make to the everyday needs of the growing settlement and to accord with Policies CS12 and CS14 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013, PSP31 of the South Gloucestershire Policies Sites and Places Plan Adopted November 2017 and the requirements of the NPPF.

13. The use hereby permitted shall not be open to customers outside the following times: 07.00-22.00 Hours Monday to Sunday

Reason

To prevent unacceptable levels of noise and activity on the site; and in the interests of the residential amenity of the occupants of nearby residential dwellings and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and policy PSP21 of the South Gloucestershire Policies Sites and Places Plan Adopted November 2017.

14. No deliveries shall be taken at or despatched from the site outside the hours of 08.00-20.00, nor at any time on Sundays, Bank or Public Holidays.

Reason

To prevent unacceptable levels of noise and activity on the site; and in the interests of the residential amenity of the occupants of nearby residential dwellings and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and policy PSP21 of the South Gloucestershire Policies Sites and Places Plan Adopted November 2017.

15. No outside storage of material/goods/waste shall take place at the premises outside of the marked area on plan 52036/00/101 Rev L.

Reason

To protect the general amenity of the area and to accord with policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and policy PSP21 of the South Gloucestershire Policies Sites and Places Plan Adopted November 2017.

16. The hours of working during the period of construction shall be restricted to between 07.30 and 18.00 Monday to Friday and 08.00 and 1300 on Saturdays, and no working shall take place on Sundays or Public Holidays.

Reason

To prevent unacceptable levels of noise and activity on the site; and in the interests of the residential amenity of the occupants of nearby residential dwellings and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and policy PSP21 of the South Gloucestershire Policies Sites and Places Plan Adopted November 2017.

17. The application shall be pursued to reserved matters in accordance with the plans considered and listed below.

Site location plan 001 rev B received 26/3/2019

Proposed site layout 101 REV L received 26/3/2019

Section AA and BB 52036/00/103 Rev A

Section CC 52036/00/104 both received 25/3/2019

Arboricultural report including:

- o Arboricultural constraints

- o Arboricultural impact assessment (AIA) (NB that Tree protection and Arboricultural method statement require updating/amending )received 23/1/2019

Reason

In the interests of clarity.

**CIRCULATED SCHEDULE NO. 19/19 – 10 MAY 2019**

<b>App No.:</b>	PT18/0114/F	<b>Applicant:</b>	Mr Andrew Gazard
<b>Site:</b>	Naite Farm Oldbury Naite Oldbury On Severn Bristol South Gloucestershire BS35 1RU	<b>Date Reg:</b>	22nd January 2018
<b>Proposal:</b>	Erection of building for dog boarding and kennels, with associated drop off area and exercise area, to include erection of 3m high fence.	<b>Parish:</b>	Oldbury-on-Severn Parish Council
<b>Map Ref:</b>	361630 192867	<b>Ward:</b>	Severn Vale
<b>Application Category:</b>	Minor	<b>Target Date:</b>	15th March 2018



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 100023410, 2008.

**N.T.S.                      PT18/0114/F**

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**

The application has been subject to representations contrary to the findings of this report, with the number of contrary representations made exceeding a total of three. Furthermore, a representation has been made by the parish council, which is contrary to the findings of this report. Under the current scheme of delegation it is therefore required to be taken forward under the Circulated Schedule procedure.

## **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the erection of a building for use as dog boarding kennels at Naite Farm, Oldbury Naite, Oldbury On Severn. The proposal also includes the provision of an associated drop-off area and exercise area, and the erection of a 3m high fence.
- 1.2 The application site consists of a farm holding situated in Oldbury Naite. The farm previously functioned as a working dairy farm, however since 2007, the premises has functioned predominantly as a poultry farm. The site is located outside of any defined settlement boundary, but not within a Green Belt, an AONB or a conservation area. The site is located within EA Floodzone 3.
- 1.3 The proposal seeks to erect a new barn to be used as dog boarding kennels. The building would contain 30 separate kennels. The building would be situated centrally within the farm, and would be set approximately 140m from the designated highway. The building would be constructed in place of an existing concrete multi-purpose yard, situated amongst existing buildings. As a result, the proposed building would be largely bounded on three sides by existing buildings.
- 1.4 Customer access would be provided via an existing vehicular access off the designated highway (The Naite), with no new access point created. A drop-off/pick-up area would be provided to the south-east of the main building, with an external exercise area provided to the north-west. The entire application site, except for the proposed vehicular access track, would be bordered by a 3m high close boarded fence.
- 1.5 Revised plans were received on 28<sup>th</sup> March 2019. The revised plans include an amended application site boundary, and provide additional details on the location of proposed exercise areas, and the location and specification of proposed fencing. The alterations to the application site boundary triggered a further round of consultation, which ran from 28<sup>th</sup> March 2019 to 11<sup>th</sup> April 2019.
- 1.6 Acoustic reports were also received by the Local Planning Authority on 17<sup>th</sup> September 2018.

## 2. POLICY CONTEXT

### 2.1 National Guidance

National Planning Policy Framework Feb 2019  
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
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP28	Rural Economy

### 2.3 Supplementary Planning Guidance

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

## 3. RELEVANT PLANNING HISTORY

### 3.1 **PT17/5379/PNGR**

Prior notification of a change of use from Agricultural Building to 1no. residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Approved: 19.03.2018

### 3.2 **PT03/0123/F**

Erection of free range egg production unit.

Approved: 04.06.2003

### 3.3 **PT03/0121/TMP**

Siting of mobile home in association with egg production unit.

Approved: 04.06.2003

### 3.4 **P98/1950/P**

Erection of hay store

Approved: 23.07.1998

### 3.5 **P94/2043**

Demolition of existing agricultural buildings and erection of new agricultural building. Erection of extensions to existing agricultural building to form additional livestock accommodation.

Approved: 22.08.1994

## 4. **CONSULTATION RESPONSES (FIRST ROUND OF CONSULTATION)**

### 4.1 Oldbury On Severn Parish Council

Objection: Village of Oldbury is quiet rural environment with low levels of background noise. Due to flat open nature of area, noise travels easily. Even with the proposed noise control measures in place, this development would cause undue levels of noise disturbance to many residents.

Other dog kennels in South Gloucestershire are located some distance from domestic dwellings. In this case, there are significant number of dwellings within <500m of the proposed development site. Parish Council believes that this makes site unsuitable location for development of this type. Proposed development also has potential to increase traffic movements.

### 4.2 **Internal Consultees**

#### Environmental Protection

##### *Initial Comments*

An acoustic report should be provided to show how noise from the proposed development would affect nearby residential properties. This should include but not exclusively, noise breakout from the kennel building as well as any planned exercise areas.

