



**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. 31/16

Date to Members: 05/08/2016

Member's Deadline: 11/08/2016 (5.00 pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

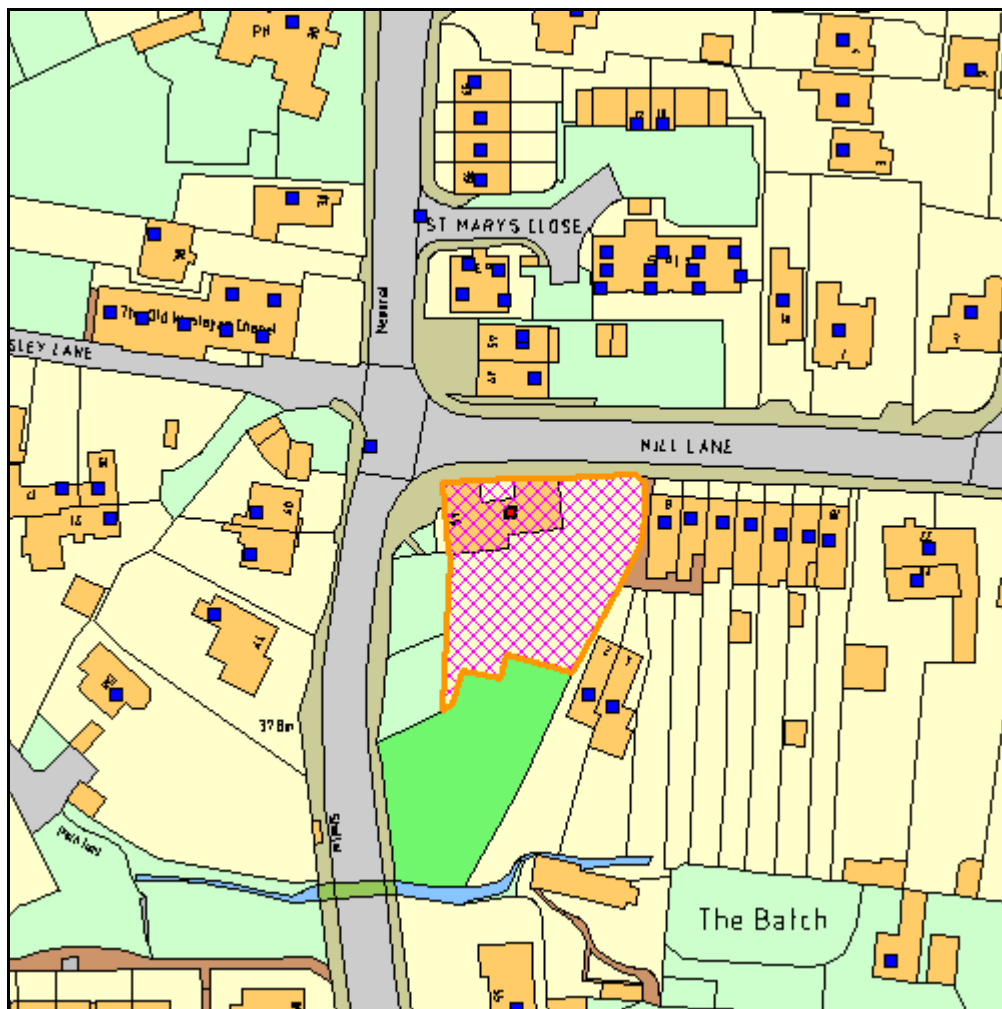
CIRCULATED SCHEDULE 05 August 2016

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/5164/F	Approve with Conditions	49 Tower Road South Warmley South Gloucestershire BS30 8BW	Parkwall	Oldland Parish Council
2	PK16/1517/F	Approve with Conditions	Beechwood House 4 Lime Croft Yate South Gloucestershire BS37 7HG	Yate North	Yate Town
3	PK16/2152/F	Approve with Conditions	94 Downend Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
4	PK16/2449/RV	Approve with Conditions	Land North Of Brimsham Park Yate South Gloucestershire BS37 7JT	Yate North	Yate Town
5	PK16/2596/F	Approve with Conditions	Rogers Orchard Upper Street Dyrham Chippenham South Gloucestershire SN14 8HN	Boyd Valley	Dyrham And Hinton Parish Council
6	PK16/2597/LB	Approve with Conditions	Rogers Orchard Upper Street Dyrham Chippenham South Gloucestershire SN14 8HN	Boyd Valley	Dyrham And Hinton Parish Council
7	PK16/3306/F	Approve with Conditions	Fairview Cottage Emersons Green Lane Emersons Green South Gloucestershire	Emersons	Emersons Green Town Council
8	PK16/3618/F	Refusal	30 Cherry Garden Lane Bitton South Gloucestershire BS30 6JH	Bitton	Bitton Parish Council
9	PK16/3876/CLP	Approve with Conditions	18 Kings Avenue Hanham South Gloucestershire BS15 3JN	Hanham	Hanham Abbots Parish Council
10	PT16/1277/O	Approve with Conditions	Land To The West Of Players Close Hambrook South Gloucestershire BS16 1SX	Winterbourne	Winterbourne Parish Council
11	PT16/1825/F	Approve with Conditions	21 Perrinpit Road Frampton Cotterell South Gloucestershire BS36 2AR	Frampton Cotterell	Frampton Cotterell Parish Council
12	PT16/3465/F	Approve with Conditions	Fairway Bristol Road Thornbury South Gloucestershire BS35 3JA	Thornbury South And	Thornbury Town Council
13	PT16/3545/F	Approve with Conditions	8 Florence Park Almondsbury South Gloucestershire BS32 4HE	Almondsbury	Almondsbury Parish Council
14	PT16/3558/F	Approve with Conditions	Railway Tavern 56 Wotton Road Charfield Wotton Under Edge South Gloucestershire GL12 8SR	Charfield	Charfield Parish Council

CIRCULATED SCHEDULE NO. 31/16 – 5 AUGUST 2016

App No.:	PK15/5164/F	Applicant:	Mr And Mrs Harold Boddy
Site:	49 Tower Road South Warmley Bristol South Gloucestershire BS30 8BW	Date Reg:	3rd December 2015
Proposal:	Erection of 2 no semi detached dwellings with new access and associated works.	Parish:	Oldland Parish Council
Map Ref:	366920 172451	Ward:	Parkwall
Application Category:	Minor	Target Date:	28th January 2016



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N.T.S.

PK15/5164/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following an objection from a local resident.

1. THE PROPOSAL

- 1.1 The application proposes the erection of 2no. semi-detached dwellings with vehicular access and associated works. The site relates to the garden associated with No. 49 Tower Road South. This building is locally listed and situated at the junction of Mill Lane/Town Road, within the established residential area of Warmley.
- 1.2 This application follows a number of unsuccessful applications to develop the site. Extensive negotiations have ensued between the applicant and the LPA which are considered to have addressed the refusal reasons to previous schemes.
- 1.3 During the course of the application it was identified that bat surveys were required. These an ecological survey

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

EP4 Noise Sensitive Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
L1 Landscape Protection and Enhancement
L5 Open Areas within Existing Urban Areas
L9 Species protection
L11 Archaeology
L15 Locally Listed Buildings
T7 Cycle Parking
T12 Transportation for New Development

South Gloucestershire Core Strategy incorporating Post-Submission Changes December 2011

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historical Environment
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Standards

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire Residential Transport SPD – draft 2013
South Gloucestershire Locally Listed Buildings SPD (Adopted Feb 2008)
South Gloucestershire Trees on Development Site (Adopted) 2005

3. **RELEVANT PLANNING HISTORY**

- | | | |
|-----|-------------|---|
| 3.1 | PK15/2009/F | Erection of 2no. semi-detached dwellings with vehicular access and associated works (Re-submission of PK13/1248/F)
Withdrawn 2.9.15 |
| 3.2 | PK13/1248/F | Demolition of existing buildings to facilitate the erection of 4no. dwellings with new vehicular access and associated works. (Resubmission of PK12/4140/F).
Refused 22.5.13 |

Reason 1:

Inadequate information has been submitted to satisfy the Planning Authority that a satisfactory access for two-way movements can be achieved for a new development with a new junction in close proximity to a road junction. Furthermore, inadequate information or no mitigating measures has been submitted on how parking immediately outside the development is managed so that it does not impact on available visibility from the site access onto the public highway and on the highway safety. This is contrary to policy D1 and T12 of South Gloucestershire Local Plan.

Reason 2:

The level of information submitted with the application and the content of the statement of significance are considered inadequate and insufficient to describe the significance of the locally listed building, and to satisfactorily demonstrate how the proposal will mitigate the loss of character resulting from the demolition of a non-designated heritage asset. The proposal is, therefore, contrary to the NPPF (paragraph 128) and policy L15 of the adopted South Gloucestershire Local Plan.

Reason 3:

The proposal by virtue of its design, detailing and use of materials would fail to adequately mitigate the harm to the character and distinctiveness of the locality resulting from the demolition of the locally listed building contrary to policies D1, L1 and L15 of the adopted South Gloucestershire Local Plan.

Reason 4:

Having regard to the number of dwellings proposed on the site it is considered that the development would result in overdevelopment of the site and would thereby have an adverse effect on the residential amenities of future occupiers. The proposal is therefore contrary to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

Reason 5:

The proposal fails to reach a good standard of site planning and design as required by Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006. Due to the proximity of the proposed east elevation, the existing property No. 6 Mill Lane would suffer from overbearing and overshadowing and loss of light from the proposed dwellinghouses. In addition due to the close proximity of the rear of proposed dwellinghouse, No. 2 Mill Lane would suffer from intervisibility and overbearing and is therefore contrary to Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

3.3	PK12/4140/F	Erection of 5no 3 bed dwellings with access and associated works
	Refused	15.2.13
3.4	PK08/3095/O	Demolition of existing dwelling to facilitate the erection of 14no. self contained flats (Outline) with layout and means of access to be determined. All other matters reserved. (Resubmission of PK08/2009/O)
	Withdrawn	4.2.09
3.5	PK08/2009/O	Demolition of existing dwelling to facilitate the erection of 14no. self contained flats (Outline) with layout and means of access to be determined. All other matters reserved
	Withdrawn	18.9.08

Applications on site next door

3.6	PK15/4628/F	Erection of 4 no. attached dwellings with new access and associated works (Re Submission of PK15/0676/F)
	Approved	8.4.16

4. CONSULTATION RESPONSES

4.1	<u>Oldland Parish Council</u>
	No objections

4.2 Other Consultees

Listed Building Officer

No objection subject to conditions attached to the decision notice

Ecologist

It is recognised that there is moderate potential for a bat roost to be present. Although there are a number of other potentially suitable properties in the area which on balance reduces the risk of bats being present, the risk is raised by the poor condition of the house which affords bat access points, and the presence of the local stream corridors which have been shown to support foraging/commuting bats.

Following case law it is not possible to condition surveys for European Protected Species; it is important that the LPA has survey information prior to determination. A survey for the potential for bat roosts to be present must be provided to the LPA. Such a survey must be carried out by a licensed bat ecologist, and can consist of a short report. Should the survey show that there is potential for bats to be present and negatively impacted, then further bat surveys would be required, and these could not be carried out until bats are active, i.e. not before March at the earliest.

Updated comments:

Following the surveys there are no objections subject to a condition requesting enhancement

Highway Engineer

No objection subject to a condition regarding the design of the entrance

Highway Structures

No comment

Highway Drainage Officers

No objection

Tree Officer

No objection

Environmental Protection Officer

No objection subject to an informative relating to construction site working practices

The Coal Authority

No objection subject to conditions to secure investigations and a scheme of remedial works if necessary all prior to work commencing on site.

Wales and West Utilities

No objection subject to an informative attached to the decision notice regarding the possibility of pipes etc in the locality.

Other Representations

4.3 Local Residents

Two letters have been received, one in support and one objecting to the scheme:

Letter of objection points made are summarised as:

- Existing covenant on land restricting development
- Overlooking and inter-visibility issues
- Incorrect drawings and missing visibility splays
- Loss of privacy / noise / loss of amenity
- Parking issues
- Impact on highway
- Noise issues, exhaust fumes and nuisance
- Missing biodiversity / habitat survey
- Orientation of dwellings should now face Town Road South and not Mill Lane given recently granted permission on adjacent site

Letter in support points made are summarised as:

- proposal is sympathetic development in keeping with other local properties
- sufficient parking to accommodate new residents
- brings back into use a derelict and overgrown plot and building
- will add to amenity of area
- will not overlook or detract from other existing properties

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. The site is within the established residential area as defined in the South Gloucestershire Local Plan (Adopted) 2006. Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for the erection of infill dwellings within existing curtilages, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Policy CS1 requires all new development to be well designed and along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and locality and Policy L15 deals specifically with locally listed buildings of interest. Policy T12 identifies factors relating to parking, access and highway safety that must be taken into consideration and Policy T8 advises on maximum parking standards. Residential Parking Standards for new development are set out in the adopted SPD.

- 5.2 It is acknowledged that South Gloucestershire Council cannot demonstrate that it has a five year land supply. This means the NPPF takes precedence in decision making. Paragraph 49 of the NPPF declares that housing applications should be considered in the context of the presumption in favour of sustainable development. For the LPA this means granting permission unless any adverse impact on doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.

- 5.3 As mentioned above the site lies within the established settlement boundary of Warmley. Development is encouraged in built up areas and this is given significant weight in favour of the proposal. In addition, the proposal would result in two new dwellings and the re-instatement of a disused property which would add to the housing supply. Again this is given weight in favour of the proposal. In principle the application is considered to accord with policy subject to further assessment as discussed below.
- 5.4 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.5 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.*
- 5.6 Locally listed building
This application follows an extensive period of negotiation and discussion with the applicant and the refusal/withdrawal of previous schemes considered harmful to the character of the locality and the significance and setting of the locally listed building.
- 5.7 The application includes the removal of the flat roof shopfront on the locally listed building and the clearance of the poorly constructed additions attached to its eastern side. It is noted that an early heritage statement justifying the removal of the locally listed building has been included with the submitted details. This is unfortunate as the proposed plans under consideration here clearly indicate the retention and restoration of this prominent building that, with some sensitive restoration, could once again make a significant contribution to the character and distinctiveness of the locality. As such the heritage statement is considered out of date and will not be used in this assessment. The face to face meeting held with agent and applicant is therefore considered to take precedent and these discussions have resulted in the submission of the plans under consideration here.
- 5.8 In terms of the proposals, the scheme has been radically altered from the previous 'dwellings in the garden' layout to one where the two dwellings now front Mill Lane with ridges perpendicular to the road, echoing the adjacent terrace of cottages. The scale and massing of the new buildings sits somewhere between the terrace and the locally listed building and although sits forward in the plot, does not unduly compete with or detract from the setting of no.49. The elevations also echo the terrace of cottages with sash windows set centrally and an off-centre door leading onto a small enclosed front garden area. The sides of the building are to be rendered with either brick or stone detailing. Large scale details of key aspects of the construction such as eaves/verge/windows/doors etc will be required to ensure the quality and detailed execution of these is of the highest standard.

- 5.9 The locally listed building would be given a generous garden to the rear and the dilapidated shopfront that detracts from the front of the building would be removed to allow its repair and restoration. The restoration of this building should replicate its existing features rather than the detailing shown on the proposed plans as this is not an accurate reflection of the present building. As the restoration of this building forms part of the wider scheme of development it is essential that the repairs and removal of the shopfront are implemented as part of the approved development. A condition would therefore be attached requiring completion of the external envelope repairs prior to first occupation of the new dwellings to enhance the significance of the locally listed building and the amenity /distinctiveness of the locality.
- 5.10 To summarise this section, the proposal is considered acceptable subject to conditions securing large scale details of key design aspects, and on the basis and understanding that the proposal includes the restoration of the locally listed building and not its demolition.
- 5.11 Design and Visual Amenity and Character of the Area
The application site comprises a locally listed building occupying a corner position at the junction of Mill Lane and Tower Road South in Warmley. The house itself faces onto Mill Lane, has a number of single storey extensions to the front, side and rear. The garden serving the property is to the rear and side of the site. The surrounding area is suburban in character with a variety of two-storey and three storey blocks differing in design, style and scale.
- 5.12 The application is for the reinstatement of the locally listed building and this has been subject of extensive discussions with the listed building officer and the details will be secured by condition. The other part of the application is for the erection of two semi-detached 3 bed properties to be situated to the east of no. 49 and would infill the gap in the built form between this property and the beginning of the historic terrace of cottages at No. 6 Mill Lane. The principle elevations would therefore face Mill Lane and parking for both these properties and No. 49 would be situated to the rear of the site accessed along a new driveway in between No. 6 and the new dwellings. Comments have been made suggesting that as the site to the rear has recently gained planning permission that the new dwellings should face onto Town Road South. Various options have been discussed in conjunction with the Listed Building Officer; the conclusion reached is that properties facing out onto Mill Lane to link the existing corner property with the terrace of cottages would be preferable in visual amenity terms and would also utilise an existing access to the site.
- 5.13 The design and scale of the properties have therefore been carefully considered to complement the existing street scene along this part of Mill Lane. A complete pastiche of design is rarely encouraged but it was felt important that the new builds should reflect the traditional cottages in terms of scale, style and materials with the locally listed detached property making its own statement on the corner. As such the submitted design shows the semi-detached properties would each present gables to Mill Lane and have a pattern of fenestration and openings to match those of the adjacent cottages. The footprints of these 3 bed room dwellings would be slightly smaller than the cottages but sufficiently representative of their scale to be in-keeping with the street scene.

- 5.14 Materials used in the construction would comprise stone, brick and render and would be to match the pattern as per the stone terrace next door to the site. Given its highly prominent position the materials are considered very important and a condition would be attached to the decision notice to secure a good finish.
- 5.15 It is noted that the submitted plans are slightly incorrect in that the elevation drawings and the floorplans do not completely match. It is noted that the elevations show windows in the side elevations serving proposed bathrooms but these are absent in the floorplans. Officers are satisfied that this was an oversight and the assessment has been based on windows being introduced to the side elevations.
- 5.16 In terms of the overall design, scale and massing it is considered that negotiations have resulted in an acceptable form of development that would secure two new dwellings and the re-instatement of the currently disused locally listed building. The proposal is considered to accord with policy and is recommended for approval.
- 5.17 Residential Amenity
The proposed dwellings would have their main openings to the front and rear. To the rear the closest neighbour at No. 2 Mill Lane is at an approximate distance of 16 metres and furthermore angled to the northeast. It is therefore considered there would be no adverse issues of inter-visibility or overlooking resulting from the development. To the front the two new dwellings would be opposite the rear parking area of shops and flats along Tower Road South and Mill Lane respectively. Given a combination of orientation and distance there would be no adverse impact on the amenity of existing or future occupants.
- 5.18 Closest neighbours to the east of the site at No. 6 Mill Lane have made objections on the grounds that the new dwelling would impact on them due to overlooking and inter-visibility. As mentioned above in the design section the openings in the side elevation would firstly serve a ground floor living /dining room and at first floor would serve a bathroom. It is noted that these proposed openings are quite small. The bathroom window would be conditioned to be of obscure glass and non-opening below a certain level. Such a condition is considered appropriate, reasonable and not unusual treatment for a window serving this function and acceptable in mitigating any perceived negative impact.
- 5.19 Moving on to the potential impact on ground floor windows of No. 6 Mill Lane. This neighbour has two windows in their side elevation serving ground floor rooms, namely a sitting room and a kitchen. Due to the gradient of the land these ground floor windows are above the height of the wall and as such the ground floor windows of the neighbour and the new dwelling may be on similar levels. One of the existing neighbouring windows would be opposite the side of the new house while the other would still face the garden of No. 49. Along the length of the side elevation the two properties would be separated by a distance of between 8 and 9 metres when measured from north to south. Plans indicate that the proposed ground floor window would be positioned further to the north and expected distances between the windows of No. 6 and

the small window of the proposed house would be about 10 metres. Given the angle between the two there would be no direct inter-visibility between the two properties. It is acknowledged that these neighbours would see changes resulting from the introduction of new development but in built-up locations it is not unusual for neighbours to be in close proximity to one another. It must be re-emphasised that the site is within the built up urban area where development and the best use of land is encouraged. This is given significant weight as would be the creation of two new dwellings and the reinstatement of one other.

5.20 The proposed size of the gardens has been mentioned as an area of concern. Plans indicate that the gardens would be approximately 55 sq m and 50 sq m for each of the new dwellings with the garden of the locally listed building achieving an area of 112 sq m. South Gloucestershire Council has proposed levels of amenity space for new builds at a level of 60 sq m for a three bed property. It is noted that the proposed space falls slightly short of these levels but at the same time the suggested policy levels have not yet been adopted into local policy and can be considered as suggested levels. Given that the amenity space would be entirely used as garden space by the new occupants and the associated parking would be within the rear dedicated parking area, on balance the garden space is considered adequate to serve the needs of the dwellings.

5.21 The above has illustrated that the proposal accords with policy. The impact on residential amenity of the neighbouring dwellings is acknowledged but is not considered sufficient to warrant a refusal of the application. The proposal is therefore recommended for approval.

5.22 Sustainable Transport

In terms of the proposals, it is noted that the scheme has been radically altered from all the previous schemes in respect of scale of the development, access, and parking situation and follows on from constructive meetings with transportation officers. This application proposes to convert the existing building to a new dwelling and to construct two new houses with off-street parking and turning area. A new vehicular access would therefore be constructed to serve the three properties.

5.23 The proposed access at its entrance is 5.5m wide and this is considered adequate to accommodate two-way traffic movement. The new entrance will be located at north-east corner of the application site to ensure that it would not adversely affect traffic movements at Mill Lane junction with Tower Road South. On exiting the site access, visibility to the left of the access is satisfactory. Visibility to the right of the access onto Mill Lane is sometimes impeded by parked vehicles (taking place fronting no. 6 to 18 Mill Lane). Nonetheless, it is considered that adequate visibility is available within the context of the highway ownership. It is appropriate to note that Mill Lane has a fairly straight alignment at this location and as such, drivers travelling along this road have good forward visibility and would be able to see any vehicles emerging from the new access. Furthermore, Officers are satisfied that the drivers travelling on Mill Lane would be slowing down when approaching to the Tower Road South junction.

- 5.24 Suitable turning area is proposed on site and this will ensure that vehicles can access and egress the site in forward gear and in safety. Overall, the officer concludes that the proposed access is safe. However, there is a minor issue about the type of the access proposed for this scheme. The applicant has proposed the access to be in form of a bellmouth access. But given the small scale of the proposed development, it is recommended that this access is amended to a pedestrian crossover. This will be conditioned.
- 5.25 In terms of parking, the proposal includes the provision of two parking spaces for each dwelling plus a visitor's parking space. Plans submitted show total of 7 car parking spaces on site plus turning area on site. This level of car parking complies with the Council's parking standards and as such, it is considered acceptable. In view of all the above, there is no highway objection to this application.
- 5.26 The Coal Authority
The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered. Coal Authority records indicate that the site is in an area of likely historic unrecorded underground coal mine workings at shallow depth. There are also two mine entries within 20m of the site boundary with zones of influence which extend into the site. The planning application is supported by a Coal Mining Risk Assessment, dated 15 November 2012 and prepared by Bristol Coalmining Archives Ltd. This report has been informed by an appropriate range of sources of information including; historic maps, geological maps and a Coal Mining Report.
- 5.27 On the basis of an analysis of coal mining data and geological information, the Coal Mining Risk Assessment concludes that the risk of shallow coal having been worked is moderate-low. It therefore recommends that a preliminary site investigation should be carried out to confirm/eliminate the possibility of ancient unrecorded shallow mine workings. The findings of these intrusive site investigations should inform any mitigation measures which may be required. The Coal Mining Risk Assessment also considers the mine entries around the site and on the basis of coal mining records and geological maps concludes that these features are more likely to be wells or pump shafts than mine entries. No investigations in respect of these are therefore proposed.
- 5.28 The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. Conditions will be attached to the decision notice to secure the appropriate investigations.
- 5.29 Environmental Protection
The development would take place within the established residential curtilage of No.49 Tower Road South. As such it is considered that there would be no adverse environmental issues resulting from the proposal. To protect the amenity of neighbours a condition limiting the hours of work is to be attached to the decision notice.

5.30 Ecology

A Bat Survey Report has been provided (IES Consulting, dated June 2016) and found the following:

- An internal and external buildings inspection (IES Consulting, March 2016) found that the building had moderate potential to support roosting bats (protected under the Conservation Regulations 2012 (as amended) and the Wildlife and Countryside Act 1981 (as amended)).
- No bats were seen to emerge or re-enter the building.
- Low numbers of common pipistrelle were recorded commuting over the garden.
- The opportunity should be taken to provide enhancements on the newbuilds in the form of bird boxes.

5.31 Given the above there are no objections to the application on ecological grounds. However, where appropriate, applications need to demonstrate how they will contribute towards the targets and aims of the South Gloucestershire Biodiversity Action Plan (BAP), as advised in the Council's planning guidance 'Biodiversity and the Planning Process' - for example, by creating new areas of habitat listed within the BAP or managing existing ones sympathetically. Accordingly, ecological gain should be sought within or from the development and this will be covered by condition.

5.32 Other matters

Covenant.

Neighbours have commented on the 1980 covenant attached to the application site which states that the land shall not be built on. It is understood that the owner is in negotiation with the council to discharge this covenant. Regardless, the matter of the covenant is a separate matter, not covered under planning law and therefore one that cannot be taken into consideration as a material consideration here. As explained in the above sections, the site lies within the established settlement boundary of Warmley in precisely the location where both national and local planning policy encourages new development. Furthermore, the site is a large garden and it is not unusual for such plots to be divided into smaller units to accommodate new housing. This application would assist in achieving two brand new dwellings and would also bring back into use the currently unused main house.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of 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 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with saved Policy 4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

3. Prior to the first occupation an Ecological Enhancement Plan is submitted to the LPA for approval in writing, detailing the number, location and type of bat boxes provided in order to enhance the habitat for bats.

Reason

In the interests of protected species and the ecology of the site, in accordance with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006. This is a pre-commencement condition to ensure that protected species are not harmed before the strategy can be agreed and implemented.

4. The off-street parking facilities (for all vehicles, including cycles) shown on the Site Plan A101/06 plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose. For the avoidance of doubt the bellmouth access shall not be implemented but shall be amended to an access which includes a pedestrian crossover.

Reason

In the interests of highway safety and the amenity of the area to accord with Policies CS1 and CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th

Dec. 2013 and Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and The South Gloucestershire Residential Parking Standards SPD (Adopted) Dec 2013.

5. Prior to the commencement of the development, a further site investigation shall be carried out to confirm whether or not the need for remedial works to treat the areas of shallow coal mine workings to ensure the safety and stability of the proposed development. The following items shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development:
- * The submission of a scheme of intrusive site investigations for approval;
 - * The undertaking of that scheme of intrusive site investigations;
 - * The submission of a report of findings arising from the intrusive site investigations;
 - * The submission of a scheme of remedial works for approval; and
- and the remedial works shall be carried out in accordance with the approved details.

Reasons:

- a. This is a pre-commencement condition to avoid any unnecessary remedial works in the future.
- b. To avoid development on unstable land in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).
6. Prior to the use or occupation of the dwellings hereby permitted, and at all times thereafter, the proposed first floor window in the east elevation of Plot 2 shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed'..

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

7. Prior to the first occupation of the dwellings hereby approved, the removal of the single storey front extension to no.49 shall be completed and the elevations of this building restored with all new external works and finishes, and works of making good, matching the existing original building in respect of materials used, detailed execution and finished appearance

Reason

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

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

Reason

This is a pre-commencement condition to avoid any unnecessary remedial action and 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.

9. Sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure 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.

10. A sample panel of the render indicating colour and texture, shall be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the development is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure 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.

11. Prior to the commencement of development full details of the following items shall be submitted to and agreed in writing with the Local Planning Authority.
 - a) Windows (including reveal, brick surround, head, cill and glazing bar details (for the avoidance of doubt the sash windows are to be vertically sliding sashes, not top hung mock sashes).
 - b) Doors (including reveals and surrounds)
 - c) Quoins and string course
 - d) Eaves, verge and ridge construction (including bargeboard detailing)
 - e) All vents, flues, extracts and meter boxes.
 - f) Rainwater goods.

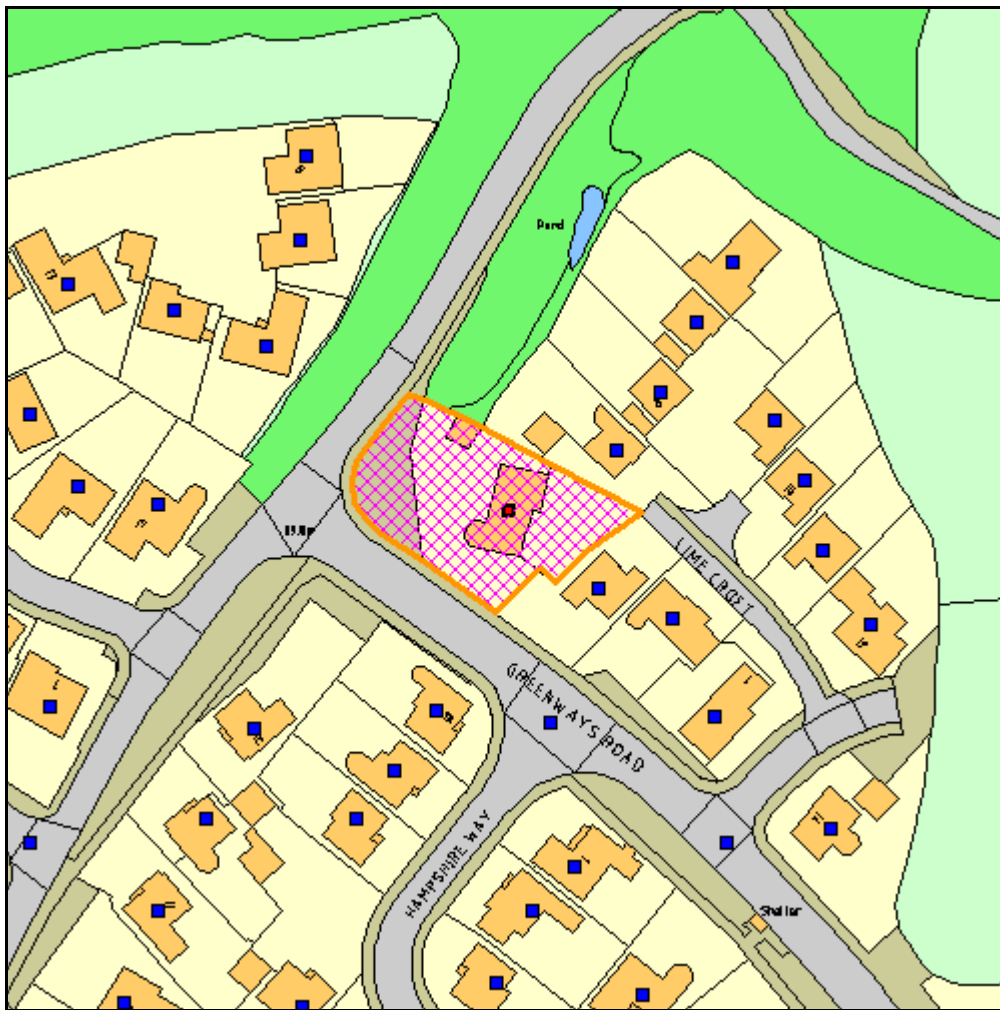
The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason

This is a pre-commencement condition to avoid an unnecessary remedial action and to ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 31/16 – 5 AUGUST 2016

App No.:	PK16/1517/F	Applicant:	Mrs Jenna Totterdell
Site:	Beechwood House 4 Lime Croft Yate Bristol South Gloucestershire BS37 7HG	Date Reg:	18th April 2016
Proposal:	Change of use of land to residential curtilage. Erection of 1.8m high boundary wall.	Parish:	Yate Town Council
Map Ref:	371947 183780	Ward:	Yate North
Application Category:	Minor	Target Date:	5th August 2016



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PK16/1517/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following an objection from the Town Council.

1. THE PROPOSAL

- 1.1 The application seeks permission for the change of use of land to residential curtilage and the erection of a 1.8 metre high boundary wall.
- 1.2 The application site relates to a detached dwelling situated on the north east side of the junction of Greenways Road from Love Lane. The grass verge area subject to this application is situated between the existing boundary wall and Lane. Its width varies from 2.6 metres at the narrowest point to 9.6 metres at the widest point.
- 1.3 The applicant is not the owner of the strip of land to the rear and as such the applicant has now correctly served notice on David Collard as the named person on Certificate B.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Planning Policy Guidance 2016

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS30	Yate and Chipping Sodbury

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

L5	Open Areas within Existing Urban Areas and Defined Settlements
T12	Transportation Development Control

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

PSP1	Local Distinctiveness
PSP5	Undesignated Open Spaces within Urban Areas and Settlements
PSP8	Residential Amenity
PSP16	Parking Standards
PSP11	Transport Impact Management

2.4 Supplementary Planning Guidance

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

3. **RELEVANT PLANNING HISTORY**

- | | | | |
|-----|--|----------|------------|
| 3.1 | P93/1775 | Approved | 15/09/1993 |
| | Substitution of house types on plots 1 and 11 to scheme approved under planning permission reference P92/1747 | | |
| 3.2 | P93/1148 | Approved | 10/03/1993 |
| | Erection of 2 no dwellings | | |
| 3.3 | P92/1747 | Approved | 16/09/1992 |
| | Erection of 13 detached dwellings and garages. Construction of estate road, accessways and footpaths (in accordance with submitted plans as amended by modification received by the council on 24th July 1992) | | |
| 3.4 | P84/2429 | Approved | 11/09/1988 |
| | Erection of 13 detached houses and garages; construction of associated estate roads, access ways and footpaths on approximately 2.1 acres. | | |

4. **CONSULTATION RESPONSES**

- 4.1 Yate Town Council
Objection

Visual amenity to locality.
Visual appearance and landscaping and materials.
Possible future pavement
This land is public highway as per enclosure map circa 1842

- 4.2 Other Consultees

Sustainable Transport
No Objection

The applicant is seeking permission to enclose an area of open land/space adjoining to the property into his residential curtilage. Having reviewed the details, I confirm that this does not affect any of the existing highway land ownership. The proposed new wall will be setback from the edge of the adopted highway (i.e. footway). Plans submitted with this application show that the new wall will be offset 1.2m (along Greenways Road) and 0.5m (along minor arm) and 2.0m offset from back of footway on the bend at the junction. Adequate visibility will be maintained even with the new wall in position.

Update

Following your recent consultation on this application - It is noted that Yate Town Council is objecting to this application stating that the land (i.e. the subject to this application) is public highway.

Having checked our records, I would like to clarify this position - I have attached a copy of the adopted highway records in this area for your attention. As you notice from this plan, the limited of adopted highway outside this

property is the back of the existing footway and it does not include the land that is subject to this application.

Lead Local Flood Authority

No Objection

Highway Structures

No Objection

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

Other Representations

4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the change of use of land to residential curtilage and the erection of a 1.8 metre high boundary wall. The application stands to be assessed against policies CS1 and CS5 of the Core Strategy (Adopted 2013) and saved policy L1 of the SGLP (Adopted 2006). Saved policy L5 of the SGLP states that within the settlement boundaries development will not be permitted where it would adversely affect the contribution that an open area makes to the quality, character, amenity and distinctiveness of the locality. Other pertinent issues are the impact of the development on highway safety and on residential amenity.

5.2 Visual Amenity

The application relates to a grass verge area situated on the north-east side of Greenways Road between the existing boundary treatment and the highway. The verge is adjacent to and clearly visible from the junction of Greenways Road from Love Lane. As existing, the verge has a varied width from 2.6 metres at the narrowest point to 9.6 metres at the widest point. Its position is clearly intended to contribute towards the visual amenity of the housing estate and is considered to make a positive contribution towards the character and distinctiveness of an area which, although established residential in nature, retains a relatively open and suburban appearance. Similar verged areas are also evident to the south-west on the north-west and south-east sides of Greenways Road adjacent to the sides of Nos. 17 The Dingle and 13 Hampshire Way. Boundary treatments are evident in the immediate street scene, however a sense of openness either side of the highway is retained throughout.