##### *Updated Comments (Following Submission of Acoustic Reports)*

Following submission of acoustic report considering potential noise from the kennels and exercise areas, and a report considering noise from plant on the proposed development – no objection subject to conditions and informatives.



Sustainable Transport

No objection

Highway Structures

No comment

Ecology Officer

No comment

Lead Local Flood Authority

*Initial Comments*

In order for us to fully determine this application we request the submission of a Drainage Layout Plan showing the location on site of the proposed SUDS measures to be used to manage surface water runoff and the location of the proposed package treatment plant for managing foul water. Additionally, we request clarification as to the method for disposing of the treated effluent and/or overflow from the package treatment plant.

*Updated Comments (Following Further Clarification from Applicant)*

The information provided by the applicant clarifies the previous query I had raised in relation to drainage provisions. I can confirm that I have no further queries to raise on this application from a Drainage & Flood Risk perspective (No objection to this application).

Public Rights of Way

No objection

4.3 **External Consultees**

Environment Agency

No comments received

Lower Severn Drainage Board

No comments received

Police Community Safety

No comments received

**Other Representations**

4.4 **Local Residents**

A total of 32 letters of objection were received during the first round of consultation. The main concerns raised are summarised below:

**Noise Pollution**

- Aware of the noise that can be generated by dog kennels.
- Dogs tend to bark when separated from owners. One dog barking can set others off, with 30 dogs barking creating considerable noise.

- No way of controlling dogs barking.
- Continuing farming activities will set off dog barking at most hours of the day.
- Kennels could house up to 50-60 dogs.
- Any dog barking for a period of time is disturbing. Sound of dogs barking will be detrimental to peace and quiet of village and will be very annoying.
- 8 properties situated within 200m of kennels. Many more within 500m.
- Ground is flat in Oldbury area and sounds travels. Can hear foxes and owls during the night time from over a mile away.
- No natural barriers between site and houses in area.
- Whilst farming sounds are expected in rural area, the sound of dogs barking would be unnatural.
- Surrounding buildings may block noise to some extent, but noise will still travel upwards.
- Those supporting scheme all appear to live outside of immediate area, so will not be affected by noise generation.
- A dog kennels in area was previously shut down due to noise nuisance.
- Acoustic report indicates that even with mitigation measures there would be significant adverse impact.
- Further issues regarding acoustic report and omission of certain data. Engineer is paid by applicant and is not neutral participant.

### **Other Pollution**

- Already suffer from a large number of smells and infestation of flies during the summer which am told is a direct consequence of the chicken farm.
- Took Environment Agency years to reduce issues regarding fly infestation. Does not appear to be any obligation on local council to ensure that site is managed properly.

### **Transport**

- Oldbury Naite is a quiet road. Traffic generated by customers will be considerable addition to vehicle movements.
- Lane is already becoming difficult to use due to housing developments nearby.

### **Other Matters**

- Proposal will reduce market value of properties in area.
- A kennel located closer to the Power Station with no residents nearby would be a more appropriate location.
- Supplement to Design and Access Statement offer no satisfactory solution to problems foreseen.
- Surely unacceptable in animal welfare terms that dogs are only exercised inside.

- Risk of dogs escaping from kennels which will pose risk to numerous lambs and sheep in neighbouring fields.

A total of 9 letters of support were received during the first round of consultation. The main points raised are summarised below:

- There is a need for local kennels. Currently have to travel a long distance to access kennels.
- Use of proper modern buildings can minimise noise impacts.
- When picking dog up from other kennels, have not experienced noise issues.
- Not all dogs bark or are distressed when away from owners.
- Applicants will be living on-site, and as such will want to ensure that noise is kept to a minimum.
- Site forms part of working agricultural area with associated noise. Addition of kennel noise and associated traffic will have minimal impact.
- Kennels will provide job opportunities.
- Applicants are long term residents of Oldbury and will make sure everything is carried out to highest standard.
- All of applicant's previous developments at farm have been developed with particular thought and sympathy to local community.
- May be possible to assist with anxious dogs as to reduce noise impact.
- There is a need for farmers to diversify.

## **5. CONSULTATION RESPONSES (SECOND ROUND OF CONSULTATION)**

### **5.1 Oldbury On Severn Parish Council**

Objection – Village is situated in quiet rural environment. Flat ground means noise travels. Residents at north end of village hear children playing at school half a mile away. Village wraps around site so will be impacts in all directions.

Even with proposed noise control measures, development will cause undue disturbance to residents. Supported by conclusion of acoustic report which states that even with mitigation methods target noise levels are not likely to be met.

Also do not believe that assessment against noise standards for industrial/commercial is most appropriate, as noise from kennels likely occur at any time 24 hours per day, 365 days per year. Other potential noise sources in rural environment are likely to be time limited and seasonal.

Other kennels in South Gloucestershire are situated some distance from domestic dwellings. In this case, significant number of dwellings within <500m. Believe this makes site unsuitable location for development and approval would set unacceptable precedent.

Revised plans indicate access route via existing track constructed of stone chippings. Increased movements will cause considerable noise and dust nuisance, which has not been considered in application documents. Proposal also has potential to cause significant increase in traffic movements along narrow country lane, particularly on holiday weekends and if 'doggy day care' service is provided.

Council strongly request that should application go forward for consideration at Development Management Committee, site visit should be carried out, and discussion should be held in Thornbury rather than Kingswood to enable residents to attend more easily.

## 5.2 **Internal Consultees**

### Environmental Protection

No further comment

### Sustainable Transport

There are no transportation issues raised as a result of the revised plans assuming that the number of dogs boarding at any time are no greater than the original number of 30. I note that the applicant has since my previous response stated that they are going to provide a pick up/drop off service which is welcomed. I recognise that residents are concerned that if this operation were to change to a doggy day care service that there would be significantly more vehicles attracted to the site. This is correct, if this slight change of use from boarding to doggy day car requires planning permission then I have no issues with the proposal. However, if no new planning permission is required it would be prudent to limit the maximum number of kennels to doggy day car at anyone time to 8 (although I note that this is not what they are applying for).

### Highway Structures

No comment

### Ecology Officer

No comment

### Lead Local Flood Authority

Comments as previous

### Public Rights of Way

No further comment

## 5.3 **External Consultees**

### Environment Agency

No comment

### Lower Severn Drainage Board

No comment

## **Other Representations**

### 5.4 Local Residents

A total of 17 letters of objection were received during the second round of consultation. The main concerns raised are summarised below. It should be noted that some concerns raised are similar to those raised during the first round of consultation. As such, only new issues raised are set out below. Full copies of all objection comments are available on the Council's website:

#### **Noise Pollution**

- Acoustic report indicates that target noise levels are not expected to be met at nearest neighbour. Issues with latest 'Receiver Locations'.
- Acoustic report provides no conclusive evidence that proposal will have no unacceptable impact.
- Other comparable sites included in report are set further from residential properties.
- Report takes no account of predicted seasonal variation.
- Latest information outlines that there would also be 10 dogs kept at site; with total of 40 dogs across site as a whole.
- Estimates carried out at other kennels fail to specify number of dogs, with survey carried out during off-peak period.
- Any disturbance from increased dog barking causes emotional stress to sheep.

#### **Other Pollution**

- Access road to kennels proposed via unsealed track which would represent dust nuisance from increased vehicle movements. Will run within 10m of neighbouring property.

#### **Transport**

- Extra traffic movements in area will damage soft verges.

#### **Other Matters**

- Applicants are inexperienced in running kennels and as such correct management cannot be guaranteed.
- As a technical document, acoustic report cannot be seen as impartial or credible.
- Report contains unsubstantiated and personal opinions from author.

## 6. ANALYSIS OF PROPOSAL

- 6.1 The application seeks permission for the erection of a building and other associated works to create a dog boarding kennels business at an existing farm. The site is located outside of any defined settlement boundary, and is not within an area safeguarded for economic development, as defined in policy CS14 of the Core Strategy.
- 6.2 Principle of Development  
Given the location of the site and the nature of the proposals, policies CS34 of the Core Strategy and PSP28 of the Policies, Sites and Places Plan are of relevance when determining the acceptability of the development in principle.
- 6.3 The principal purpose of policy CS34 is protecting and enhancing rural areas' distinctive character, beauty, wildlife, landscape, biodiversity and heritage. However CS34 recognises the need to ensure the viability of the rural economy, through means such as supporting appropriate schemes for farm diversification. The provision of a dog boarding kennels at farm holding is considered to represent a form of farm diversification.
- 6.4 PSP28 relates more specifically to the rural economy, and outlines that sustainable new development which promotes a strong rural economy will be acceptable in rural areas. The policy outlines that in the case of new uses, proposals for business development outside of the defined urban areas and settlement boundaries will be acceptable where:
- i. for buildings, there are no existing suitable underused buildings reasonably available and capable of conversion without major or complete reconstruction; and
  - ii. the proposed building is reasonably necessary for the purposes of the use and is clearly designed for that purpose; and
  - iii. the development relates well to settlements or existing groups of buildings and
  - iv. the development makes efficient use of the land in relation to its location, layout, accessibility and surroundings; and
  - v. the volume and nature of any goods sold would not have a significant adverse effect on shopping facilities available in nearby settlements; and
  - vi. the proposal(s) is of a scale which is consistent with its function, use and rural location.
- 6.5 Given the location and nature of the development, clauses (iv) and (v) are not considered relevant. As such the proposal is to be assessed against points (i), (ii), (iii) and (vi).

- 6.6 In terms of clause (i), the proposal aims to construct a purpose-built facility, with noise insulation measures forming part of the overall design. Given the nature of the proposed building, it is not considered that any existing buildings at the site would be suitable for use as a kennel building. Furthermore, the building is required in order for dog boarding to be provided, and the overall design clearly reflects the proposed use. As such, the proposal meets clause (ii).
- 6.7 In terms of clauses (iii) and (vi), understanding the relationship between the proposed development and existing settlements and buildings, and reviewing the overall scale of the development in relation to its rural context, requires a more detailed assessment of impacts. This is made in later sections of this report. Provided that the development meets said clauses, the development is considered to be acceptable in principle.
- 6.8 As such, an assessment of the outstanding matters of principle, as well as any other relevant considerations, is set out below.

6.9 Environmental Impacts

Policy PSP21 of the Policies, Sites and Places Plan relates more specifically to environmental pollution. PSP21 outlines that development proposals should be sited and designed to avoid unacceptable levels of pollution, such as noise pollution. Proposals which have the potential for any adverse impact will be expected to provide an appropriate scheme of mitigation.

*Noise Pollution*

- 6.10 It is acknowledged that a large number of objections have been received, which cite noise pollution as one of the key reasons for objection. It is acknowledged that if inappropriately placed or designed, the provision of a dog boarding kennels could have potentially have adverse effects on the amenity of surrounding residents through increased noise pollution.
- 6.11 Whilst the site is not considered to form part of a dense residential area, with residential properties relatively dispersed, it is acknowledged that there are several properties situated within a 200m radius of the site. The closest neighbouring dwellinghouses being situated approximately 125m and 140m from the proposed kennel building respectively. A mobile home is situated in closer proximity to the application site boundary, however this appears to be associated with the existing poultry enterprise. Due to the nature of the development proposed, and in line with the initial recommendations of the Environmental Health Officer (EHO), the applicant was requested to be submit an acoustic report. This was to allow for the Local Planning Authority to fully assess the potential implications of the development with regards to noise.
- 6.12 Two acoustic reports were subsequently submitted. The first report considers potential noise levels from the kennels and exercise areas, with the second report considering noise from plant equipment associated with the proposed development. Full copies of both acoustic reports are available on the Council's website.

- 6.13 The first report concludes that the majority of assessment methods carried out indicate that the development would cause a low adverse impact in terms of noise. An adverse impact was recorded at one receptor point, when carrying out a worst case scenario assessment (loudest predicted 1-hour kennel period vs lowest ambient noise level).
- 6.14 In terms of the acoustic report assessing plant noise, the results of the acoustic report indicate that any plant noise generated would have no adverse impact on neighbouring residents.
- 6.15 Following the submission of the acoustic reports, the EHO has raised no objection to the development proposal, subject to the application of certain conditions to any consent. It has therefore not been identified that allowing the development would likely result in action being required regarding statutory noise nuisance under the Environmental Protection Act 1990. As such, there are not considered to be grounds to refuse the application for reasons of noise pollution.
- 6.16 In terms of the conditions recommended by the EHO, these generally relate to mitigation measures which would further reduce the impact of the development in terms of noise. However in order to be attached to any consent, the conditions must pass the tests for a planning condition, as set out in Paragraph 55 of the National Planning Policy Framework. Paragraph 55 outlines that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other aspects.
- 6.17 The first condition recommended by the EHO requires a management plan to be agreed with the Local Planning Authority prior to the first use of the kennels. A condition of this nature is considered to be reasonable in this instance and meets the tests for a planning condition.
- 6.18 The second condition relates to opening hours, and suggests that they should be restricted to the following times:
- |                         |                      |
|-------------------------|----------------------|
| <i>Monday to Friday</i> | <i>07:30 – 18:00</i> |
| <i>Saturday</i>         | <i>08:00 – 17:00</i> |
| <i>Sunday</i>           | <i>10:00 – 12:00</i> |
- 6.19 The suggested opening times for Monday – Friday and Saturday are considered to be reasonable, and it is unlikely that a restriction of this nature would adversely affect the viability of the business, or represent a significant inconvenience to any prospective customers.
- 6.20 However the recommended times for Sunday (which is presumed to include bank holidays), is considered to be overly restrictive. Given the nature of dog boarding kennels, it is likely that they will be used by customers when they go on holiday. Generally speaking, people will return from a holiday on either a Saturday or Sunday, and are likely to return later in the day. As such, whilst it is unlikely that customers would need to pick dogs up prior to 10:00, it is likely that a later pick up time would often be required.