- 5.3 The proposal is to change the use of the verge in order to extend the residential curtilage of Beechwood House, which is a detached dwelling with its side elevation facing Greenways Road. As existing, a brick boundary wall is in place enclosing the rear garden of Beechwood House. The proposal is to erect

a brick boundary wall enclosing approximately 155 sq metres of the verge area. A grassed area would remain between the new boundary treatment and the highway with a varying width from 600mm at the narrowest point to 1.8 metres at the widest point.

- 5.4 Within a previous enquiry, the proposal was to erect a boundary wall directly adjacent to the highway enclosing and changing the use of the whole of the verge area. The applicant was advised that this proposal was not acceptable due to the impact on the visual amenity of the street scene. Following pre-application discussions, the revised proposal is to only enclose part of the grass verge as described in the paragraph above. On consideration of the revised development, Officers consider that although the partial loss of the verge is undesirable, it is considered that the retention of the grassed verge area identified is adequate to ensure that the development would not be detrimental to the character or distinctiveness of the street scene and would ensure that an area of open space remains to continue contributing towards the character, quality, amenity and distinctiveness of the locality.
- 5.5 In terms of boundary treatment proposed the proposal is to erect a 1.8 metre high brick wall. The height reflects the existing boundary treatment and as such is considered acceptable. The existing boundary treatment is red brick with grey coping bricks and this is generally reflective of the materials found in the street scene. In walking around the estate there is evidence of some timber boarded fences however these are located in more inconspicuous locations than that proposed. On consideration of the materials proposed, it is considered that use of brick to match the existing dwelling is appropriate and in keeping with the character and appearance of the street scene. Therefore, provided provided the brickwork matches the dwelling the proposed development is considered acceptable in design terms.
- 5.6 Highway Safety
The application proposes to change the use of the verge and erect a 1.8 metre boundary treatment closer to the public footpath and highway than the existing. The land subject to the change of use does not form part of the public highway and the wall is to be contained entirely within it. The boundary treatments will not impact on visibility at the junction and raises no other concerns in highway safety terms. There are therefore no objections on these grounds.
- 5.7 Comments have been received from Yate Town Council stating that the land subject of this application is public highway. Our Highway Engineers has checked the adopted highways records in this area and confirmed that the adopted highway outside this property is limited to the back of the existing footway and does not include the land subject to this application.
- 5.8 Residential Amenity
The proposed location of the new wall would be to the north-east side close to the highway and some considerable distance from closest properties situated to the west and south-west on the other side of the highway.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

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

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 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

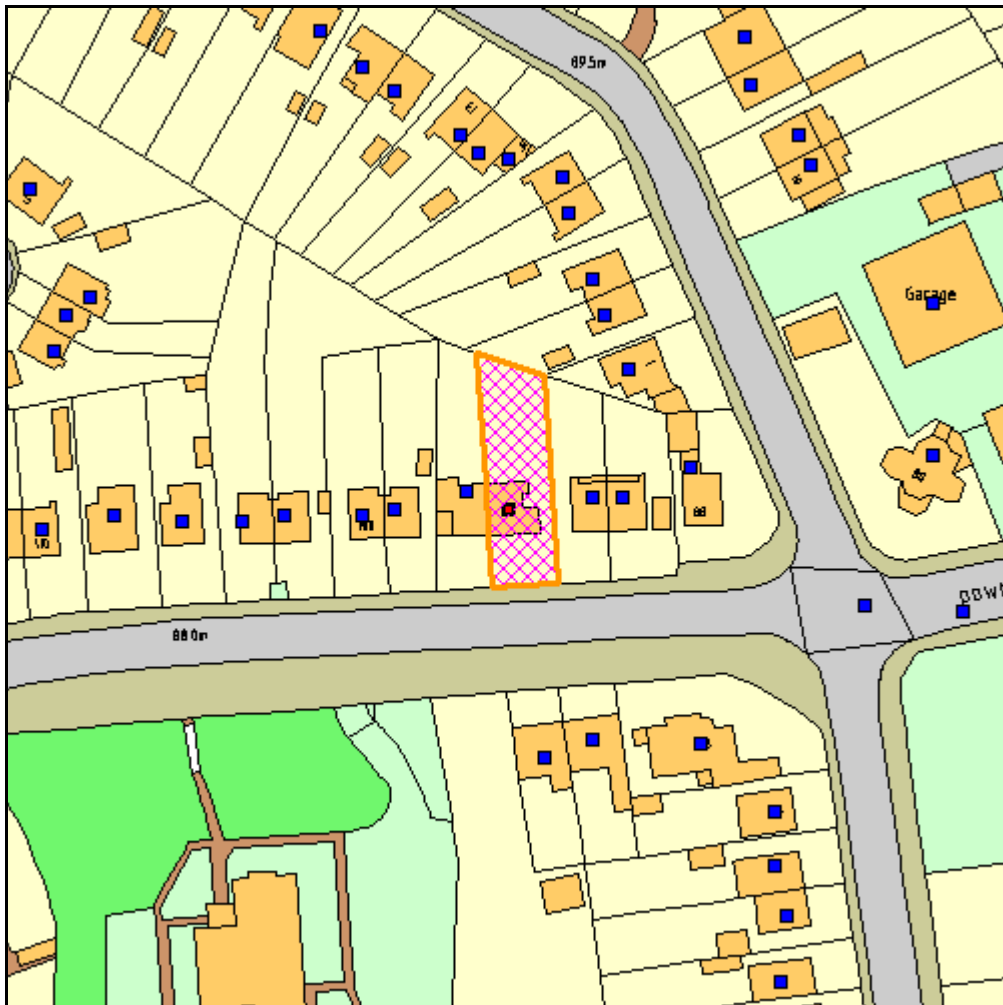
3. The bricks to be used externally in the wall hereby permitted shall match those used on the existing wall on the south-western boundary of the site in colour and texture.

Reason

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

CIRCULATED SCHEDULE NO. 31/16 – 5 AUGUST 2016

App No.:	PK16/2152/F	Applicant:	Mr Miah
Site:	94 Downend Road Downend Bristol South Gloucestershire BS16 5EE	Date Reg:	3rd May 2016
Proposal:	Demolition of existing garage. Erection of two storey side extension to form additional living accommodation.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364686 176528	Ward:	Downend
Application Category:	Householder	Target Date:	23rd June 2016



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PK16/2152/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of objection letters from residents.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the demolition of an existing garage and the erection of a two-storey side extension to form additional living accommodation at No. 94 Downend Road, Downend.
- 1.2 The application relates to a semi-detached two-storey dwelling on the north side of Downend Road, Downend. The site is situated within an established residential area of Downend, and is not within any land-use designations. The property is not statutory protected.
- 1.3 The proposed side extension would be approximately 4 metres (max) wide by 7.3 metres deep and 7.5 metres to its ridge.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (March 2012)
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS4A Presumption in favour of Sustainable Development
CS5 Location of Development
CS9 Managing the Environment & Heritage
CS16 Housing Density

South Gloucestershire Local Plan (Adopted) January 2006

H4 Proposals for Development within Residential Curtilages
T12 Transportation Development Control Policy for New Development

Emerging Local Plan

Proposed Submission: Policies, Sites and Places Plan

PSP8 Residential Amenity
PSP16 Parking Standards
PSP37 Internal Space and Accessibility Standards for Dwellings
PSP38 Development within Existing Residential Curtilages, Including Extension and New Dwellings
PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist
Residential Parking Standards Approved March 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK08/2843/F: Erection of two storey side and single storey rear extensions to facilitate the conversion of existing dwelling to 5 one bedroom apartments with bin and cycle stores and associated works. Refused: 10 December 2008- Appeal Dismissed: 17 September 2009

Refusal Reasons:

'The erection of a two-storey extension as proposed, would adversely affect the present well balanced appearance of this pair of semi-detached houses and would create an unacceptable terracing effect, all to the detriment of the street scene and the visual amenities of the locality. The proposal is therefore considered contrary to Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.'

'By virtue of inadequate off-street parking and insufficient turning facilities on the site, the proposal would lead to increased standing and manoeuvring of vehicles on the public highway thereby interfering with the safe and free flow of traffic on the A432 Downend Road, a principal classified road and in close proximity to a traffic signalled junction and cycle way, all to the detriment of road safety. This would be contrary to Policies T12, H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.'

- 3.2 PK10/0993/F: Erection of two-storey side & single-storey rear extensions to facilitate conversion of existing dwelling to 5 one-bedroom apartments with bin. Refused: 21 June 2010- Appeal Dismissed; 29 March 2011

Refusal Reasons:

'By virtue of the removal of all off-street parking within the site, the proposal would lead to an increase of vehicles standing and manoeuvring on the public highway thereby interrupting the safe and free flow of traffic on the A432 Downend Road, a principal classified road, in close proximity to a traffic signal junction. This would be detrimental to highway safety and contrary to Policies T8, T12, H2 and H5 of The South Gloucestershire Local Plan (Adopted) 6 Jan 2006.'

'The erection of a two-storey extension as proposed, would adversely affect the present well balanced appearance of this pair of semi-detached houses and would create an unacceptable terracing effect, all to the detriment of the street scene and visual amenities of the locality. The proposal is therefore considered to be contrary to Policies D1, H4 and H5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010.'

- 3.3 PK12/3805/F: Demolition of garage and erection of single storey side and rear extension to facilitate the conversion of existing dwelling to form 3no. self contained flats with associated works.

Refused Reasons:

The proposal would result in an overdevelopment of the application site that would cause harm by reason of the contrived and cramped form of development proposed and by reason of its detrimental impact on the residential amenities of both the future and neighbouring occupiers. The proposal would therefore be contrary to Planning Policies D1, H2, H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

- 3.4 PK13/3293/F Erection of single storey side and rear extension to facilitate conversion to 3 no. flats with associated works. Approved 29 November 2013. This planning permission has not been implemented.

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council

Objection on the following grounds:

- a. Over development of the property on the basis that an existing plan for fewer bedrooms has already been approved.
- b. Current use of the property is 'questionable', with suspected multi-occupancy tenants and substandard accommodation, to the extent the Environmental Health Officer (Clare Mitchell) visited the property on 10 May 2016.
- c. We question whether the run down property is structurally and environmentally sound.

4.2 Other Consultees

Highways DC: No objection.

Other Representations

4.3 Summary of Local Residents Comments:

Thirteen objection letters expressing the following concerns mainly highway issues and amenity of the locality:

Highway issues:

- The proposal is going to create extra cars to the area and there is no parking available.
- Inadequate off street parking and turning space
- The pathway in front of the drive is busy due to the local school
- Double yellow lines outside, cycle track and traffic lights on a busy crossroad

Visual amenity:

- Overdevelopment
- Eyesore to the streets
- Terracing effect destroying the look of the neighbouring properties
- Out of keeping with other surrounding family homes
- Too big and dominate the neighbouring houses

Residential Amenity:

- A bigger property with more tenants will just bring more dumping and debris to this grounds
- Loss of privacy
- The proposal would result in a 5-bedroom property (there would be a total of eight rooms), it seems not designed to be a family home, it is likely to be used for multi-occupancy
- Are there enough toilets and showers?
- Potential increase in the number of people living in this property. There should be a dedicated area for keeping the wheelie bins and re-cycling boxes

Other issues:

- Is it still structurally sound?
- Planning permission was refused for a 3 no. flats and 5 one-bed apartment.
- Why 100 Downend Road and 7 Croomes Hills have not been notified.
- The house is completely un-cared for, a lot of rubbish, over grown trees.

Three supporting letters expressing their supports:

- This project is not to accommodate more tenants, but to transform it into a family home. The extension is to provide additional living space for the family member, not tenants
- Once the driveway is restored, there will be space for car parking and housing wheelie bins.
- This would allow a couple to buy this property and live in as a family home, who are struggling to find large enough house for their large family.
- More efficient use of brownfield land
- Improving street scene due to the removal of unsightly garage. Making the house more like the surrounding properties with similar extensions
- Good level of parking form this size family property

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework carries a presumption in favour of sustainable development and speaks of the need to 'boost significantly the supply of housing' (paragraph 47) and to deliver a wide choice of high quality

homes and widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraph 50). Further, it is advised that *'Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay'*. These considerations should be attributed significant weight in the assessment of this application.

- 5.2 Saved policy H4 of the adopted Local Plan supports proposals for residential development and house extensions within the settlement boundaries subject to considerations of design, residential amenity and highway safety. Policy CS1 of the adopted Core Strategy seeks to achieve highest possible standards of design and site planning.

5.3 Planning History

The site has been subject to a number of planning applications in the past.

The first application showed a two-storey side extension and a single-storey rear extension (approx. 3.3m in depth). The proposed side extension did not show any 'set down' or 'set up' architectural features, and it was refused for those reasons outlined above and was subsequently dismissed at appeal.

The second application was broadly similar but it showed a 'set down' and a 'set back' from the front elevation on the first floor level, and the application was also refused for those reasons detailed above. In this instance, the Inspector wrote:

'In my opinion, the small set back from the front elevation would help to distinguish the host dwelling from the extension. Overall, however, an addition of the width and height proposed would constitute a considerable mass which would fail to preserve the architectural dominance of the modest semi-detached house...'

The third application showed a large single storey rear extension, which was refused. The subsequent application was for an erection of a smaller single storey extension, and it was approved.

5.4 Use of the property

There are significant concerns regarding the existing use of the property and the potential use of the property as a result of this application.

The proposal is to erect a two-storey side extension, and it would create 2 no. additional bedrooms. Whilst it is noted that the property is currently occupied by 3 no. individuals, this level of multi-occupancies is allowed under the current permitted development legislation. The current proposal does not propose to subdivide the property or to change the use to any purposes, therefore officers can only consider the proposal as it is submitted.

Given the size of the proposed extension, for the avoidance of doubt, it would be reasonable to impose a condition to list the submitted drawings, to safeguard the public highway safety and the residential amenity of the area. In addition, the 2013 planning permission is still extant, given that there would be

potential cumulative impacts in relating to the residential amenity of the neighbouring properties and public highway safety, it is necessary to impose a condition to ensure that either one of the proposals will be taken place. .

5.5 Design/ Visual Amenity

The application relates to a two-storey semi-detached dwelling and seeks planning permission for the demolition of an existing garage and the erection of a two storey side extension. As the existing garage does not make any significant contribution to the character of the locality, and there is no objection to the proposed demolition.

As mentioned above, the site has been subject to a number of planning applications and appeals in the past. There were two similar proposals and both of them were dismissed by the Inspector due to the inappropriate design. Officers also acknowledge the residents' concerns regarding the potential terracing impact.

The major difference of the current proposal is the mass and scale of the first floor element of the proposed extension. It would set back from both the front elevation and the side elevation by approximately 0.9 metres. Whilst the current proposal would have some similarities to the previous refused schemes, it is considered that the width of the first floor level has been reduced by approximately 0.9 metres. This proposed width reduction together with the 'set-down' ridgeline and the 'set-back' frontage on the first floor level would allow the semi-detached character of the host dwelling to be remain dominant, as such it would not cause an unacceptable terracing impact upon the street scene.

In addition, the proposed matching materials would also help the new extension to be integrated with the appearance of the existing dwelling. Therefore, the design of the proposed extension is considered acceptable.

Additionally, the proposal demonstrates that there would be adequate space by providing a reasonable size private garden, keeping cycle stores and waste bins. It is therefore considered that the proposal would not be over development on this site.

5.6 Residential Amenity

Officers acknowledge residents' concerns regarding the impact upon the amenity of the neighbouring properties in terms of the loss of privacy. The nearest neighbouring properties to the proposed extension are No. 92 Downend Road.

The proposed extension would be 2 storey in height and no windows are proposed on the side elevation. Whilst there would be a bedroom window on the first floor rear and front elevation, it would be largely overlooking its rear garden area or parking/turning area. Given that the site is situated within an established residential area, it is considered that this would be consistent with normal domestic relationships and would not result in an unacceptable loss of privacy and amenity. In this instance officers consider that the proposed extension is acceptable.

The proposed side extension would be approximately 0.9 metres from the side east boundary. As it would not project beyond the rear elevation of the host dwelling, it is considered that the extension would not cause significant overbearing impact upon this neighbouring properties.

Taking consideration of the scale, design and the proximity of the neighbouring properties, officers consider that the proposal would not cause significant adverse impact upon the residential amenity of the neighbouring properties to warrant a refusal of this application.

Provision of amenity spaces:

The proposal would provide 2 no. bedrooms for this property, and it is considered that the extension has been carefully designed to maintain a reasonable sized private garden for the resulting dwelling.

5.7 Highway Safety

Concerns are raised regarding public highway safety of the proposal.

Planning permission is sought to demolish the existing garage to facilitate the erection of a side extension. The proposal would increase the number of bedroom from three to five. The site plan shows that the whole frontage of the site will be driveway and parking. The space available is adequate to provide the required level of parking to comply with the Councils residential parking standards.

The submitted plan also shows the turning area to the front of the property, and the tracking area shows a vehicle can enter and leave the site in forward gear. The Highway Officer is therefore satisfied with the submitted proposed.

On that basis, there is no transportation objection to the proposed development subject to a condition to ensure the proposed car parking and turning space will be provided.

5.8 Other Issues

Concerns are also raised regarding the structure of the property given the existing poor condition. It would be the applicant's responsibility to ensure the proposed extension would be constructed in accordance with the Building Regulations and to ensure that the host dwelling is structurally sound for the proposed extension.

Concerns are also raised regarding the lack of up-keeping and maintenance, the existing environmental health concerns on site, however this would not be planning material consideration to warrant a refusal of this application.

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 Planning Permission be granted subject to the following conditions.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

2. The development shall proceed strictly in accordance with the plans listed below;

16028_P1 A (Existing and Proposed Plans and Elevations) as received by the Local Planning Authority on 22 April 2016.

Reason

For the avoidance of doubt.

3. The development hereby permitted shall be carried out as an alternative to the permission granted on 29 November 2013; for the erection of single storey side and rear extension to facilitate conversion to 3 no. flats with associated works; at No. 94 Downend Road, Downend (South Gloucestershire Local Planning Authority reference PK13/3923/F) but not in addition to it, to the intent that the applicant may carry out one of the developments permitted but not both, nor parts of both developments.

Reason

To protect the residential amenity of the neighbouring occupiers and to safeguard the public highway safety and to accord with Policy CS1, CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006, the South Gloucestershire Residential Parking Standards Adopted December 2013, and the National Planning Policy Framework.

4. 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 saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the first occupation of the proposed extension, the proposed parking area and turning space shall be surfaced with permeable materials and be provided in accordance with the approved plans.

Reason

To ensure the satisfactory provision of parking facilities, in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Council Residential Parking Standards Adopted March 2013.

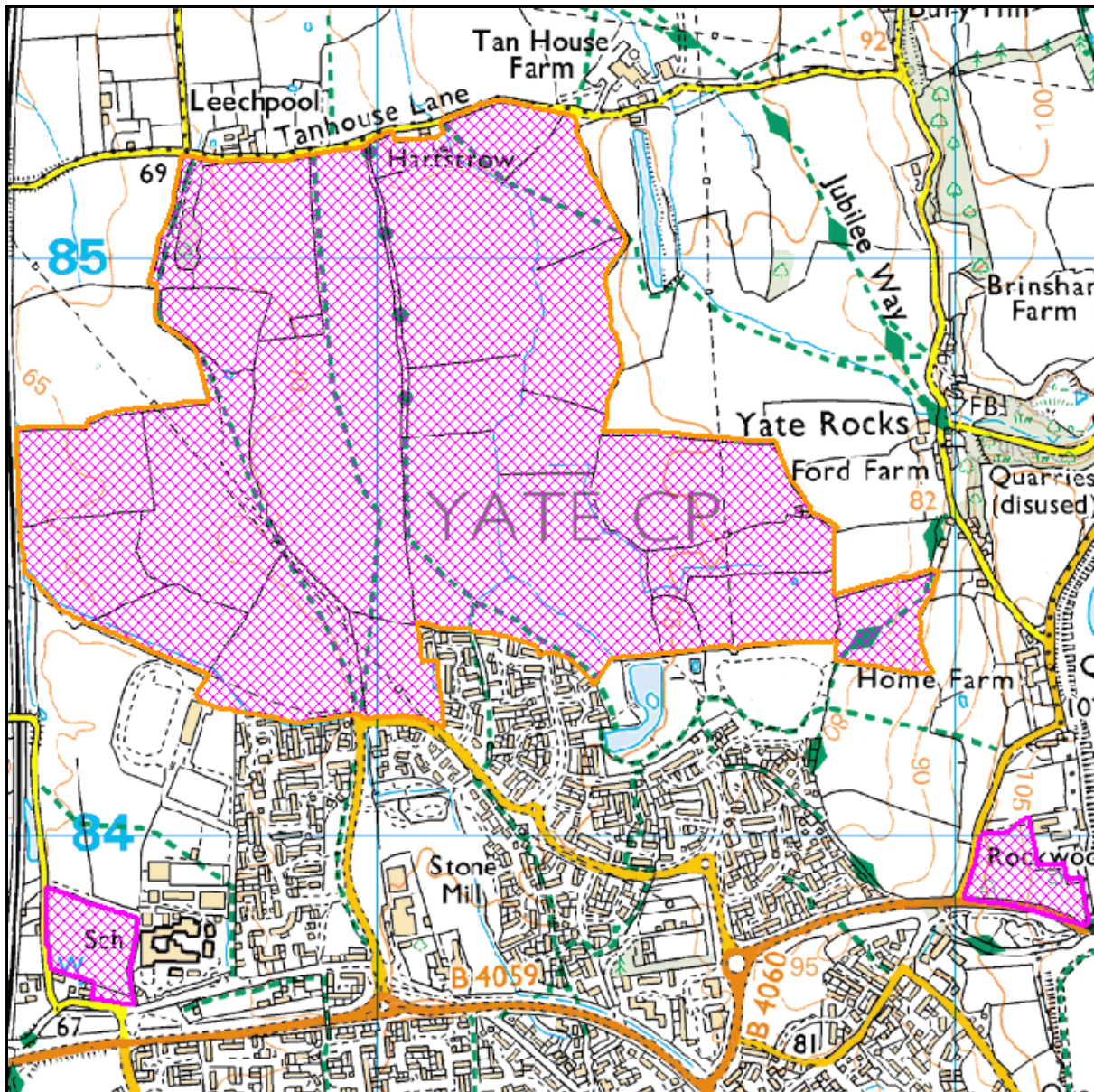
6. The hours of working on site during the period of construction shall be restricted to 07.30am - 18.00pm Mondays to Fridays and 08.00am to 13.00pm Saturdays: and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: 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 saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 31/16 – 5 AUGUST 2016

App No.:	PK16/2449/RVC	Applicant:	Heron Land Developments Ltd
Site:	Land North Of Brimsham Park Yate Bristol South Gloucestershire BS37 7JT	Date Reg:	10th May 2016
Proposal:	Variation of condition 12 attached to planning permission PK12/1913/O to allow for a programme for archaeological investigations across the site.	Parish:	Yate Town Council
Map Ref:	371090 184350	Ward:	Yate North
Application Category:	Major	Target Date:	26th August 2016



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100023410, 2008.

N.T.S.

PK16/2449/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the receipt of a letter of objection from the Town Council.

1. THE PROPOSAL

- 1.1 This application seeks consent to vary condition 12 (archaeology) attached to application PK12/1913/O. The condition as attached originally read as follows:

'No development shall take place in the relevant geographical phase as approved in the phasing plan submitted pursuant to Condition 4 above until there has been submitted to and approved in writing by the Local Planning Authority a phased programme of archaeological watching briefs. Work shall be carried out in accordance with the approved watching briefs.'

- 1.2 This application seeks to change the wording of the condition so it reads as follows:

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

- 1.3 This S73 application is supported by an Environmental Statement (ES) Addendum which has been publicised in accordance with the Environmental Impact Assessment Regulations 2011. This will be discussed further in the body of the report below.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Environmental Impact Regulations 2011
Habitat Regulations 2010

2.2 Development Plans

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

L1 Landscape Protection and Enhancement
L8 Sites of Regional and Local Nature Conservation Interest
L9 Species Protection
L11 Archaeology
L13 Listed Buildings
L16 Protecting the Best Agricultural Land
RT8 Small Scale Retail Uses within Urban Areas
EP2 Flood Risk and Development
T12 Transportation Development Control Policy
E6 Employment Development in the Countryside
LC1 Provision for Built Sports, Leisure and Community Facilities
LC2 Provision for Education Facilities

LC3 Proposals for Sport and Leisure Facilities Within the Existing Urban Area and Defined Settlement Boundaries
LC4 Proposals for Educational and Community Facilities within the Existing Urban Area and Defined Settlement Boundaries.
LC12 Recreational Routes
S2 Proposals for Health Provision (Site Allocation and Developer Contributions)

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS2 Green Infrastructure
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS6 Infrastructure and Developer Contributions
CS7 Strategic Transport Infrastructure
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS18 Affordable Housing
CS20 Extra Care Housing
CS21 Gypsy and Traveller Accommodation
CS23 Community Infrastructure and Cultural Activity
CS24 Green Infrastructure, Sport and Recreation Standards
CS30 Yate and Chipping Sodbury
CS31 North Yate New Neighbourhood

2.3 Supplementary Planning Guidance

Landscape Character Assessment SPD (adopted)
Affordable Housing SPD (adopted)
South Gloucestershire Biodiversity Action Plan (adopted)
Locally Listed Building SPD (adopted)
South Gloucestershire Residential Parking SPD (adopted for development control purposes)
South Gloucestershire Statement of Community Involvement (part of the Local Development Framework)
South Gloucestershire Council Infrastructure Delivery Plan (part of the evidence base of the Local Development Framework)
South Gloucestershire Play Strategy (endorsed)

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK15/5230/RVC Variation of condition 41 attached to PK12/1913/O
Approved May 2016
- 3.2 PK12/1913/O Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 4.63 hectares of employment land (Use Class B1, B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping. Outline application including access with all other matters reserved.
Approved S106 signed, 7th November 2013

- 3.3 PK10/042/SCO Scoping Opinion for a proposed mixed-use site approximately 104ha in North Yate.
January 2011

4. RELEVANT ENVIRONMENTAL STATEMENT HISTORY

- 4.1 In May 2012, an outline planning application was submitted to South Gloucestershire Council (SGC) for the proposed North Yate New Neighbourhood. The application was supported by an Environmental Statement (The Original ES 2012)
- 4.2 Following the submission of the outline planning application, the development proposals were amended and refined to address design matters in 2013. Those changes were not made pursuant to Regulation 22 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, but rather were requested through on-going discussions with South Gloucestershire Council. An ES Addendum and supporting parameter plans were submitted in July 2013 to take account of those changes (referred to as the ES Addendum 2013).
- 4.3 Since the 2013 submission, further design amendment to the Proposed Development was undertaken, most notably to take account of undergrounding of the overhead power line which cross the Site. An ES Addendum and supporting parameter plans were submitted in June 2015 to take account of those changes (referred to as ES Addendum 2015).
- 4.5 Following the revised planning submission in June 2015, outline planning permission was granted in July 2015 which was supported by the Original ES (2012), ES Addendum 2013 and the ES Addendum 2015. A further ES addendum was submitted with the RVC application made in 2016.

5. CONSULTATION RESPONSES

- 5.1 Yate Town Council
Object –the Town Council opposes any reduction in the archaeological conditions as we know there was mining on the land.
- 5.2 South Gloucestershire Council Archaeology Officer
The variation of the condition wording is acceptable and can be approved
- 5.3 South Gloucestershire Council Tree Officer
No objection providing the excavation avoids the Root Protection Areas of the existing trees
- 5.4 South Gloucestershire Council Ecologist
The Councils ecologist initially asked that the applicant complete Natural England's Great Crested Newt Rapid Assessment Tool. This was undertaken and the results submitted back to the council for consideration. Upon receipt of this information the Councils Ecologist then commented as follows: Thanks for this information in relation to the potential for the digging of archaeology pits to negatively impact on great crested newts (gcns). The use of Reasonable Avoidance Measures (RAMs) to avoid harm to gcns seems acceptable considering the temporary nature of the works, the distance from the ponds and the relative lack of habitat suitability (the majority of the

pits being dug in arable land, generally less favoured by this species). It is important to note that although the excavations will be carried out during the newt hibernation season and avoid habitats likely to be used for this purpose, in mild winter weather newts can become active.

Please can a Condition be attached to planning permission, requiring that a detailed Method Statement to avoid harm to newts, based on the outline RAMs in the letter report (BSG, dated 8th June 2016) be submitted to the LPA for approval in writing. The Method Statement will include the presence of an Ecological Clerk of Works, and provision for trench inspection on a daily basis for gcn presence. The archaeology investigations will proceed in strict accordance with the approved Method Statement (L9).

5.5 South Gloucestershire Council Transportation Development Control Officer

Wish to make no comment

5.6 South Gloucestershire Council Conservation Officer

Defers to the Councils Archaeologist

5.7 Network Rail

Whilst there is no objection in principle to this proposal providing be no excavations are undertaken along Network Rail's boundary without sufficient engineering presence to ensure the track formation is not undermined, therefore the applicant should contact our Asset Protection Engineer before works begin.

5.8 Highways England

No Objection

5.9 Historic England

Do not wish to comment and defer to the Councils Conservation officers

5.10 The Coal Authority

Wish to make no observations

5.11 Sport England

The proposed development is not considered to fall either within our statutory remit or non-statutory remit upon which we would wish to comment, therefore Sport England has not provided a detailed response.

Other Representations

5.12 Local Residents

None received

6. ANALYSIS OF PROPOSAL

- 6.1 The scope of a variation of condition application (section 73 application) is more limited than a full planning application. The Local Planning Authority may only consider the question of the condition and cannot revisit or fundamentally change the original permission. It may be decided that the permission should be subject to the same conditions as were on the original permission; or that it should be subject to

different conditions; or that permission may be granted unconditionally. There is a right of appeal in the usual way against any conditions imposed.

- 6.2 In assessing this application it is necessary to assess whether the relevant condition, or any variations satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests – that conditions should be:
- i. Necessary to make the development acceptable
 - ii. Directly related to the development
 - iii. Fairly and reasonably related in scale and kind
- 6.3 Being mindful of the reason for attaching the condition in the first place (In the interest of archaeological investigation or recording, and to accord with Policy L11 of the adopted South Gloucestershire Local Plan January 2006) when assessing this RVC application your officer will consider whether the proposed re-wording will ensure that adequate archaeological investigation and recording is undertaken on the site.
- 6.4 Analysis of Proposal
The applicant explains that the reason for the request is to pull the condition so that it is more in line with the original Environmental Statement. Also, it is considered that a programme of trial trenching is better practice than a blanket watching brief.
- 6.5 Essentially, the current condition requires that an archaeologist is employed by the developer to monitor the excavation of foundation and service trenches, landscaping and any other intrusive work. The developer needs to give the archaeologist sufficient time to identify and record any archaeological finds and features. The Institute of Field Archaeologists recognizes that Watching Briefs should be used where the presence or nature of archaeological deposits cannot be established in advance of development. Watching Briefs only become effective once development has started on site.
- 6.6 Rather than following the watching brief condition, the applicants propose to agree with the Council a staged programme of archaeological investigation and recording for the site shall be submitted to and approved in writing by the Local Planning Authority. This is the method far preferred by the Council's Archaeologist as it enables archaeology to be fully considered prior to the commencement of development rather than trying to protect it whilst development is underway. The condition, once varied would for example allow for the agreement of trial trenching to identify any archaeologically important areas and discount others. This would allow for a far more bespoke and effective scheme of archaeological recording. It would also allow for investigation prior to the commencement of development.
- 6.7 The Council's archaeological officer confirms that the proposed variation in no way lessens the significance of the condition or puts any archaeological remains at risk.
- 6.8 As this Section 73 application relates to an EIA development, as required by the EIA regulations and the NPPG, this application is accompanied by an Environmental Statement Addendum which relates specifically to the application proposals. The submitted report confirms that the proposed amendment to Condition 12 of the outline

planning consent would not lead to any change in the content or conclusions of the Environmental Statement as approved under reference PK12/1913/O in July 2015.

6.9 Chapter 2 of the Original ES (2012) described the development proposals and was supported by five parameter plans on which the assessment of environmental effects was based, in addition to an illustrative masterplan. The subsequent ES Addenda took account of a number of minor changes made to the Proposed Development. The proposed changes did not require any additional land beyond the boundary of the planning application site area. The minor amendments covered by the ES Addenda applied to areas of residential development, internal access arrangements, open space and education provision all of which only affected small areas within the overall site area. The overall principles and parameters of the Proposed Development remained the same as those outlined and assessed in the Original ES (2012).

6.10 Other Relevant Conditions

In terms of all other conditions that were attached to application PK12/1913/O, conditions 13, 30, 34 and 35 have all now been discharged and so their wording will be updated accordingly. Condition 41 was also varied through application PK15/5230/RVC and so this revised wording will also be carried through.

6.11 It is also noted that the tree officer and the ecology officer have also suggested that additional conditions be attached. However, such conditions would not pass the tests of a condition as set out in the NPPF as they are not necessary. When an application is submitted to discharge the revised condition 12 these issues will be looked at that stage – there is no need to have further conditions added.

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 **APPROVE** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies) 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.

8. RECOMMENDATION

8.1 That the condition is varied as requested.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

1. Details of the layout, scale and appearance of the buildings to be erected, and the landscaping of the site (hereinafter called the reserved matters) shall be submitted to

and approved in writing by the Local Planning Authority before development on land to which the reserved matters relate commences. Development thereafter shall be carried out in accordance with the approved details.

Reason

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

2. Applications for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 12 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).

3. The development hereby permitted shall be begun either before the expiration of 5 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).

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

Reason

To ensure that the development is comprehensively planned, designed and phased to ensure maximum practical integration between different land uses within and beyond the site is achieved to accord with Policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

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

b)the mix of dwellings (in terms of the number of bedrooms and the proportion of houses and flats, broken down between social rented affordable housing units and intermediate units in that parcel.)

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

Reason

To ensure that the distribution of affordable houses assists the creation of an inclusive mixed community in accordance with Policies CS18 and CS31 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

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

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers in accordance with Policies CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

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

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

8. The plans and particulars submitted in accordance with condition 1 and 6 shall include:
 - a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;

- b) details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height, and an assessment of the general of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
- c) details of any proposed tree works to any retained tree or of any tree on land adjacent to the site;
- d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the RPA (root protection area) as defined in BS5837 2012 of any retained tree or of any tree on land adjacent to the site; and
- e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.
- f) details of street trees shall include specification of root protection measures, and details of street tree management to encourage high level growth and maintain a clear zone directly above sewers.

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

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

Reason

To protect and enhance the character and appearance of the area, the amenities of future occupiers, and to protect adopted sewers, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

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

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

10. No development comprising any of the B1 and B2 floorspace hereby approved shall commence until an overall Travel Plan Framework covering all the B1 and, B2 floorspace hereby approved has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Framework shall set out:
 - the aims and objectives of the Framework, including reducing the need to travel by car, encouraging healthy commuting and work related journeys;
 - a monitoring strategy and targets for the reduction of single occupancy car related journeys over the first five years of the development;
 - measures for achieving the approved aims, objectives and targets in the event that monitoring reveals that those targets are not being achieved.

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

Reason

To encourage means of transportation other than the private car, to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted January 2006).

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

Reason

To protect the vitality and viability of existing local centres, and to ensure that a mix of small scale local shops and services are provided in the interests of providing a variety of units, in the interests of vitality, and to minimize the need to travel by private car, in accordance with Policies RT7 and RT8 of the adopted South Gloucestershire Local Plan January 2006

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

Reason

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the adopted South Gloucestershire Local Plan January 2006 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted). A pre-commencement condition is required in order to safeguard the archaeology prior to development.