- 6.21 Given that the acoustic reports indicate that the provision of the dog kennels would, for the vast majority of receptors, have a limited adverse impact, it is not considered that the addition of a later pick up period on a Sunday would result in a significant adverse impact. It is considered that an additional opening time of 16:00 to 18:00 would provide a more convenient pick up time for customers, without having a significantly greater impact in terms of noise pollution. Having two shorter pick up times would reduce level of activity occurring at the site during Sunday afternoons.
- 6.22 Other conditions have been recommended which require dogs to be retained in the kennel building during night time (23:00 to 07:00), only one dog to be allowed in any exercise yard at any one time, the kennel building to be constructed as per specifications set out in the acoustic report, a 3m high feather edge board fence to be installed, and the drop off/pick up of dogs to take place within the fenced area only.
- 6.23 It is considered that the above conditions would aid in reducing the likelihood of dogs barking, as well as reducing the overall noise impact created by any barking dogs. It is also not considered that the above conditions would adversely impact the ability of the boarding kennels to function. As such, the above conditions are considered to pass the test for a planning condition, and will be applied to any consent.
- 6.24 A condition restricting the level of noise that can be omitted from any plant equipment has also been recommended, and will be attached to any decision.

#### *Other Pollution*

- 6.25 Concerns have been raised regarding the potential for the proposed dog boarding kennels to result in an additional nuisance in the form of fly infestations. However there is no evidence to suggest that the provision of dog boarding facilities would lead to any greater numbers of flies in the area. Concerns have also been raised regarding the impact that excessive levels of dog waste could have in terms of environmental pollution. However a condition will be attached to any consent, requiring dog waste to be collected by waste disposal services.
- 6.26 Concern has also been raised regarding possible dust pollution arising from increased vehicular movements along the proposed access track. However given the degree of separation, it is not considered that the movement of vehicles would result in high levels of dust entering the air and affecting neighbouring residents.
- 6.27 In terms of conditions, the EHO has recommended a condition ensuring that no burning takes place on the site. It is unclear why the provision of a dog boarding kennels would lead to excessive burning occurring at the site. As such, a condition of this nature is not considered to be relevant to the development, and does therefore not pass the tests for a planning condition.

### *Residential Amenity*

- 6.28 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.
- 6.29 As previously discussed, following the submission of acoustic reports, the Environment Health Officer is satisfied that through the implementation of appropriate management and mitigation measures, the provision of a dog kennels would not cause an unacceptable noise nuisance. No other fundamental concerns regarding pollution or disturbance arising from the development have been identified.
- 6.30 In terms of the proposed structures themselves, given the degree of separation between the proposed building and any neighbouring properties, it is not considered that the erection of the building would result in any overbearing, overshadowing or overlooking impact. In terms of the proposed fencing, there is also considered to be a sufficient degree of separation between the fencing and any neighbouring curtilages, such that the fencing would not have any undue overbearing impact.
- 6.31 Concerns have also been raised regarding the proximity of the proposed means of access to a neighbouring property, and the potential implications on privacy. Whilst there would an increase in traffic movements, there is considered to be a sufficient degree of separation, and adequate screening, such that any increase in vehicular movements would not significantly detriment the privacy of neighbours.

### *Summary*

- 6.32 On the basis of the assessment set out above, and subject to conditions relating to mitigation measures and a management plan, it is not considered that the development would cause unacceptable levels of environmental pollution, or have an unacceptable impact on residential amenity. The proposal therefore accords with policies PSP8 and PSP21 of the Policies, Sites and Places Plan.
- 6.33 Furthermore, on the basis of the assessment set out above it is considered that the development would have an unacceptable relationship existing buildings and settlements. The proposal therefore complies with clause (iii) of policy PSP28.
- 6.34 Design, Visual Amenity and Landscape Impacts  
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.

- 6.35 Policy PSP2 of the Policies, Sites and Places Plan outlines that development proposals should seek to conserve and where appropriate enhance the quality, amenity, distinctiveness and special character of the landscape.
- 6.36 Given its position amongst other buildings, views of the proposed kennel building from the public highway would be limited. The building would extend to a height of 4.7m, and given the height of existing surrounding buildings, would be largely screened from public view. Whilst the building would be visible from the public right of way running through the farm, it is not considered that the building would appear as an out of character or overly prominent feature. The building would be situated within a clutch of existing farm buildings, with the overall scale, form and detailed design being consistent with surrounding built form. Overall it is not considered that the erection of the building itself would have any significant impact on visual amenity, or the character and appearance of the surrounding landscape.
- 6.37 In terms of the other elements of the scheme, it is not considered the provision of a proposed access/drop-off area would have any visual or landscape impact. In terms of the proposed 3m tall close-board fencing, whilst it is acknowledged that the fencing would be relatively prominent from within the farm, the wider visual impact would be limited. The fencing would not extend out into the open countryside and would be contained within the existing farmyard, and as such would not detract from the surrounding rural landscape. Additional tree planting is also proposed in order to soften the visual impact of the fencing.
- 6.38 Overall, the development is considered to be appropriate in design terms, with the proposed building and associated areas not considered to appear as out of character additions to a farm. It is therefore not considered that the proposal would have any unacceptable impact on visual amenity or the character of the surrounding landscape. The proposal therefore complies with policies CS1 and PSP2. The scale of the development is also considered to be consistent with the rural location, and consequently the proposal accords with clause (vi) of PSP28.
- 6.39 Transport  
Concerns raised regarding increased traffic movements within the immediate transportation network have been taken into account. However on the basis that the kennels would only hold a maximum of 30 dogs at any given time, the transport officer does not consider that any increase in traffic caused by customers dropping off and collecting dogs would result in any material highway safety issues.
- 6.40 The transport officer is also satisfied that the existing access point onto the highway is suitable for an intensification of use. The proposed drop-off area is also sufficiently large as to provide a turning area.