13. Construction Waste Management Audit

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

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

Development shall be carried out in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To accord with the Local Planning Authority's adopted Waste Management Strategy, and to accord with Policy 37 of the South Gloucestershire Minerals and Waste Local

Plan (May 2002) and Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

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

Reason

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

Reason: To protect the amenities of existing local residents, and to ensure highway safety during construction in accordance with Policy E3 and T12 of the adopted South Gloucestershire Local Plan January 2006

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

Reason

To minimise disturbance to neighbouring occupiers and in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

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

Reason

To safeguard the amenities of the locality and in the interests of highway safety in accordance with policy T12 of the South Gloucestershire Local Plan (January 2006)

17. The Reserved Matters submissions shall include detailed plans showing the provision of car and cycle parking facilities in accordance with the standards set out in Policies T7, T8 of the South Gloucestershire Local Plan (Adopted January 2006) and the South Gloucestershire Residential Parking SPD. The development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the associated buildings; and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7, T8 and T12 of the South Gloucestershire Local Plan (January 2006).

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

Reason

To ensure that development can proceed in a timely fashion so that the site can be development in accordance with Policy CS31 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

19. There shall be no commencement of Phase 5 of the development as shown on the Indicative Phasing Plan in the Land at North Yate Design and Access Statement June 2015 until such time as the internal link road linking Randolph Avenue, Leechpool Way and the access from the Peg Hill development (as approved by planning permission PK12/0429/O) has been implemented and is operational.

Reason

To ensure there are appropriate transport linkages within the site and to ensure availability of alternative travel modes to the private car and to accord with Policy T12 of the adopted South Gloucestershire Local Plan January 2006

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

Reason

To ensure that there is adequate foul drainage to serve the development and to prevent pollution of the water environment in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

21. Prior to the submission of the first reserved matters application, details of a surface water drainage masterplan shall be submitted to, and agreed in writing by, the Local Planning Authority . The masterplan shall be in accordance with the Flood Risk Assessment (prepared by Hyder and BFR Design Ltd dated April 2012) and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme.

Reason

To prevent the risk of flooding and to accord with Policy EP2 of the adopted South Gloucestershire Local Plan January 2006

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

Reason: To prevent the risk of flooding and to accord with Policy EP2 of the adopted South Gloucestershire Local Plan January 2006

23. No development shall take place until the detailed design of the Flood Alleviation Scheme referred as Pond P4C has been submitted to and approved in writing by the

local planning authority. All works undertaken must be in accordance with the agreed design and timetable.

Reason

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

Reason: To prevent the risk of flooding and to accord with Policy EP2 of the adopted South Gloucestershire Local Plan January 2006

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

Reason

To prevent the risk of flooding and to accord with Policy EP2 of the adopted South Gloucestershire Local Plan January 2006

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

Reason

To prevent the risk of flooding and to accord with Policy EP2 of the adopted South Gloucestershire Local Plan January 2006

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

Reason

To prevent the risk of flooding and to accord with Policy EP2 of the adopted South Gloucestershire Local Plan January 2006

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

Reason

To prevent the risk of flooding and to accord with Policy EP2 of the adopted South Gloucestershire Local Plan January 2006

28. Prior to the submission of the relevant reserved matters application the following investigations shall be carried out and should include:

- Confirmatory testing to ensure soil quality is suitable for the intended end use in areas not already assessed.

- Additional mining research and investigation as recommended including further investigation of ground gas risks where appropriate.
- Proposals for remediation of former mine workings in the area identified in the report as the school area.
- Additional investigation of potential risk from radon or incorporation of basic radon protection measures in the development.

Where unacceptable levels/conditions are identified in relation to any of the above, prior to commencement, a proposed remediation scheme shall be provided and a report should be submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

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

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

Reason

To ensure that there is any contamination is mitigated and to prevent environmental pollution and to accord with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

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

Reason

To ensure that the site is or can be made safe and stable for the proposed development and to prevent environmental pollution in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

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

Reason

To protect the amenities of future residents and commercial occupiers from noise disturbance and to accord with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

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

Reason

To ensure an appropriate standard of allotments are provided in the interests of the amenity of the future residents and to accord with Policy CS24 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

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

Reason

To protect and enhance the character and appearance of the area and the amenities of future occupiers, and to enhance habitats of protected species found on site in accordance with Policies L1, L9, of the adopted South Gloucestershire Local Plan and Policy CS24 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

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

Reason

To protect protected species and their habitats on site and to accord with Policy L9 of the adopted South Gloucestershire Local Plan January 2006

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

Reason 1

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

Reason 2

To protect protected species and their habitats on site and to accord with Policy L9 of the adopted South Gloucestershire Local Plan January 2006

35. Prior to development commencing, including exempt infrastructure works, a site wide ecological and landscape management plan (ecology strategy) shall be submitted and agreed in writing by the local planning authority. The plan shall include details of the existing habitat to be safeguarded (trees, hedges and grass margins (buffer strips); and any new habitat to be created (species-rich grassland, hedges, woodland, scrub). It should also include a timetable for implementation and a programme of monitoring of all works for a period of 5 years. All works are to be carried out in accordance with the agreed strategy, including the timetable for implementation.

Reason 1

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

Reason 2

To protect protected species and their habitats on site and to accord with Policy L9 of the adopted South Gloucestershire Local Plan January 2006

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

Reason

To protect protected species and their habitats on site and to accord with Policy L9 of the adopted South Gloucestershire Local Plan

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

Reason 1

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

Reason 2

To protect protected species and their habitats on site and to accord with Policy L9 of the adopted South Gloucestershire Local Plan January 2006

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

Reason

In the interests of visual amenity and security and to protect the habitats of protected species in accordance with Policy L9 of the adopted South Gloucestershire Local Plan and Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

39. Unless otherwise agreed in writing with the local planning authority, no applications for reserved matters shall be submitted in any of the geographical phases identified in the approved Phasing Plan approved in accordance with Condition 4 until there has been submitted to and approved in writing by the local planning authority a detailed master plan and a design code for the geographical phase in question.

The detailed master plan/s and design codes shall be in accordance with the principles and parameters contained in the Land at North Yate Design and Access Statement June 2015 and Parameter Plans July 2015

The detailed master plan/s shall contain the information required as set out in the approved Land at North Yate Design and Access Statement June 2015 and shall be the regulating plan for the associated design code. The design code for each geographical phase shall include detailed codes for all of the matters listed in the approved, as well as:

- Details of code testing undertaken prior to finalization, and
- Proposals for monitoring and review of each phase
- Details of development to plot level
- Details of areas of car parking
- Details of treatment of public realm, including open space and play
- details of waste and community composting areas
- details of all vehicular, pedestrian and cycle access to all development parcels

Reason

To ensure that high standards of urban design and comprehensively planned development, designed and phased to ensure maximum practical integration between different land uses within and beyond the site is achieved to accord with Policies CS1 and CS31 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

40. Applications for the approval of the reserved matters shall be in accordance with the approved parameter plans and principles and parameters contained in the Land at North Yate Design and Access Statement June 2015 and Parameter Plans July 2015 and with the approved detailed master plan and design code for the geographical phase as shown in the approved phasing plan to which the reserved matters application relates. A statement shall be submitted with each reserved matters application, which describes how the application proposals are in compliance with the Land at North Yate Design and Access Statement June 2015 and Parameter Plans July 2015 and with the relevant detailed master plan and design code, or (where relevant) explaining why they are not.

Reason

To ensure that high standards of urban design and comprehensively planned development, designed and phased to ensure maximum practical integration between different land uses within and beyond the site is achieved to accord with Policies CS1 and CS31 of the adopted South Gloucestershire Local Plan: Core Strategy.

41. Applications for approval of Reserved Matters that incorporate proposed buildings within each geographical phase identified in the approved phasing plan submitted pursuant to Condition 4 above shall be accompanied by an Energy Statement which shall set out :-
- How the layout, three dimensional building envelope and landscape proposals have been designed to maximise passive solar gains and cooling as well as natural ventilation of buildings
 - Measures to improve the insulation of the building envelope to reduce energy demand
 - Calculation of energy demand
- The Energy Statement shall require Reserved Matters to achieve a minimum 'very good' rating under the relevant Building Research Establishment Environmental Assessment Method (BREEAM) for all building types other than dwellings. Applications for Reserved Matters within the phase that the Energy Statement relates, shall be carried out in accordance with the approved Energy Statement, unless otherwise agreed in writing by the Local Planning Authority

Reason

To achieve improved energy conservation, and protect environmental resources in accordance with Policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

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

Reason

To ensure an appropriate standard of internet connection is provided, in the interests of the amenity of future residents and to accord with Policy CS31 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013)

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

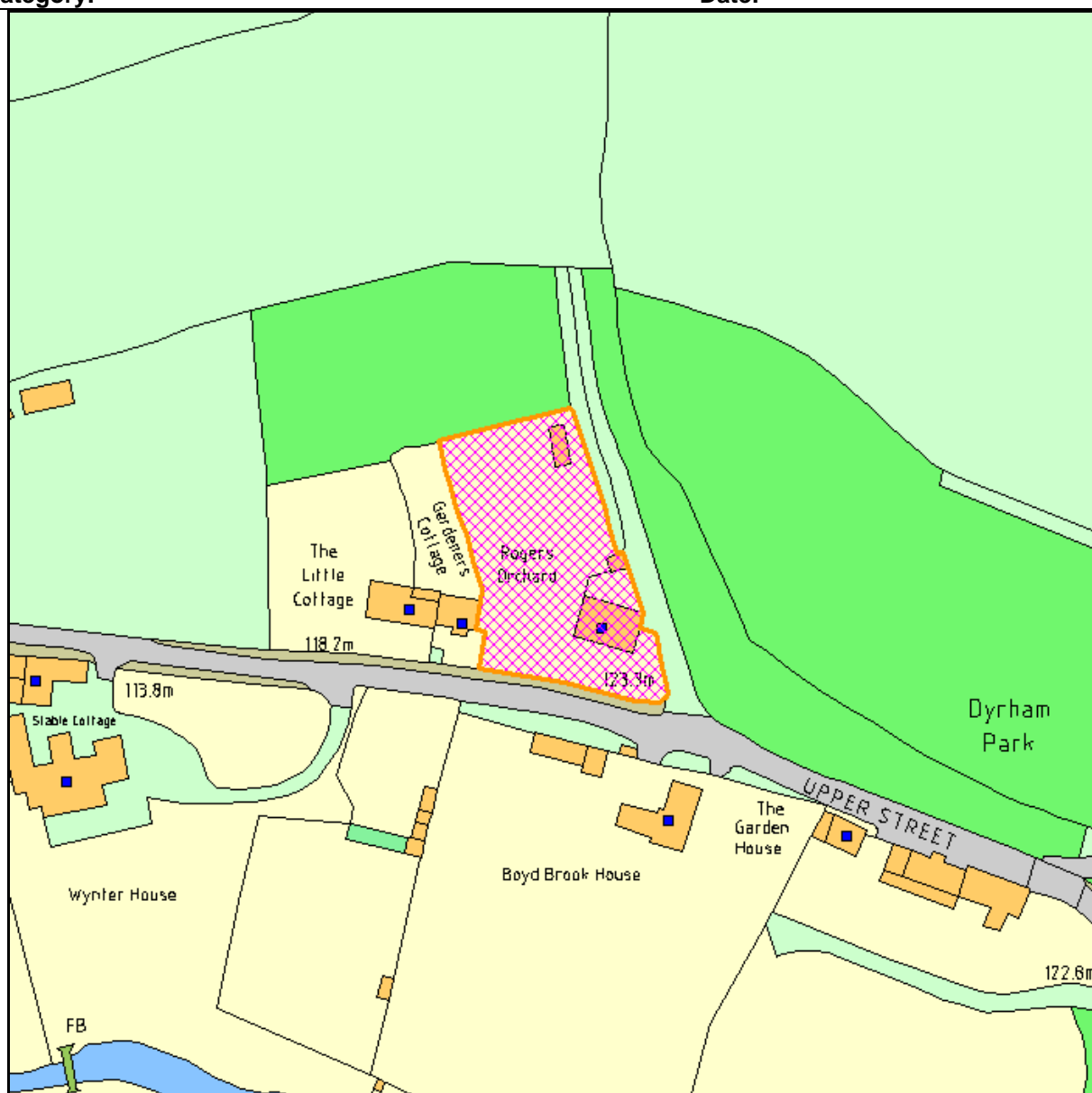
Reason

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

Parameter Plan, in order to accord with Policy CS1 of the adopted South Gloucestershire Local Plan Core Strategy Adopted December 2013

CIRCULATED SCHEDULE NO. 31/16 – 5 AUGUST 2016

App No.:	PK16/2596/F	Applicant:	Oakstone Conservation Ltd
Site:	Rogers Orchard Upper Street Dyrham Chippenham South Gloucestershire SN14 8HN	Date Reg:	11th May 2016
Proposal:	Erection of single storey link extension and conversion of outbuilding to form additional living accommodation. Engineering works required to facilitate landscaping scheme and parking; as well as associated works. Erection of a gazebo within rear garden.	Parish:	Dyrham And Hinton Parish Council
Map Ref:	373874 175897	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	5th July 2016



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PK16/2596/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey link extension and conversion of outbuilding to form addition living accommodation. The planning application also includes an extensive landscaping scheme which will require minor engineering works, as well as this, a gazebo is also proposed within the rear garden.
- 1.2 The application site, Rogers Orchard is a grade II listed early 19th century building situated within the Dyrham Conservation Area also the Bristol/Bath Green Belt.
- 1.3 The application site currently has a car parking space to the rear of the property, this is accessed through the adjacent public bridleway LDH/29/20 which forms part of the Cotswolds Way National Trail. For clarity, there is no development proposed within this planning application within the public bridleway, the application site will gain access from this recreational route, as the site currently does.
- 1.4 As well as this application for full planning permission, there is also an application for listed building consent submitted to the Local Planning Authority which is pending determination, the planning reference number for this application is PK16/2597/LB.

2. POLICY CONTEXT

2.1 National Guidance

NPPF National Planning Policy Framework March 2012
PPG 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
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

H4 Development within Existing Residential Curtilages
L1 Landscape Protection and Enhancement
L2 Cotswold Area of Outstanding Natural Beauty
L9 Species Protection
L12 Conservation Areas

- L13 Listed building
- LC12 Recreational Routes
- T7 Cycle Parking
- T12 Transportation Development Control Policy for New Development

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP37	Internal Space and Accessibility Standards for Dwellings
PSP38	Development Within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP42	Custom Build Dwellings
PSP43	Private Amenity Space Standards

The Proposed Submission Draft Policies Sites and Places Plan (PSP plan) is a further document that will eventually form part of the South Gloucestershire Local Plan. The PSP plan will set out new planning policies for South Gloucestershire. Submission and Examination of this plan is expected to take place in late 2016, with scheduled adoption in 2017. Accordingly, with regard to the assessment of this planning application limited weight is attached to the policies within the PSP plan at this time – weight grows as the plan progresses.

2.3 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013
 South Gloucestershire Design Checklist SPD (Adopted) August 2007
 South Gloucestershire SPD: Dyrham Conservation Area
 South Gloucestershire Landscape Character Assessment (adopted Nov 2014)
 Area 4 Cotswold Scarp

3. RELEVANT PLANNING HISTORY

PK15/1353/TCA	Works to fell 3no. Conifers, 2no. Yew trees and 2no. Apple trees, remove lower limb of 1no. Holm Oak, remove epicormics growth of 2no. Lime trees and works to 1no. Yew tree to reduce height to 5m and reduce radial spread to 2.5m. All situated within Dyrham Conservation Area.
No objection	13.5.15
PK08/2584/LB	Replacement of roof. Internal and external repairs to make good the effects of water ingress.
Approved	20.10.08

PK06/1971/TCA	Works to remove 1 no. Cypress tree, reduce 1 no Pear tree, crown clean and reduce 2 no Common Lime trees, reduce 1 no. Cypress tree and crown lift and reduce 1 no. Holm Oak tree within the Dyrham Conservation Area.
No objection	1.8.06

4. **CONSULTATION RESPONSES**

4.1 Dyrham and Hinton Parish Council

No objection. The Parish originally objected to the proposal due to parking concerns, however, revised plans have alleviated the Parish's concerns. Provided Conservation is happy with the proposal, no objection.

4.2 Sustainable Transport

No objection. The plans submitted with this application demonstrate adequate off street parking and turning area on site.

4.3 Public Rights of Way

Objection. Comments are summarised below:

- Development will affect the bridleway LDH/29/20 that forms part of the Cotswolds Way National Trail which is a protected route under Local Plan Policy LC12;
- Development includes widening access from the application site onto the public right of way;
- No changes to the surface of bridleway can take place without the prior permission of the National Trust (the landowner) and also South Gloucestershire as the highway authority;
- The proposed access alterations include the use of cobbles on the incline (all within the application site and not within the bridleway) – the use of non-slip surfaces are required within the bridleway, therefore the access must not encroach into the bridleway;
- Should be no obstruction of the bridleway during construction etc. and thereafter no parking within the bridleway;
- The use of bridleway for delivery which causes the obstruction of the bridleway will require permission from the National Trust and the highway authority;
- The verges of Upper Street should be damaged;
- The proposal is contrary to paragraph 35 of the NPPF as it does not give priority to pedestrian and cycle movements and minimise conflict between traffic and cyclists or pedestrians

4.4 Opens Spaces Society

None received.

4.5 Listed Building and Conservation Officer

No objection subject to conditions. The scheme has been further revised following officer comments and it is now considered acceptable subject to conditions covering some of the proposed changes. The dormer has been removed and replaced with a conservation rooflight, the basement access has been cleverly reconfigured, the mezzanine floor has been designed so as to

avoid the head of the window and the 'garden room' has been replaced with a wrought iron gazebo. The rest of the building is to be sympathetically repaired and restored and the external facades are to be lime rendered as they were originally. The landscaping scheme has been softened since the 1st submission, and is now much more informal and better suited to the character of the site and its setting in the conservation area.

4.6 Tree Officer

No objection subject to conditions.

4.7 National Trust

Neutral comments were submitted by the National Trust, such comments are summarised below:

- The bridleway is owned by the National Trust;
- The National Trust supports the comments made by the Council's public right of way officers;
- No works should take place within the bridleway without the National Trust's permission, for example even scaffolding;
- Works must take place without damaging the bridleway;
- No parking should take place on the bridleway;
- The verges of Upper Street have been repaired/reinstated this winter – these verges should not be damaged.

4.8 Ecological Officer

No ecological constraints subject to conditions.

4.9 Landscape Officer

None received.

4.10 Lead Local Flood Authority

No objection.

Other Representations

4.11 Local Residents

One letter has been received from a member of the public regarding this application, this letter included comments predominantly in objection to the proposal. Such comments have been summarised below:

- The extensive parking and drive is located too close to our property (Gardeners Cottage), specifically our bedroom and garden;
- The car parking located so close to aforementioned property will result in levels of noise and pollution;
- The proposal should develop the existing parking arrangement and dilapidated garage;
- The engineering works required for the development (specifically rear garden works) are harmful to the character of the Conservation Area, also be visible from the Cotswold Way Bridleway, Upper Street and the Terrace Walks of the National Trust property;
- The level changes would result in the previously secluded garden of the Gardeners Cottage being overlooked;

- Concerns regarding foul drainage.

5. **ANALYSIS OF PROPOSAL**

- 5.1 This application seeks planning permission to extend a listed building and convert an existing curtilage listed outbuilding. Further to this, landscaping works are proposed as well as a gazebo within the rear garden. As stated the application site is within a Conservation Area and an Area of Outstanding Natural Beauty as well as the Green Belt. The application site is within a residential use and adjacent to a public right of way which also provides access to the site.
- 5.2 **Principle of Development**
Paragraph 89 within the NPPF allows for extensions or alterations to buildings within the Green Belt, provided this does not result in disproportionate additions over and above the size of the original building. Development which is judged to be disproportionate with regard to the original building will be viewed as inappropriate development, harmful to the Green Belt and will not be permitted. Policy CS5 of the adopted Core Strategy is supportive of the NPPF and relevant local plan policies in the protection of the Green Belt.
- 5.3 Development within existing residential curtilages is broadly supported by saved policy H4 of the Local Plan subject to an assessment of design, amenity and transport. In addition, as the site is subject to heritage designations it must preserve the setting, architectural and historic interest of the property and the character and appearance of the conservation area to accord with saved policies L12 and L13 of the adopted Local Plan. Policy CS9 expects new development to ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance. The proposal is considered to comply with the principle of development.
- 5.4 **Green Belt – Proposed Extension**
As stated within the principle of development section, development which is disproportionate over and above the size of the original dwellinghouse will not be permitted. Accordingly, only limited additions will be permitted. The Development in the Green Belt SPD sets the disproportionate test which has three components, the volume increase of the original dwelling, the appearance of the proposal and the existing extensions and outbuildings within the curtilage.
- 5.5 The first component involves a volume calculation and concludes: an addition resulting in a volume increase less than 30% or more of the original dwelling would be likely to be acceptable, and a volume increase of 50% or more of the original dwelling would be likely to be considered in excess of a reasonable definition of limited extension.
- 5.6 In the interests of clarity the case officer has defined the ‘original dwelling’ from the provided definition within the Development in the Green Belt SPD which states:

- 5.6.1 *'The term 'original dwelling' refers to the volume that a dwelling was when the original planning permission for its construction was given, or for older homes the volume that the dwelling was on July 1st 1948'.*
- 5.7 This definition is in keeping with the definition provided by the NPPF of an 'original building'. The original dwelling is considered to be composed of the double pile section and catslide rear extension, as well as the outbuilding proposed to be converted. Indeed, historic maps surveying the area in the period of 1915-1920 demonstrates the dwelling as described above.
- 5.8 The original dwelling is therefore considered to have a volume of 851m³. The proposal constitutes a volume of 250m³ representing a 29.38% volume increase above the original dwelling.
- 5.9 The Council's Green Belt SPD states: *'as a general guide, an addition resulting in a volume increase less than 30% of the original dwelling would be likely to be acceptable'*. Therefore, the proposal would be considered not to be a disproportionate addition to the original dwelling.
- 5.10 The second component of the disproportionate test regards the appearance of the proposal: *'it should not be out of proportion with the scale and character of the original dwelling'*. The scale of the development is acceptable and is considered to be proportionate to the original dwelling.
- 5.11 The third component of the disproportionate test relates to the existing extensions and outbuildings within the curtilage. There are no such non-original extensions or outbuildings on site.
- 5.12 Overall, the proposal accords with the disproportionate test set out by the Development in the Green Belt SPD, and accordingly the development is considered to represent a proportionate addition to the original dwelling. The development therefore accords with paragraph 89 of the NPPF. With this in mind, there are no objection to the proposed extension with regard to the Green Belt.
- 5.13 Green Belt – Landscaping
The landscaping scheme involves engineering works to facilitate the parking area. Paragraph 90 of the NPPF states that engineering operations are acceptable within the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
- 5.14 The works proposed are not harmful to the openness of the Green Belt, they are well contained within an existing garden and are minor in scale. Similarly, the proposal will not be contrary to the purposes of including land in Green Belt as set out within Paragraph 80 of the NPPF.
- 5.15 Design and Impact on the Listed Building and Conservation Area
Rogers Orchard is a grade II listed, early 19th century building constructed in rubble stone (originally rendered) with freestone dressings and three prominent first floor gables on the front elevation. To the rear is a two storey rear wing which appears contemporary with the main building and a later infill creating a

sweeping catslide roof. It is set back from the road in an elevated position, making it a very prominent and attractive building in the Conservation Area. It sits alongside the Cotswold Way, and a stone cobble footpath extends across the front garden and forms part of longer footpath from Dyrham Park and the Church. To the rear of the listed building is a dilapidated stone outbuilding/garage that is in need of repair and stabilisation and a relatively recently excavated area of hardstanding for parking. The rest of the gardens are quite informal in their character and appearance, with the ground rising steeply from the road up to the house and then rising steadily from the house to the north of the site. A small brick paved courtyard provides an intimate private area at the back of the building, with a raised area in front of the outbuilding corresponding to the footings of an earlier building. Stone walls provide a retaining edge to the higher garden areas, giving the impression of the house being cut into the landscape as efficiently as possible. A natural stone retaining wall defines the front garden and wraps around the corner onto the Cotswold Way, with the stone footpath from Dyrham Park cutting through a small gateway. The wall then continues to the house and a further section of walling connects the house to the outbuilding.

- 5.16 Historical mapping for the site from the 1840s onwards shows how the site has developed from the original L-shaped building set high overlooking Upper Street with a small outbuilding to the rear. The gardens are slightly smaller than the present day garden, it originally having a staggered northern boundary. The 1880s OS map shows the addition of the catslide extension and the replacement of the small outbuilding with a larger two bay structure, comprising the present outbuilding and the area defined by the low stone wall in the courtyard. A smaller detached outbuilding is shown to the north and the enclosed courtyard at the back of the house is shown as a defined feature. The footpath to the front of the house is seen, extending to the west and north through the garden with paths also defining a rectangle of land due west of the house. The 1900s OS map shows the two sets of outbuildings being connected by another structure and a possible division between the front and rear garden areas - the northern garden boundary has in fact been removed. Not much changes in the 1910 OS map other than the path from the front of the house not being shown.
- 5.17 The setting of the house has, therefore, historically comprised the steep garden and stone footpath to the front, with a linear range of outbuildings at the rear extending to the north and generally open or part-landscaped gardens to the west and northwest. Remnants of the stone wall enclosing the present courtyard survives, and there may be remnants of the footpaths and other features in the garden area west of the house. A number of large trees and planting provides a pleasant, rural and informal character to the garden which contributes to the setting of the listed building and the general character and appearance of the Conservation Area.
- 5.18 The proposed link extension is acceptable in principle, and the design of which is considered to not materially harm the historical or architectural significance of the main dwelling and outbuilding. The external finishes and materials to be used within the extension do need to be verified, should planning permission be

granted, a number of conditions would be an appropriate mechanism to achieve this.

- 5.19 The development also includes the erection of a wrought iron gazebo which is considered to be acceptable due to its appropriate scale and detailing. It is envisaged that this gazebo will in future provide a climbing frame for flowers within the garden which would be a pleasing feature.
- 5.20 Overall, the proposed development is acceptable in terms of the historic and architectural significance of the application site and its buildings. Further to this, the proposal is not considered to be harmful to the wider Conservation Area. Indeed, the proposal will actually renovate an existing outbuilding which is currently in a poor state.
- 5.21 Officers note that the Conservation and Listed Building Officer's suggested conditions, as well as those suggested within this section, have not been imposed, the reason for this is that the impact of the proposal on the listed building's architectural and historical significance will also be addressed within the application for listed building consent. As if planning permission is granted for this application, then the majority of the proposed development could still not commence until listed building consent was permitted for the development. Accordingly, the conditions suggested by the Conservation and Listed Building Officer will be addressed within the application for listed building consent.
- 5.22 Landscape and Trees
The planning application is supported by a comprehensive site plan which includes planting, minor engineering works and also hard landscaping in the form of retaining walls and terracing. The initial access to the site will largely remain unchanged apart from its width being increased, within the site the initial car parking area finishes the ground rises dramatically, to facilitate the car parking and turning area, engineering works will occur to remove this quantity of earth. Within the parking area the levels will effectively be reduced by an approximate average of 2 metres from existing levels with a slight gradient to the existing access point. With the north western side of the site is the rear garden, currently largely scrub, it is proposed to be a meadow and lawn area, this will involve some levelling works. Currently the land rises up from the shared boundary with the adjacent Gardener's Cottage from around 127 to 128 metres ground level to approximately 132 metres within the north eastern side of site. The proposal will level the north eastern section of the site with an average ground level of 129.75 metres, the land level will still slope down toward the shared boundary as it currently does. The access and driveway closest to the bridleway will be finished in bonded cobble sets salvaged from the existing courtyard and supplemented with additional reclaimed cobbles to match, the remaining parking area will be finished in claybound gravel.
- 5.23 Officers did consider requesting a condition that required the applicant to provide details of how the earth and matter cleared and excavated to facilitate the parking area and driveway would be treated. However, the scale of the engineering works proposed is not considered to be large enough to warrant such a condition.

- 5.24 Overall the landscaping proposal is acceptable, although creating a more formal entrance to the rear, the less formal aspect of the rear garden is retained through the wild flower meadow and lawn area. With this in mind, the historical character of the application site is retained, and the setting of the wider Conservation Area and AONB is not materially harmed. Officers do however, consider it to be appropriate to require further details of finishes to be submitted and required through condition. Specifically, details requested would include hard landscaping samples and treatments. Officers, would also suggest the proposed site plan is conditioned to ensure the landscaping is carried out in accordance with the submitted plan.
- 5.25 The proposal will result in a loss of a number of trees (7 to be precise), however, the majority of these trees to be felled are of a poor amenity value and the loss of which will not materially harm the valued landscape; the setting of the listed building; the amenity of the public right of way; or the Conservation Area as a whole. Further to this, the development includes replacement planting of high value species in heavy standard form, as well as a landscape design incorporating high value planting around the house and garden.
- 5.26 In order to ensure the trees to be retained and proposed are protected, should planning permission be granted, a condition is suggested that ensures the development is carried out in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan.
- 5.27 Ecology
The applicant has submitted a 'Protected Species Report' which demonstrates there are no ecological constraints to granting the proposal subject to conditions.
- 5.28 The submitted report demonstrated that no evidence of bats was found to be present in any of the buildings; and also that no crawling or flying access were found in the main house and no signs of bat presence were observed within the roof void or on any external walls. The outbuilding has crawling and flying access but no recent or historic evidence of bats was found internally or externally. Further to this, no reptiles were recorded during the survey, however, there were features present in the garden that may provide basking, foraging habitats and hibernacula suitable for reptiles. The survey also states that breeding birds may present in shrubbery vegetation on the site. Finally, with regard to baggers, no evidence of badgers using the site was observed during the survey.
- 5.29 The Council's ecological officer has suggested the following conditions:
1. An Ecological Mitigation and Enhancement Plan will be submitted to the LPA for approval in writing, based on recommendations provided in Section 7 of the Protected Species Survey Report, specifying working methods and timing of works (Chalkhill Environmental Consultants, dated July 2016). In addition to the mitigation measures proposed in the report, prior to development commencing, a scheme for the provision of artificial bat boxes and bird nest boxes (house martin, house sparrow and starling), their numbers and locations, should be drawn up and agreed with the Council in

writing, in order to enhance lost potential habitat. All works are to be carried out in accordance with said scheme (L9);

2. The development will be carried out in strict accordance with the approved mitigation and enhancement recommendations made in Section 7 and 8 of the Protected Species Survey Report (Chalkhill Environmental Consultants, dated August 2015) (L9). Ideally, any new hibernacula that is created should contain elements of the original hibernacula due to the site-faithful behaviour exhibited by reptiles, therefore increasing the likelihood of re-use after creation.
- 5.30 Suggested condition 2 would condition mitigation measures which would provide the necessary safeguards for ecology on the site. Suggested condition 1 largely requires enhancement measures, but also mitigation measures. Mitigation measures are secured through conditioning that the development is carried in accordance with the submitted mitigation measures suggested within Section 7 of the submitted Ecological Report prepared by Chalkhill Environmental Consultants. With this in mind, mitigation measures are not required to be submitted through suggested condition 1. This largely just leaves enhancement measures.
- 5.31 Officers have to consider whether securing enhancement measures through condition is acceptable in the context of paragraph 206 of the NPPF which sets out the requirements of planning conditions. As stated, securing the mitigation measures through condition is acceptable. However, the suggested enhancement measures are not considered to be necessary or relevant to the development proposed, as the enhancement measures suggested largely include bat and bird boxes. Although the proposal will remove the potential habitat for bats, the survey demonstrated that bats have not been using the outbuilding, with this in mind, an existing habitat will not be removed, and hence the requirement for the provision of bat boxes is not considered to be necessary or reasonable. Similarly for birds, the proposal will retain a large number of trees and vegetation, hence the requirement of bird boxes is not reasonable.
- 5.32 Section 8 of the submitted ecological report includes enhancement measures for reptiles, it states that features for reptiles should be constructed as part of landscaping within the garden, and then lists specific features. Section 5 of the submitted ecological report includes the conclusions of the survey, with specific regard to reptiles, the report states:

Although no reptiles were seen on survey, a small population of common reptile species may be present in the garden surrounding the buildings surveyed. There are many features including the revetment walls and ornamental rockeries likely to be attractive to common reptile species as basking areas, refugia and hibernation sites and the sloping south facing aspect of the site is likely to provide the high temperature gradients which reptiles require in summer to remain active.

- 5.33 Once again, although enhancement measures are encouraged, under paragraph 118 of the NPPF and CS9 of the Core Strategy, the scale of the development must be considered. This is a minor development, and the submitted surveys have found no reptiles, although reptiles 'may be present in the garden'. With this in mind, officers do not find it to be reasonable to request such enhancement measures through condition.
- 5.34 Overall, provided the development accords with the mitigation measures included within the submitted report, the development is considered to be acceptable in ecological terms. With this in mind, should planning permission be granted, a condition ensuring the development accords with the submitted ecological mitigation measures will be imposed.
- 5.35 Residential Amenity
Saved policy H4 of the adopted Local Plan aims to ensure that residential development within established residential curtilage does not prejudice the residential amenity of any neighbouring occupiers.
- 5.36 The proposal will introduce no new windows or structures which will materially harm the residential amenity of any nearby occupiers. Further to this, the proposed link structure is not considered to be materially harmful with regard to the outlook, or levels of light enjoyed by the occupiers of the adjacent neighbouring occupiers.
- 5.37 The occupier of the adjacent dwelling has suggested that the landscaping proposals which will change the ground level height will result in their existing secluded garden being overlooked. After reviewing the existing and proposed ground levels (as is evident within the Landscape and Trees Section) officers find that the proposed ground level alterations are relatively minor in terms of the actual north eastern section of the garden. Indeed, it is likely that works to this section of the garden do not actually require express planning permission. As such, with the minor scale in mind, it is unlikely that the works to the wider garden would materially harm the residential amenity of the occupiers of the adjacent dwelling. The proposed car parking area and drive would require engineering works which do need planning permission. Such works are considered acceptable in terms of residential amenity. Further to this, the positioning of the car parking area is considered to be suitably set away from the neighbouring dwelling, it is unlikely that this car parking area would materially disturb the occupiers of the adjacent dwelling with regard to noise or pollution.
- 5.38 Overall, the proposal is considered to be acceptable in terms of residential amenity.
- 5.39 Transport, Parking, Access and the Right of Way
- 5.40 *Parking and Turning Area*
- 5.41 The existing dwelling has four bedrooms, whereas the proposed development would facilitate a five bedroom dwelling. To accord with the Council's

residential parking standard, a four bedroom dwelling must have a minimum of two off-street car parking spaces within the residential curtilage of the site. The existing site has approximately one car parking space. A five bedroom dwelling requires three off-street car parking spaces within the residential curtilage of the site. The proposal includes landscaping works that facilitates in excess of three car parking spaces, with a turning area within the site. With this in mind, the proposal has a sufficient level of car parking provided at the site. Further to this, no vehicles will have to reverse out of the site, which means the safety of the bridleway is further secured. Should planning permission be granted, it is suggested that the proposed site plan is conditioned to ensure the car parking and turning area is implemented and retained as such.

5.42 *Access and the Public Right of Way*

5.43 Paragraph 35 of the NPPF states amongst other things that development should be located and designed where practical to 'give priority to pedestrians and cycle movements, and have access to high quality public transport facilities...create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians'.

5.44 It is clear that a bridleway providing vehicular access to a property is not ideal, and a new development where an access has not already been established, would likely not accord with paragraph 35. However, this is not the case with this development. It is of paramount importance to realise and accept the fact that the bridleway currently provides access to the site. The right of way also provides access to a number of agricultural fields to the north of the application site. In this way, the public right of way is not exclusively used by pedestrians, cyclists and horse riders; it is also an existing access vehicular access route to not just the host property but also a number of agricultural fields – this is an established relationship. With this in mind, officers find the development to not be in conflict with paragraph 35 of the NPPF.

5.45 The development proposed includes no works or development that will directly impact upon the bridleway (Cotswolds Way). This is clear in the fact that there is no development proposed on the submitted plans within the bridleway. At first the initial section of the access/driveway did cause officers concerns, specifically with regard to the surface material being carried onto the bridleway and causing disruption. However, after discussions and amended plans being submitted, the submitted plans show that the initial part of the driveway will be finished in a bound material which will not be carried onto the bridleway.