- 6.41 The transport officer has outlined that should a doggy day care business be proposed in the future, as this would likely lead to increased traffic movements, a condition should be considered, seeking to restrict maximum numbers of kennels allocated to doggy day care. However the current application only seeks to construct a building to be used as a dog boarding kennels, and it is considered that a doggy day care use would fall outside of the scope of the current application. As such, further planning permission would be required, and any such conditions would be considered at that stage.
- 6.42 On the basis of the assessment set out above, it is not considered that the development proposal would have any unacceptable impacts on highway safety.
- 6.43 Flood Risk  
The site is located in EA Flood Zone 3. However the use of the building as a boarding kennels is considered to fall in to the 'less vulnerable' category for flooding. Furthermore, it is noted that the kennels would be located within an existing farm. As it would not be possible to move the farm to an area of lower flood risk, the proposal passes the sequential test for flood risk.
- 6.44 Heritage  
The site is not situated within a conservation area. Furthermore, the site does not contain any designated heritage assets. Whilst some of the buildings situated within the farm are of a historic nature, it is not considered that the development proposal would significantly degrade the setting of any such buildings. The nearest designated heritage asset is a listed building, situated approximately 300m to the north of the site. Given the degree of separation and given that the dog boarding business would be contained within the existing farmyard, it is not considered that the proposals would have any significant impact on the setting or significance of the listed building.
- 6.45 Ecology  
Given that the proposals will not result in the demolition of any buildings considered suitable for nesting, or result in the loss of any significant vegetation, it is not considered that the proposals would have any significant impact from an ecological perspective.
- 6.46 Public Rights of Way (PROW)  
It is noted that a public right of way (OOS 47), runs through Naite Farm. However the PROW officer is satisfied that given the siting of the proposed building, the PROW would not be negatively affected by the development, and as such there are no concerns in this respect.
- 6.47 Trees and Vegetation  
It does not appear that the proposals would result in the loss of any significant trees or vegetation. It is therefore not considered that the creation of the proposed dog kennels would have any unacceptable impacts in this respect.

6.48 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.

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

6.50 Other Matters

It is acknowledged that a number of concerns have been raised regarding the impact of the development on house prices in the locality. Property values are not a material planning consideration, and can be affected by a variety of factors. There is no evidence to suggest that the provision of a dog kennels at the site would have a direct impact on the value of properties in the area.

6.51 The comments raised regarding the keeping of 10 dogs at the existing site have also been taken in to account. However given the context of the site, which is a working farm, the keeping of 10 dogs can be considered incidental to the lawful activities occurring at the site. As such, the current keeping of dogs at the site is not considered to constitute a change of use and therefore require planning permission. As such, the impact on this respect is given limited weight.

6.52 Concerns have also been raised regarding the impact of the development on surrounding livestock; in the sense that barking dogs can cause stress to sheep, and any escaping dogs could potentially injure livestock. In terms of the noise issue, as set out in the main body of report, it is not considered that the development would have any unacceptable noise impact. In terms of the possibility of escaping dogs, this is a management issue; with the submission of a management plan forming one of the conditions to be attached to any decision.

6.53 The concerns raised regarding the credibility of the author of the acoustic reports have also been taken in to account. However the acoustic reports have been carried out by an accredited professional. Furthermore, the acoustic reports have been reviewed at length by a Council Environmental Health Officer, who will regularly review reports of this nature. No notion of bias, or any inaccurate or misleading information, has been identified by the EHO.

6.54 The comments made by the parish council relating to the location of any possible Development Management Committee, and the undertaking of a site visit by local members, have been taken in to account. However these are matters to be decided by members, should the application be referred to Development Management Committee.

#### 6.55 Overall Planning Balance

The proposal is considered to be acceptable in principle, and the benefits of the development are acknowledged. The provision of a boarding kennels would result in a modest socio-economic benefit through the creation of 2 new jobs. The proposal would also provide a new boarding facility for dog owners in the area.

6.56 In terms of any harm, the concerns raised through representations regarding noise pollution and transportation impacts have been given thorough consideration. Upon request, the applicant has provided an evidence base in the form of acoustic reports, providing an indication of the possible impact of development in terms of noise pollution. On the basis of the information submitted and subject to the conditions set out on the decision notice, officers are satisfied that no unacceptable socio-environmental harm would arise from the development.

6.57 The benefits of the proposal therefore outweigh any harm, and the development proposal succeeds. It therefore follows that planning permission should be granted.

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

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

### CONDITIONS

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

Reason

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

2. Prior to the first use of the kennel building, a management plan shall be submitted for approval by the Local Planning Authority to include, but not exclusively: management of noise at feed times; arrangements for use of exercise yard at night; arrangements for communication between kennels and management eg. noise at night time (use of intercoms etc.); and arrangements for problem/noisy dogs. The dog boarding business shall then be run in accordance with the measures set out within the agreed management plan.

Reason

To limit the environmental impact of the development, and to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

3. The site shall only be open to the public during the following times:

Monday to Friday.....07:30 - 18:00  
Saturdays.....08:00 - 17:00  
Sundays and Bank Holidays.....10:00 - 12:00 and 16:00 - 18:00

Reason

To limit the environmental impact of the development, and to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

4. The kennel building shall be constructed as per the specifications given in Section 8, Pages 15 and 16 of the following report: Red Twin Ltd, Naite Farm Dog Kennels, Oldbury-on-Severn, Noise Impact Assessment, Dated 13th September 2018, Ref: L1015.1 V2.

Reason

To provide an element of sound insulation, in the interests of limiting the environmental impact of the development to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

5. Prior to the first use of the kennel building, a 3m high closed feather edge board fence shall be installed at the site. The fence shall be installed in accordance with the specifications and plan shown on 'Fencing Detail and Exercise Areas' (Drawing no. 70411/2-002).