5.46 Concerns have been expressed with regard to vehicles obstructing or disrupting the bridleway both in terms of vehicles parking and also construction traffic parking/delivering and using the bridleway. Clearly, it is of great importance to ensure that users of the public right of way are not disrupted or harmed. This proposal includes sufficient car parking within the site, in fact comparatively more so than the existing dwelling provides. With this in mind, the likelihood of cars parking on the public right of way has reduced when considering the existing situation. Regardless of this, the National Trust do own the right of way and the Council's Public Rights of Way Team are the highway authority in this case and do have powers to restrict and control the ways in

which public rights of ways are used. Specifically, the Highways Act 1980 includes measures where the highway authority can enforce against interference with the public rights of way. Nonetheless, should planning permission be granted, an informative note is suggested that encourages the applicant to not interfere with the public right of way in accordance with the Highways Act 1980.

- 5.47 Further to this, a working hours condition is also suggested should planning permission be granted to minimise disruption surrounding the site during construction.
- 5.48 Officers are aware that saved policy LC12 states that existing recreational routes are safeguarded, and that development proposals that would unacceptably affect the utility and amenity of existing routes will not be permitted. It has been suggested by the public rights of way team that the development is contrary to policy LC12. But as this section has demonstrated the proposed development is unlikely to materially harm the amenity of the public right of way. Notwithstanding this, there are powers under the Highways Act 1980 which protect the amenity of bridleways, and also officers are aware that the National Trust own the route, meaning there are legal routes which can be pursued in effort to protect the amenity of the right of way.
- 5.49 Overall the proposal is considered to be acceptable in highway safety terms and also in maintaining the level of amenity that users of the public right of way currently enjoy.
- 5.50 Planning Balance
This proposed scheme represents a high quality development which is sensitively designed and respects the amenity of the adjacent public right of way; the AONB; the fundamentals of the Green Belt and the historical and architectural significance of the listed building and Conservation Area.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 It is recommended that planning permission is **GRANTED** subject to the conditions listed below and on the decision notice.

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. Prior to the commencement of the landscaping works, samples and details of the hard landscaping surfaces and treatments to be used in the development approved shall be submitted to Local Planning Authority for determination. The development shall then be carried out in strict accordance with the approved details. For the avoidance of doubt hard landscaping is also considered to include the approved garden walls within the development.

Reason

In the interests of the setting and character of the: Conservation Area, the Area of Outstanding Natural Beauty and the listed building known as Rogers Orchard; and to accord with Policies L1, L2, L12 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

3. The development hereby approved shall be carried out in strict accordance with the approved Proposed Site Plan (dwg no. 06 Rev. C) received by the Council on the 14/06/2016. For the avoidance of doubt the car parking and turning area displayed on the aforementioned plan must be implemented prior to the occupation of the development approved, and retained as such thereafter.

Reason 1

In the interests of the setting and character of the: Conservation Area, the Area of Outstanding Natural Beauty and the listed building known as Rogers Orchard; and to accord with Policies L1, L2, L12 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

Reason 2

In the interests of providing adequate car parking and highway safety, and also to ensure the amenity of the adjacent bridleway is maintained, and to accord with Policies LC12 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; the South Gloucestershire Residential Parking Standard SPD (Adopted) December 2013; and the National Planning Policy Framework.

4. The development hereby approved shall be carried out in strict accordance with the mitigation measures contained within Section 7 'Mitigation' of the submitted and

approved Protected Species Survey prepared by Chalkhill Environmental Consultants received by the Council on the 11/07/2016.

Reason

In the interests of ecology and biodiversity; and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

5. The hours of working on site during the period of construction shall be restricted to Monday - Friday 7.30 - 18.00 and Saturday 8.00 - 13.00 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

In the interests of the amenity of the area and public right of way; and to accord with Policy LC12 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

6. The development hereby approved shall be carried out in strict accordance with the submitted and approved Arboricultural Method Statement (prepared by Acer Tree Surgeons dated 23/06/2015) and Tree Protection Plan received by the Council on the 01/07/2016.

Reason

In the interests of the health of the effected trees and also the setting and character of the: Conservation Area, the Area of Outstanding Natural Beauty and the listed building known as Rogers Orchard; and to accord with Policies L1, L2, L12 of the South Gloucestershire Local Plan (Adopted) January 2006; Policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 31/16 – 5 AUGUST 2016

App No.:	PK16/2597/LB	Applicant:	Oakstone Conservation Ltd
Site:	Rogers Orchard Upper Street Dyrham Chippenham South Gloucestershire SN14 8HN	Date Reg:	11th May 2016
Proposal:	Erection of single storey link extension and conversion of outbuilding to form additional living accommodation, as well as internal alterations and works to the dwelling. Erection of a gazebo within rear garden.	Parish:	Dyrham And Hinton Parish Council
Map Ref:	373874 175897	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	5th July 2016



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N.T.S.

PK16/2597/LB

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

As the accompanying full planning application for the development proposed within this application for listed building consent has been submitted to the Circulated Schedule, officers also find it pertinent to also submitted this application to Council's circulated schedule procedure.

1. THE PROPOSAL

- 1.1 This application seeks Listed Building Consent for the erection of a single storey link extension and conversion of outbuilding, amongst other internal alterations, to a grade II listed early 19th century building in Dyrham. This application is accompanied by an application for planning permission which is pending determination (planning ref. PK16/2596/F).
- 1.2 The application site currently has a car parking space to the rear of the property, this is accessed through the adjacent public bridleway LDH/29/20 which forms part of the Cotswolds Way National Trail. The application site is also within the Dyrham Conservation Area, Cotswolds Area of Outstanding Natural Beauty (AONB) and the Bristol Bath Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990
NPPF National Planning Policy Framework March 2012
PPG National Planning Proactive Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS9 Managing the Environment and Heritage
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L12 Conservation Areas
L13 Listed Buildings

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

PSP1 Local Distinctiveness
PSP17 Heritage Assets and the Historic Environment

The Proposed Submission Draft Policies Sites and Places Plan (PSP plan) is a further document that will eventually form part of the South Gloucestershire Local Plan. The PSP plan will set out new planning policies for South Gloucestershire. Submission and Examination of this plan is expected to take place in late 2016, with scheduled adoption in 2017. Accordingly, with regard to the assessment of this planning application limited weight is attached to the policies within the PSP plan at this time – weight grows as the plan progresses.

3. **RELEVANT PLANNING HISTORY**

PK15/1353/TCA	Works to fell 3no. Conifers, 2no. Yew trees and 2no. Apple trees, remove lower limb of 1no. Holm Oak, remove epicormics growth of 2no. Lime trees and works to 1no. Yew tree to reduce height to 5m and reduce radial spread to 2.5m. All situated within Dyrham Conservation Area.
No objection	13.5.15
PK08/2584/LB	Replacement of roof. Internal and external repairs to make good the effects of water ingress.
Approved	20.10.08
PK06/1971/TCA	Works to remove 1 no. Cypress tree, reduce 1 no Pear tree, crown clean and reduce 2 no Common Lime trees, reduce 1 no. Cypress tree and crown lift and reduce 1 no. Holm Oak tree within the Dyrham Conservation Area.
No objection	1.8.06

4. **CONSULTATION RESPONSES**

4.1 Dyrham Parish Council

No objection. The Parish originally objected to the proposal due to parking concerns, however, revised plans have alleviated the Parish's concerns. Provided Conservation is happy with the proposal, no objection.

Conservation and Listed Building Officer

No objection subject to conditions. The scheme has been further revised following officer comments and it is now considered acceptable subject to conditions covering some of the proposed changes. The dormer has been removed and replaced with a conservation rooflight, the basement access has been cleverly reconfigured, the mezzanine floor has been designed so as to avoid the head of the window and the 'garden room' has been replaced with a wrought iron gazebo. The rest of the building is to be sympathetically repaired and restored and the external facades are to be lime rendered as they were originally. The landscaping scheme has been softened since the 1st submission, and is now much more informal and better suited to the character of the site and its setting in the conservation area.

Ecology Officer

No ecological constraints subject to conditions.

Drainage and Flood Risk

No objection.

Sustainable Transport

No Comment.

Other Representations

- 4.2 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks Listed Building Consent for works to a grade II listed building in Dyrham.

5.2 Principle of Development

This is an application for listed building consent. As such, the only consideration is what impact the proposed development would have on the special historic or architectural features of the property in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Specifically, when considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.3 Assessment of Impact on Heritage Asset

Rogers Orchard is a grade II listed, early 19th century building constructed in rubble stone (originally rendered) with freestone dressings and three prominent first floor gables on the front elevation. To the rear is a two storey rear wing which appears contemporary with the main building and a later infill creating a sweeping catslide roof. It is set back from the road in an elevated position, making it a very prominent and attractive building in the Conservation Area. It sits alongside the Cotswold Way, and a stone cobble footpath extends across the front garden and forms part of longer footpath from Dyrham Park and the Church. To the rear of the listed building is a dilapidated stone outbuilding/garage that is in need of repair and stabilisation and a relatively recently excavated area of hardstanding for parking. The rest of the gardens are quite informal in their character and appearance, with the ground rising steeply from the road up to the house and then rising steadily from the house to the north of the site. A small brick paved courtyard provides an intimate private area at the back of the building, with a raised area in front of the outbuilding corresponding to the footings of an earlier building. Stone walls provide a retaining edge to the higher garden areas, giving the impression of the house being cut into the landscape as efficiently as possible. A natural stone retaining wall defines the front garden and wraps around the corner onto the Cotswold Way, with the stone footpath from Dyrham Park cutting through a small gateway. The wall then continues to the house and a further section of walling connects the house to the outbuilding.

- 5.4 Historical mapping for the site from the 1840s onwards shows how the site has developed from the original L-shaped building set high overlooking Upper Street with a small outbuilding to the rear. The gardens are slightly smaller than the present day garden, it originally having a staggered northern boundary. The 1880s OS map shows the addition of the catslide extension and

the replacement of the small outbuilding with a larger two bay structure, comprising the present outbuilding and the area defined by the low stone wall in the courtyard. A smaller detached outbuilding is shown to the north and the enclosed courtyard at the back of the house is shown as a defined feature. The footpath to the front of the house is seen, extending to the west and north through the garden with paths also defining a rectangle of land due west of the house. The 1900s OS map shows the two sets of outbuildings being connected by another structure and a possible division between the front and rear garden areas - the northern garden boundary has in fact been removed. Not much changes in the 1910 OS map other than the path from the front of the house not being shown.

- 5.5 The setting of the house has, therefore, historically comprised the steep garden and stone footpath to the front, with a linear range of outbuildings at the rear extending to the north and generally open or part-landscaped gardens to the west and northwest. Remnants of the stone wall enclosing the present courtyard survives, and there may be remnants of the footpaths and other features in the garden area west of the house. A number of large trees and planting provides a pleasant, rural and informal character to the garden which contributes to the setting of the listed building and the general character and appearance of the Conservation Area.
- 5.6 The proposed link extension is acceptable in principle, and the design of which is considered to not materially harm the historical or architectural significance of the main dwelling and outbuilding. The proposed internal alterations are all designed appropriately through a sensitive approach. The external finishes and materials to be used within the extension do need to be verified, should planning permission be granted, a number of conditions would be an appropriate mechanism to achieve this.
- 5.7 Overall, the proposed development is acceptable in terms of the historic and architectural significance of the application site and its buildings. Further to this, the proposal is not considered to be harmful to the wider Conservation Area. Indeed, the proposal will actually renovate an existing outbuilding which is currently in a poor state.
- 5.8 Officers note that the Conservation and Listed Building Officer's suggested conditions all of which will be imposed should listed building consent be granted.
- 5.9 Other Matters
Officers note that the Ecological Officer has suggested conditions, such conditions have been assessed and taken into account within the accompanying full planning application, and as such are not taken into account within this application for listed building consent.
- 5.10 Planning Balance
Overall, the development proposed is a comprehensive and sensitively designed scheme which respects the historical and architectural significance of the grade II listed building.

6 **CONCLUSION**

- 6.1 The recommendation to **approve** listed building consent has been taken in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. Specifically with regard to Section 16(2) which requires Local Planning Authorities to determine applications with special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7. **RECOMMENDATION**

- 7.1 It is recommended that Listed Building Consent be **GRANTED** subject to the conditions listed below and on the decision notice.

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. Prior to the commencement of the development hereby approved, a detailed specification and schedule of repairs, including all proposed structural works, timber repairs, replacement of historic fabric shall be submitted to the Council for approval. No works shall be commenced until the Council has given written approval for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is necessary for this condition to be a prior to the commencement condition in order to avoid unnecessary remedial works.

3. Prior to the commencement of the relevant works, the detailed design, including materials and finishes, of the following items shall be submitted to the local planning authority for approval:

- a) Flues, vents, external pipework and extracts.
- b) Large scale sections through the link structure showing proposed screen, doors, eaves and glass roof.
- c) Cast iron airbricks
- d) Garage door screen
- e) Conservation rooflights

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is necessary for this condition to be a prior to the commencement condition in order to avoid unnecessary remedial works.

4. Prior to the commencement of the pointing or rendering works, a specification of the lime mortars and lime render to be used on the building and a method statement for their application shall be submitted to and approved in writing by the local planning authority. No works shall commence until the local planning authority has given written approval for the specification and method statement.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Prior to the commencement of the relevant works, samples of the proposed roof tiles/slates and walling stone shall be submitted to the local planning authority for approval before the relevant parts of the work are commenced. The development shall then be carried out in strict accordance with the approved details.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

6. Prior to the commencement of the relevant works, sample panels of the proposed lime pointing and lime render showing colour, texture and finish shall be erected on site and approved in writing by the local planning authority. The approved sample panels shall be kept on site for reference until the relevant work is complete. Development shall be carried out in strict accordance with the agreed samples.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

7. Prior to the commencement of the relevant works, sample panels of the stonework for the proposed external walls showing coursing, jointing, pointing (where applicable) and coping shall be erected on site and approved in writing by the local planning authority. The approved sample panels shall be kept on site for reference until the relevant work is complete. Development shall be carried out in strict accordance with the agreed samples.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

8. All new external and internal works and finishes, and works of making good, shall match the existing original building in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

CIRCULATED SCHEDULE NO. 31/16 – 5 AUGUST 2016

App No.: PK16/3306/F

Applicant: Mr Cullum

Site: Fairview Cottage Emersons Green
Lane Emersons Green Bristol South
Gloucestershire
BS16 7AD

Date Reg: 8th June 2016

Proposal: Erection of 2no. semi-detached dwellings with associated works.

Parish: Emersons Green
Town Council

Map Ref: 366902 176962

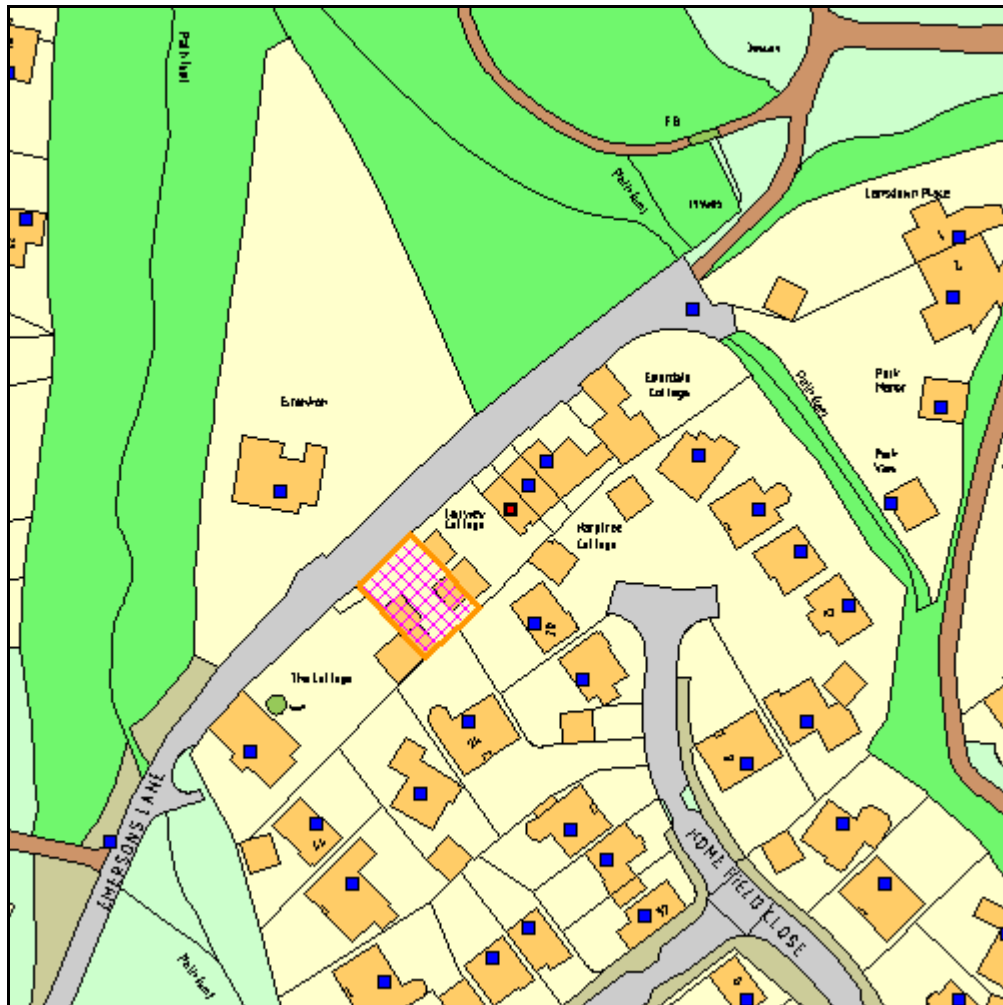
Ward: Emersons Green

Application Minor

Target 1st August 2016

Category:

Date:



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N.T.S.