Reason

To provide an element of sound insulation, in the interests of limiting the environmental impact of the development to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

6. During the night time period (23:00 to 07:00), dogs shall be retained in the kennel building.

Reason

To avoid dogs barking outside at night, in the interests of limiting the environmental impact of the development to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

7. Only 1 dog shall be allowed in any exercise yard at any one time.

Reason

To reduce the risk of dogs barking at one another whilst exercising, in the interests of limiting the environmental impact of the development and to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

8. The dropping off and picking up of dogs shall take place within the fenced area only.

Reason

To limit the environmental impact of the development, and to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

9. All dog waste is to be collected by waste disposal services.

Reason

To limit the environmental impact of the development, and to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

10. The Rating Noise Level from any plant equipment shall not exceed the pre-existing LA90 Background Noise Level when measured and assessed in accordance with the British Standard 4142 as amended.

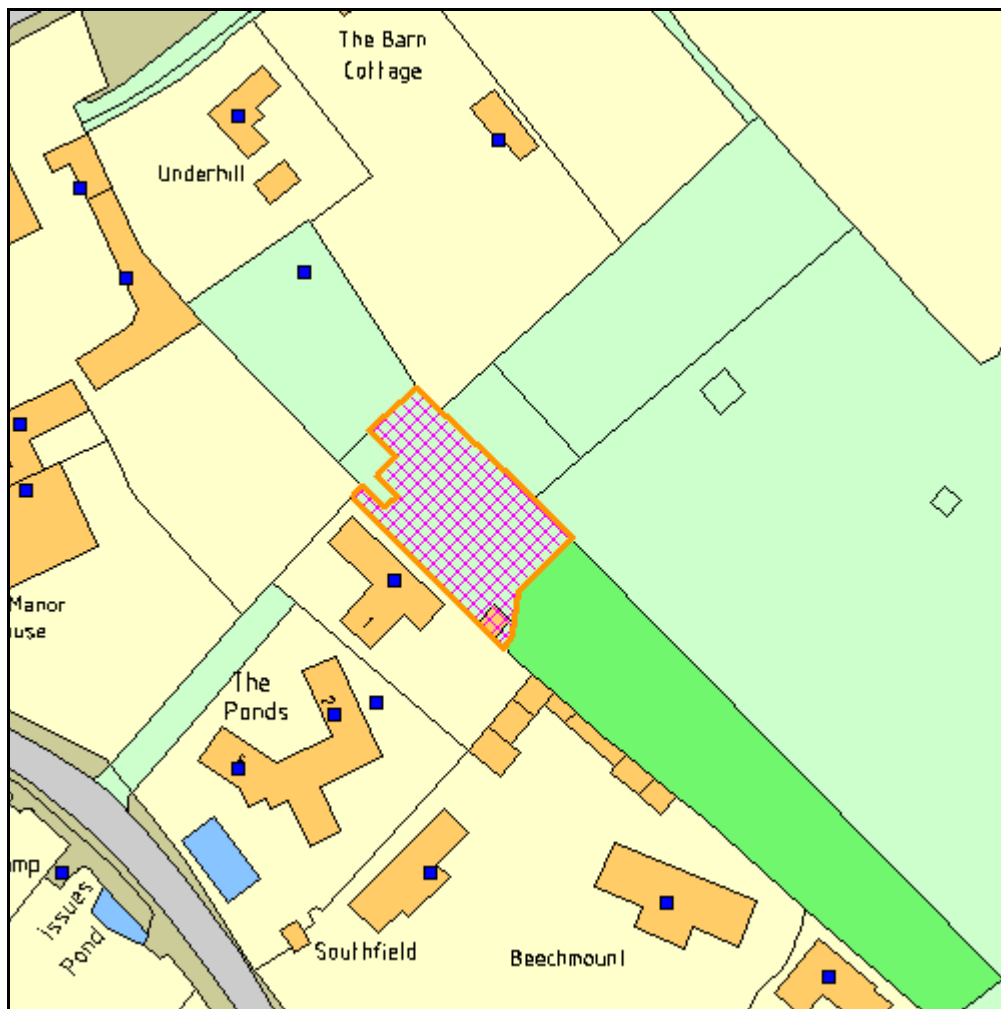
Reason

To limit the environmental impact of the development, and to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.



CIRCULATED SCHEDULE NO. 19/19 – 10 MAY 2019

<b>App No.:</b>	PT18/3896/F	<b>Applicant:</b>	Mr Richard Bryan BBH Properties
<b>Site:</b>	Former Tennis Court To The Grange Baden Hill Road Tytherington Wotton Under Edge South Gloucestershire GL12 8UG	<b>Date Reg:</b>	3rd September 2018
<b>Proposal:</b>	Erection of 1 no. detached dwelling with associated works.	<b>Parish:</b>	Tytherington Parish Council
<b>Map Ref:</b>	367195 188481	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th October 2018



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100023410, 2008. **N.T.S.** **PT18/3896/F**

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 CIRCULATED SCHEDULE**

This application is referred to the Circulated Schedule due to objections being received which are contrary to the Officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 This application seeks consent for the erection of one detached four-bedroom bungalow within the settlement of Tytherington. The dwelling is of a design to match 'Orchard House', a new stone dwelling under construction immediately to the northwest. It would share the same access.
- 1.2 The application site consists of a former tennis court for 'The Grange', a large detached grade II listed property located on the corner of Baden Hill Road and Duck Street.
- 1.3 The site is also located within the village conservation area.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework February 2019

- 2.2 Development Plans

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

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

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

PSP1	Local Distinctiveness
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Sites
PSP19	Wider Biodiversity

PSP20	Flood Risk, Surface Water and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

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

### 3. RELEVANT PLANNING HISTORY

'Orchard House'

- 3.1 P19/1412/F  
 Erection of a single storey side extension to form additional living accommodation.  
 Approval  
 26.03.2019
- 3.2 PT14/3064/F  
 Erection of 1no. detached dwelling with access and associated works.  
 (Resubmission of PT14/0353/F).  
 Refusal  
 09.10.2014

Reason:

1. The development of a new dwelling on the site as proposed, and the resultant loss of green open space, would fail to respect the rural character of the locality, the character and appearance of the Conservation Area, the setting of the Grade II listed building (The Grange) and its associated outbuildings and walled garden, and would appear an incongruous form of development at this edge of settlement location within the conservation area. The scale of the building resulting from the overly wide gable and the tarmac access drive and parking/turning area are design elements of the proposal which are considered particularly harmful to the character of the conservation area and setting of the listed buildings. The application would therefore be contrary to sections 66(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out in the National Planning Policy Framework (27 March 2012), Historic Environment Planning Practice Guide and Planning Policies H4, L1, L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) January 2006 and Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

**Appeal: APP/P0119/W/15/3011909**  
**Allowed**  
**06.07.2015**

- 3.3 PT14/0353/F  
 Erection of 1no. detached dwelling with access and associated works.  
 Withdrawn  
 12.06.2014

Application site & 'Orchard House'

3.4 PT12/3442/F

Erection of 2no. detached dwellings with access and associated works. (Resubmission of PT12/0689/F).

Refusal

13.12.2012

Reason:

1. By virtue of the massing, scale and design of the dwellings proposed and the loss of green space, the proposal would fail to respect the rural character of the locality, the character and appearance of the Conservation Area, the setting of the Grade II listed (The Grange) and its associated outbuildings and would appear an incongruous form of development at this edge of settlement location within the conservation area. The application would therefore be contrary to sections 66(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out in the National Planning Policy Framework (27 March 2012), Planning Policies D1, H2, H4, L1, L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) January 2006.

3.5 PT12/0689/F

Erection of 2no dwellings with garages, access and associated works. (Resubmission of PT11/3175/F)

Refusal

25.04.2012

Reasons:

1. By virtue of the size, massing, scale and design of the dwellings proposed and the loss of green space, the proposal would fail to respect the rural character of the locality, the character and appearance of the Conservation Area, the setting of the Grade II listed (The Grange) and its associated outbuildings and would appear an incongruous form of development at this edge of settlement/ conservation area location. The application would therefore be contrary to sections 66(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out in the National Planning Policy Framework (27 March 2012), Planning Policies H2, H4, L1, L12, L13 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) January 2006.
2. By reason of the size, massing and scale of unit 2 and its proposed relationship with the existing neighbouring property, the proposal would have a significant adverse impact on residential amenity and would be contrary to the advice contained within the National Planning Policy Framework (27 March 2012), Planning Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) January 2006.

3.6 PT11/3175/F

Erection of 2 no. detached dwellings with garages, access and associated works.

Refusal

02.12.2011

Reasons:

1. By virtue of the size, massing, scale and design of the dwellings proposed, the proposal would fail to respect the rural character of the locality, the character and setting of the Conservation Area, the setting of the Grade II listed (The Grange) and its associated outbuildings and would appear an incongruous form of development at this edge of settlement/ conservation area location. The application would therefore be contrary to sections 66(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPS3 and PPS5 and accompanying Planning Practice Guide, Planning Policies H2, H4, L12, L13 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) January 2006.
2. By reason of the size, massing and scale of unit 2 and its proposed relationship with the existing neighbouring property, the proposal would have a significant adverse impact on residential amenity and would be contrary to Planning Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) January 2006.

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

##### **4.1 Tytherington Parish Council**

No objection

##### **4.2 Other Consultees**

###### **Highway Structures**

No objection

- standard informative recommended

###### **Lead Local Flood Authority**

No objection

- secure details of Package Treatment Plant

###### **Sustainable Transport**

No objection

###### **Conservation Officer**

No objection

###### **Tree Officer**

No objection

- condition compliance with submitted arboricultural documents

###### **Ecology Officer**

- condition compliance with submitted ecological document
- secure details of bat boxes and garden fence cut-outs

#### **Other Representations**

##### **4.3 Local Residents**

3 local residents have objected. Their comments are summarised below:

- harm to character and appearance of the area

- timber cladding appropriate?
- unsafe access
- potential harm to tree on site
- negative effect of construction work; can a completion condition be attached?
- burning waste on site
- will the tennis pavilion be removed?
- can a 'leave the land in a satisfactorily tidy condition' be attached?

## 5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks consent to erect a four-bedroom detached dwelling on land previously used as a tennis court but contained within the curtilage of 'The Grange'.

### 5.2 Principle of Development

The application site is within the settlement boundary of Tytherington. Policy CS5 of the Core Strategy allows for small scale development within the settlement boundaries of defined villages. Policy PSP38 of the South Gloucestershire Local Plan (Adopted) November 2017 manages development, including the erection of new dwellings, at existing residential properties. This policy is generally supportive of such development subject to a detailed assessment of design, amenity, highway safety and parking provision; this analysis will be informed by other development plan policies. Weight should also be given to policy PSP17 for heritage assets and the historic environment given the site's location.

5.3 Having considered the above, the principle of development is acceptable subject to the analysis set out below.

### 5.4 Design, Visual Amenity and Heritage

The proposed development consists of an L-shaped bungalow, its short wing facing Baden Hill Road. Elevational treatment consists of a mix of rubble stone and untreated timber boarding and roof tiling would be double Romans. Living accommodation is principally on the ground floor with bedrooms in the loft served by high-level rooflights.

5.5 Policy CS1 requires new development to be informed by, respect and enhance the character of the local area. Although there is a mixed architectural style within the immediate vicinity of the site, roof tiles and stone are very prevalent. 'Orchard House', a double height stone dwelling, was allowed at appeal (PT14/3064/F) to the northwest and to the southwest lies 1 The Ponds, another modern double-height property, which overlooks the site.

5.6 When considered against the buildings nearby, the proposed development is considered to be in keeping with the general character and appearance of the locality. 'The Grange' outbuildings have strongly influenced the design of the new bungalow in terms of its form, scale and materials. Such a design approach is considered suitable for the location, including the timber boarding which should weather comfortably with the adjacent stone.

- 5.7 It is concluded that the design meets the requirements of policies CS1, PSP1 and PSP38. Neither would it conflict with policies CS9 or PSP17 in terms of its impact on the village conservation area or the setting of its grade II host.
- 5.8 Residential Amenity  
Amenity is important in terms of the proposed dwelling, the proposed residential curtilage for the existing dwelling, and nearby occupiers.
- 5.9 It is considered that the residential amenity of adjacent neighbours will be protected. The proposed boundary treatment limits the number of windows that could conceivably cause overlooking and given its scale, the development is unlikely to detrimentally impact the amenity levels enjoyed by its neighbours.
- 5.10 The provision of private amenity space also needs consideration. Both immediate neighbours are in reasonably close proximity and have first floor windows which would provide a direct line of sight into some parts of the bungalow's garden. The applicant has proposed tall, narrow, fixed-light slit windows to the elevations concerned which are intended to act as secondary openings to the habitable spaces. Officers are content that this measure, as shown on the proposed plans, would limit any looking into the aforementioned rooms and thus not result in any loss of privacy for future occupiers. The amount of garden (at least 150 sqm) around the building also gives Officers comfort that the living conditions of future occupiers would not be adversely affected by its neighbours' windows. Furthermore, the plot would be afforded a level of private garden space which exceeds the minimum requirements of policy PSP43.
- 5.11 For the reasons Officers have set out therefore, the proposed development would not conflict with policies PSP8, PSP38 and PSP43.
- 5.12 Access, Parking and Transport  
The site is located within a predominately rural area with limited local facilities, meaning the property will be largely car-dependent. Therefore, it does not fully comply with the requirements of policy PSP11 in terms of juxtaposition to necessary facilities and access by all travel modes. However, given it is unlikely that more than 7 vehicular trips per day will be generated, it is not considered that this development will have a severe impact on the adjoining highway network and so a highways or transportation objection cannot be sustained on this basis.
- 5.13 The Council's minimum domestic car parking requirements, set out in policy PSP16, relate the number of off-street parking spaces required to the number of bedrooms present in any property. In this case, the dwelling will have four-bedrooms so it is necessary to provide at least two spaces. The submitted plans indicate that the proposal conforms to these requirements.
- 5.14 Access will be obtained from the new drive constructed to 'Orchard House'. This, in turn, is connected to an existing unmade and unadopted spur from Baden Hill. Neither of these elements will be changed in any way by the proposal. Although not ideal, the access does not raise any material highway

safety concerns. Officers therefore do not believe it will create any significant highway or transportation issues.

5.15 It is concluded that the proposed development accords with policies CS8, PSP11 and PSP16.

5.16 Ecology

An Ecological Assessment (Ethos Environmental Planning, July 2018) has been submitted alongside the application; findings are summarised as follows –

*Designated sites*

There are no designated sites that will be affected by this development.

*Habitats*

The habitats on site consist of:

- intact species-poor hedge
- tall ruderal vegetation
- bare ground
- refuse-tip
- wall
- structures

*Bats*

The site provides some foraging and commuting potential for bats, but this is very poor compared to the surrounding habitats.

There was a single building within the plot of wooden frame and walls with a pitched roof with felt tiles. This was considered to offer low potential for roosting bats. The subsequent emergence survey did not record any bats using the building.

The report recommends that two bat boxes are erected via the development.

*Dormouse*

The lack of suitable and poor quality of habitats on site suggest that dormouse are unlikely to be present on site according to the report.

*Birds*

The site provides nesting opportunities for birds within the building, scrub and trees. These should be protected and/or replaced throughout the scheme.

*Badger*

No evidence of badger were recorded during the survey and are not considered a constraint to this application.

*Reptiles*

Although the site shows some suitability for reptiles in the form of brash and rubble piles, these were surrounded by bare ground and considered to be sub-optimal. No surveys have been recommended, but an appropriate method statement ensuring their protection during construction should be followed.



### *Great crested newt*

No ponds lie within 250 metres of the site, and only one pond within 500 metres is not separated by an ecological barrier. However, due to the lack of suitable habitat on site, it is highly unlikely great crested newt are present.

### *Hedgehog*

The report states that the site has low potential for hedgehog due to the lack of suitable vegetation within the majority of the site. The report recommends providing CD-sized holes in any proposed fencing.

### *Invertebrates*

The site is well-used and lacking habitat diversity or rarity for species of interest.

5.17 Subject to conditions securing the proposed mitigation measures and additional details of bat boxes and garden fence-cut outs, there is no ecological objection to the application and Officers see no conflict with policies CS9, PSP3 and PSP19.

5.18 Trees

The application is supported by an arboricultural report, tree protection plan and method statement, demonstrating that the works can be undertaken without inflicting significant harm on the retained trees. Compliance with the submitted arboricultural documents and BS:5837:2012 shall therefore be conditioned. As a result, Officers see no conflict with policies CS9 and PSP3.

5.19 Drainage

It appears that the public foul sewer is located about 40-50 metres from the proposed site. A Package Treatment Plant is therefore specified but its location is not shown and the method of irrigation for the effluent overflow is not indicated. A percolation test for discharge to the proposed soakaway is also necessary, alongside a potential 'Environmental Permit' or 'Discharge Consent' from the Environment Agency and Building Regulation approval. However, the Council's Drainage Engineer these issues relating to the foul drainage could be dealt with satisfactorily by means of conditions.

5.20 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.

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

## 5.22 Other Matters

Concerns have been raised by a neighbour regarding current on-site work and potential noise and disturbance during the construction period. Officers saw on site that there are neighbours in close proximity to the application site and as such consider it reasonable to impose a condition in order to protect the living conditions of these people.

5.23 A neighbour asks if the existing tennis court will be removed. The existing surfacing cover appears as a bland, incongruous feature on site, lacking any visual interest. Its removal is therefore not objected to.

5.24 A request has been made to attach a condition requiring the applicant to leave the land in a satisfactorily tidy state. However, what may appear unsatisfactorily tidy to one person may be satisfactorily tidy to another person. Moreover, if the land is left in a state which adversely affects the amenity of the area, or if the land were to become in such a state, the Council has separate powers to remedy such matters. Thus, a condition requiring the above is considered unreasonable and excessive.

## 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 It is recommended that permission for this development be GRANTED subject to the conditions listed below.

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

## CONDITIONS

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

Reason

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

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

Reason

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

3. All works must proceed in strict accordance with British Standard BS:5837:2012 and the Tree Survey (Ethos Environmental Planning, May 2018).

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the retained trees, and to accord with Policy PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the revised National Planning Policy Framework.

4. All works must proceed in strict accordance with the mitigation measures set out in Chapter 6 of the Ecological Assessment (Ethos Environmental Planning, July 2018).

Reason

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

5. Prior to the commencement of the relevant phase of works, details of the proposed bat boxes and garden fence cut-outs, including a plan showing their locations, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of local biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the revised National Planning Policy Framework. A pre-commencement condition is required in this instance to avoid the need for remedial action.

6. Prior to the commencement of the relevant phase of works, details of the Package Treatment Plan, including its location, the method of irrigation for the effluent overflow, a percolation test for discharge to the soakaway, and a copy of an Environmental Permit or Discharge Consent obtained from the Environment Agency, shall be

submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory means of drainage and pollution control and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the revised National Planning Policy Framework. A pre-commencement agreement is required in order to avoid the need for remedial action.

7. The development shall be implemented strictly in accordance with the following plans:

Received 22.08.2018:

Proposed Location Plan (276.S12)

Proposed Block Plan (276.S13)

Location Plan (284.S10)

Existing Block Plan (284.S11)

Site Plan (284/PL01)

Proposed FF Plan (284/PL02)

Proposed Roof Plan (284/PL03)

Proposed Elevations (284/PL04)

Proposed Sections (284/PL05)

Proposed Street Views (284/PL06)

Mixed Plans (284/S10)

Reason

For the avoidance of doubt.