PK16/3306/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The following report appears on the Circulated Schedule following objections from the Town Council and local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of 2no. semi-detached dwellings with associated works.
- 1.2 The application site lies within the curtilage of a modest two-storey end-of-terrace cottage situated on Emersons Green Lane, Emersons Green. It is proposed to demolish an existing garage and shed serving Fairview Cottage to facilitate the erection of the two new dwellings. Off-street parking for the existing dwelling would remain unaffected and those proposed would be provided to the front of the houses.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS4A Presumption in favour of sustainable development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Environmental Resources and Built Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS23 Community Infrastructure and Cultural Activity
CS24 Open Space Standards

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

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control
T7 Cycle Parking

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Development Related Transport Impact Management
PSP16 Parking Standards
PSP17 Heritage Assets and the Historical Environment

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

- 2.4 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Waste Collection SPD (Adopted) 2015

3. **RELEVANT PLANNING HISTORY**

- 3.1 K5940/1 Refused 22/03/1989
COMPREHENSIVE RESIDENTIAL DEVELOPMENT INCLUDING DISTRICT CENTRE, COMMUNITY FACILITIES, ROADS ETC (OUTLINE) (Previous ID: K5940/1)
- 3.2 K7528 Approved 05/10/1995
COMPREHENSIVE DEVELOPMENT FOR RESIDENTIAL/DISTRICT CENTRE/PUBLIC HOUSE /RESTAURANT/ROADS/FOOTPATHS/OPEN SPACE AND OTHER ASSOCIATED USES (OUTLINE). (Previous ID: K7528)3B/P/11.730
- 3.3 K5937 Refused 29/01/1990
COMPREHENSIVE DEVELOPMENT INCLUDING RESIDENTIAL & ANCILLARY USES & BUSINESS, STORAGE & DISTRIBUTION USES (OUTLINE) (Previous ID: K5937)
- 3.4 K5937/1 Refused 21/03/1989
COMPREHENSIVE DEVELOPMENT: RESIDENTIAL BUSINESS STORAGE DISTRIBUTION AND REGIONAL SHOPPING (OUTLINE) (Previous ID: K5937/1)
- 3.5 K5085 Approved 23/05/1986
MODERNISATION AND EXTENSION OF GARAGE AND CESSPIT (Previous ID: K5085)

4. **CONSULTATION RESPONSES**

- 4.1 Emersons Green Town Council
Objection:
Members feel that there is a lack of amenity space, parking provision is inadequate and the new proposed dwellings will be detrimental to the street scene.
- 4.2 Other Consultees
Highway Structures
No Comment

Lead Local Flood Authority

No Objection

Sustainable Transport

We note that this planning application seeks to erect two semi-detached dwellings adjacent to Fairview Cottage in Emersons Green Lane, Emersons Green. We understand that each of these dwellings will have two bedrooms.

The Council's minimum residential car park standards, as set out in the Residential Parking Standards SPD adopted in December 2013, indicate that two bedroom properties must be provided with at least one car parking spaces. Our examination suggests that this proposal conforms to this requirement as three spaces are provided on the site. Moreover, these spaces conform to the minimum dimensions specified by the Manual for Streets. We also understand that as Emersons Green Lane is a quiet cul-de-sac. Therefore, we believe that vehicles manoeuvring in and out of these spaces are unlikely to raise any significant road safety concerns.

We acknowledge that this proposal will result in an increase in the traffic using Emersons Green Lane. However, as each dwelling is likely to generate only about 10 vehicular movements in a 24 hour period, we do not consider that this proposal is likely to raise any significant highways or transport issues.

Therefore after careful consideration, we do not have any material highways or transportation comments about this application.

Environmental Protection

No response received

Other Representations

4.3 Local Residents

Four letters from local residents have been received. The points made by the two objectors are:

Residential Amenity

- The site contains a hedge and there are trees on the adjacent garden. These are no acknowledgment in the application.
- Proposed dwellings have been sited so that parking can be created to the front of the properties. Plans and photos supplied do not show the proximity of the proposed dwellings, particularly Nos. 20 and 24 Home Field Close, to the house to the rear of the site on Home Field Close. There is a serious issue of overbearing on the rear garden space of No. 20 with the proposed dwellings being only 3.4m from the boundary line.
- Proposed first floor rear window is only 10m away from closest habitable window in No. 20 leading to a serious issue of lack of privacy. Proposed

dwellings have been sited clearly within the 45 degree visibility splay from the rear windows of No. 20.

- No. 24 is only 15m away from the proposed dwellings.
- Due to the orientation of the proposed dwellings with a north facing front elevation and south east facing rear elevation, this negates the possibility of the addition of photo-voltaic solar panels which would help with the sustainability of energy resources for this site.
- The plans do not show space for refuse/recycling bins and/or an area aside for the possibility of bicycle storage. Once these have been added to the site, this leaves only the very small 3.4m rear gardens as amenity space. This is a substandard amount of outdoor private space.
- Proposed dwellings are of substandard design for the character of the area and the surrounding houses. Worries regarding the internal 'squashed' living accommodation, particularly the open kitchen staircase in relation to fire protection and the downstairs WC which is positioned so low under the staircase that no one would be able to enter it.

Highway Safety

- The application site comprises a single garage and one parking space, but the application form states "No onsite parking".
- In order to provide the parking spaces, new vehicle access is required from the public highway, but the application states "No new or altered vehicle access".
- Insufficient parking
- Application site is situated on Emersons Green Lane, a single track access road with very limited turning space. This lane currently serves residential dwellings and the additional traffic/vehicular use will increase this to a level which would be unsafe for pedestrians and other vehicle users. There are 3 public footpaths that access Emersons Green Village Park directly from the Emersons Green lane which are used regularly to access the Village Park, as a walkthrough to the local shopping area and access Emersons Green Primary School. The addition of more vehicle use will increase the possibilities of accidents.

Drainage

- The application form states that the proposed dwellings foul waste will be disposed of via mains sewer. None of the properties along Emersons Green lane have mains sewer access and waste is disposed of into septic tanks which are positioned under the area assigned for the proposed vehicular parking. These tanks (which already cause bad odour during summer months) would need to be emptied by a lorry and with no turning circle proposed on site, this commercial large vehicle

would need to either reverse down the lane or reverse out of the lane, again increasing the possibility of accidents to vehicles and pedestrians.

- The application refers to a “soakaway”, but there is no evidence of this on the plans.

Environmental Protection

- When the site was put up for auction, the legal sale documentation stated that the existing garage on the site contained asbestos. The application does not acknowledge this, but states “No hazardous waste”.

Ecology

- Application site faces a wooded area full of wildlife and there is a concern that the proposed application site has not been checked for the possibility of wildlife habitation.

Other Comments

- The development would result in the loss of an existing garage, shed and outbuildings.
- Existing properties are run on bottled propane gas. Has suitable propane storage has been included as part of the proposal?
- No. 20 Home Field Close is elevated higher than application site. How will the height difference be managed to prevent subsidence and drainage? Raising internal floor levels would increase overall height and lowering may undermine existing footings.
- Consideration for possible rear extension to No. 20 Home Field Close

The points made by the two supporters are:

- Replaces current unsightly plot
- House design in-keeping with the surrounding area
- Help improve anti-social behaviour in area
- Adequate parking
- Some of the other properties along Emersons Green lane are on septic tanks so this may be an opportunity for connection to main drains.
- Suggests conditioning construction hours between 10:00 and 15:00 and that access to properties at the bottom of Emersons Green Lane is maintained.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all other material considerations. This full assessment must include not only the new dwelling, but the loss of this area in terms of visual amenity to the area and its impact on highway safety. Policy CS1 is used to assess the design of development which is required to be of a good standard, to complement the host property and to be in keeping with the character of the area. Policy H4 is

also relevant here as this policy is supportive of proposals for the erection of infill dwellings within existing curtilages, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. In addition it is important that the proposal does not adversely impact on highway safety and this is covered under Policies T12 and CS8.

- 5.2 South Gloucestershire Council does not have a 5 year land supply and for this reason Policy CS5 is considered to be out of date and therefore paragraph 14 of the NPPF is engaged. The NPPF requires that planning be granted for development unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This means that the adopted development plan remains the starting position for any assessment - decision takers must still take into account overall design, location, amenity and transport and are directed to resist inappropriate development.
- 5.3 The proposal is considered to accord with the principle of development where development within existing curtilages is encouraged provided it meets all other criteria. For the reasons set out below, it is considered that the limited adverse impacts identified below do not significantly and demonstrably outweigh the benefit of providing 2no. new houses.
- 5.4 *Design and Visual Amenity*
The 2no. proposed dwellings would be positioned along Emersons Green Lane in between an older two-storey detached property and a row of 3no. modest cottages. The proposed semi-detached houses would be of the same style. Both houses would be 2 storey high. Given the position of the houses side by side, the majority of openings would be positioned to the front and rear and couple of small windows in the side elevations.
- 5.5 The area is characterised by a mixture of properties differing in style, age, design and materials used. Immediately to the northeast of the site are terraced cottages of stone and render, while to the southwest is a two-storey detached rendered property. The site backs onto a 90s residential development to the southeast.
- 5.6 The approximate size of the 2no. dwellings would be 10.1 metres wide, 7.9 metres long, a height to eaves of 4.9 metres and a height to ridge of 7.4 metres. These properties would have gable ends with the main sets of windows in the other elevations. Given their height, the properties are regarded as being 2 storeys high to accommodate 2no. bedrooms in the first floor. In the side elevations, at ground floor level, the dwellings would have a small window serving a lounge and at first floor serving a bathroom. Materials used would be brown/red interlocking roof tiles, stone to the front with a border of bricks below the damp course level, quoins with render to the sides and rear and light oak upvc windows and doors.
- 5.7 As mentioned above, the area is very mixed in terms of its built form character and as such it is considered that the overall design, scale and massing of the

properties are appropriate. Again materials in the area are varied, but the proposal would have materials to reflect the cottages. They would appear a stand alone small development and would complement the existing street scene.

5.8 *Residential Amenity*

Each property would have dedicated uncovered parking to the front adjacent to Emersons Green Lane and small gardens to the rear.

5.9 To the southwest Plot 1 would run alongside the garage and parking area of The Cottage and backs onto the garden of No. 24 Home Field Close. To the northeast Plot 2 would be next to the garages and parking area of Fairview Cottage and backs onto the garden of No. 20 Home Field Close. A local resident has commented that the neighbouring boundary treatments have not been shown. A revised block plan has been submitted showing the existing and proposed boundary treatments. An existing 1.8 metre high close board fencing to the northeast boundary and a 1.8 metre high blockwork wall to the southeast boundary will be retained. The plot will be subdivided by new 1.8 metre high close board fencing and the same treatment will be applied to southwest boundary.

5.10 To the southwest is the two-storey detached property, The Cottage, separated from the site by its respective garden, garage and parking area. Openings in the form of a small ground floor lounge window and first floor bathroom window are to be positioned in the side elevation of Plot 1. Given the proposed boundary treatment, it is considered there would be no adverse impact from the ground floor window, but as the first floor window serves a bathroom, a condition will be attached to the decision notice to ensure this window is of obscure glazing. Fairview Cottage is the northeast will experience similar issues to those described regarding The Cottage. Matching openings are proposed in the side elevation of Plot 2. It is noted that the proposed dwellings would overshadow the garages and part of the garden beyond, but this would be limited to late afternoon. Given the dividing boundary, it is considered that there would be no adverse impact from the ground floor window, but as the first floor window serves a bathroom, a condition will be attached to the decision notice to ensure this window is of obscure glazing.

5.11 To the rear of the proposed dwellings are a couple of two-storey detached modern properties, Nos. 20 and 24, served by the Home Field Close hammerhead. Both neighbours have expressed concerns regarding overshadowing, overbearing and loss of privacy. Each neighbouring property will be discussed in turn.

5.12 Neighbours at No. 20 face the application site at an angle 8 metres away to the east, on the other side of the dividing boundary. The oblique relationship between the dwellings means there would be no issues of inter-visibility between rooms, but proposed first floor rear windows will look onto the garden area immediately to the rear of No. 20. It is not, however, considered to be unacceptable because, despite not being overlooked before, such views are common in highly built-up areas. Given the orientation of the proposed dwellings, it is considered sufficient natural light would continue to enter the

garden, but it is noted that the proposed dwellings about 10+ metres away would block the existing outlook from this neighbour's first floor windows. Given the above, it is, however, not considered that there would be an overbearing effect on this neighbour. The proposal will create changes for this neighbour, but these are not considered to be unacceptable.

- 5.13 Neighbours at No. 24 face the application site more directly on than No. 20 at about 15 metres away to the southeast. It is unlikely that there would be directly line of sight between rooms, but given the housing density of the area, it is considered that the shorter 15 metre first floor window to window separation distance is sufficient to protect residential amenity. It is noted these windows will look onto the garden area immediately to the rear of No. 24, but this garden is already the subject of overlooking from No. 20. Again, such views are common in highly built-up areas. Given the orientation of the proposed dwellings, it is considered sufficient natural light would continue to enter the garden and outlooks would remain unobstructed. It is therefore considered that the proposal would not have an overbearing effect on this neighbour. Like above, the proposal will create changes for this neighbour, but these are not considered to be unacceptable.
- 5.14 Properties to the front are screened by a well-established hedge so would not be adversely affected by the proposal.
- 5.15 Comments from local residents have expressed concerns regarding the private amenity space. Emerging planning policy under PSP44 indicates that amount of amenity space new dwellings should attain. A two bedroom house should have approximately 50 sq metres of space. Excluding parking spaces, Plot 1 would achieve about 64 sq metres of space and Plot 2 47 sq metres. Despite the amenity area for Plot 2 being slightly below the minimum size, the garden sizes are considered to be appropriate to the modest size of the dwellings.
- 5.16 Comments have been received expressing concern regarding the internal configuration, fire safety and living conditions. Fire safety matters within and around buildings do not fall under the remit of a planning application and such matters must be discussed with building regulations. At present, the Council does not have a minimal internal space standard; although one is proposed in the forthcoming Policies, Sites and Places Plan (PSP37). This policy states that proposals for new dwellings must ensure that the nationally described space standard is met. A two bedroom house with two double bedrooms should have approximately 79 sq metres of gross internal floor area and 2 sq metres of built-in storage. Excluding the downstairs WC (any area with a headroom less than 1.5 metres is not included), each proposed dwelling's gross internal floor area measures about 64 sq metres and has 0.7 sq metres of storage. In this instance, it would not be possible to provide this level of internal space at this location due to the existing layout and built form of Emersons Green Lane. However, the proposed policy goes on to state that where it can be demonstrated that a dwelling will provide high levels of amenity exception may be made where dwellings fall below the prescribed space standards.

- 5.17 Given future occupiers will be able to enjoy sufficient naturally lit primary rooms with reasonable outlooks and have immediate access to outdoor space, Officers consider this mitigates against the substandard gross internal floor space and is likely to be sufficient to meet the needs of future property occupiers.
- 5.18 Officers are therefore satisfied that in overall and on balance and subject to conditions the impact of the proposed development upon neighbouring amenity would be acceptable.
- 5.19 *Transportation and Waste*
Objections have been received relating to parking and road safety. In particular comments regarding the proposed parking to the front for the new dwellings has been criticised. The amount of parking required to serve a dwelling is based on the number of bedrooms. One parking space, which meets the approved measurement, has been allocated to Plot 1 and two for Plot 2. The amount of parking for these two-bed properties satisfies adopted parking standards and is therefore acceptable. The scheme also makes provision for secure cycle stores to the rear and refuse bin stores to the front. With regards to the impact on highway safety, the proposal will increase traffic using Emersons Green Lane, but each dwelling is likely to only generate about 10 vehicular movements in a 24 hour period. Highway Officers have commented that vehicles manoeuvring in and out of these spaces is unlikely to cause safety concerns for other road users in this location.
- 5.20 Parked cars were noted opposite the cottages and congestion has been commented upon. These are clearly not planning matters, nor something that can be controlled under the remit of a planning application. If residents are experiencing inconsiderate parking then this is a matter for The Police Authority.
- 5.21 Subject to a planning condition stating the parking is provided before occupation of the new house, the proposal is considered to accord with adopted parking standards and would not impact adversely on highway safety. It is therefore considered acceptable and can be recommended for approval.
- 5.22 *Drainage*
Comments received have stated that that none of the properties along Emersons Green Lane have mains drainage. Drainage Engineers have commented the Wessex Water mapping layers show there is mains foul drainage in the area and it is assumed that the agent/applicant would look to connect the proposed dwellings into these in the first instance. Consent would be required from Wessex Water to connect into this system depending on available capacity.
- 5.23 *Environmental Issues*
Comments have been received stating that the existing garage on site contains asbestos materials. This would be a matter to be dealt with by the individual parties and does not fall under the remit of a planning report, but an informative will be attached to ensure that the applicant/agent is aware of the potential issue.

5.24 *Ecology*

Comments have been received expressing concern that the application site faces a wooded area and has not been checked for the possibility of wildlife habitation. To the northwest, on the other side of Emersons Green Lane, is an established boundary hedge marking the residential curtilage of Eirenikon. It is noted that the application site is overgrown and the domestic outbuildings are dilapidated, but the site clearly forms part of, and has been maintained, as residential curtilage. Given the current land use, it is not considered the proposal would present any significant threat to wildlife.

5.25 *Other Matters*

Comments have been received expressing concern about the loss of the existing garage and shed on the plot. It is not considered that these outbuildings are of particular architectural merit and their proposed replacement is consistent with other policies and exhibits a standard of design that would complement the surrounding area.

5.26 Neighbours have stated that Fairview Cottage is run on bottled propane gas and asked if a propane store has been included as part of the proposal if the proposed dwellings are not to be attached to the mains gas grid. This is not a planning matter, but can be successfully dealt with under Building Regulations.

5.27 The same neighbouring property is set on higher ground than the application site and the occupiers have asked how the ground along the boundary will be supported to prevent subsidence. This issue is not applicable because ground support is subject to satisfying the requirements of building regulations, not planning permission.

5.28 The same neighbours are concerned that if the proposal is approved, this will prevent them gaining permission to extend their own property to the rear if they wished. Each planning application is dealt with on its own merits, but we would take into account the spacing between the existing properties.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

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 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays and no working shall take place on Sundays or Public Holidays. The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan Proposed Block Plan (02), received by the Council on 02/08/2016, hereby approved shall be provided before the buildings are first occupied, and thereafter retained for that purpose.

Reason

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

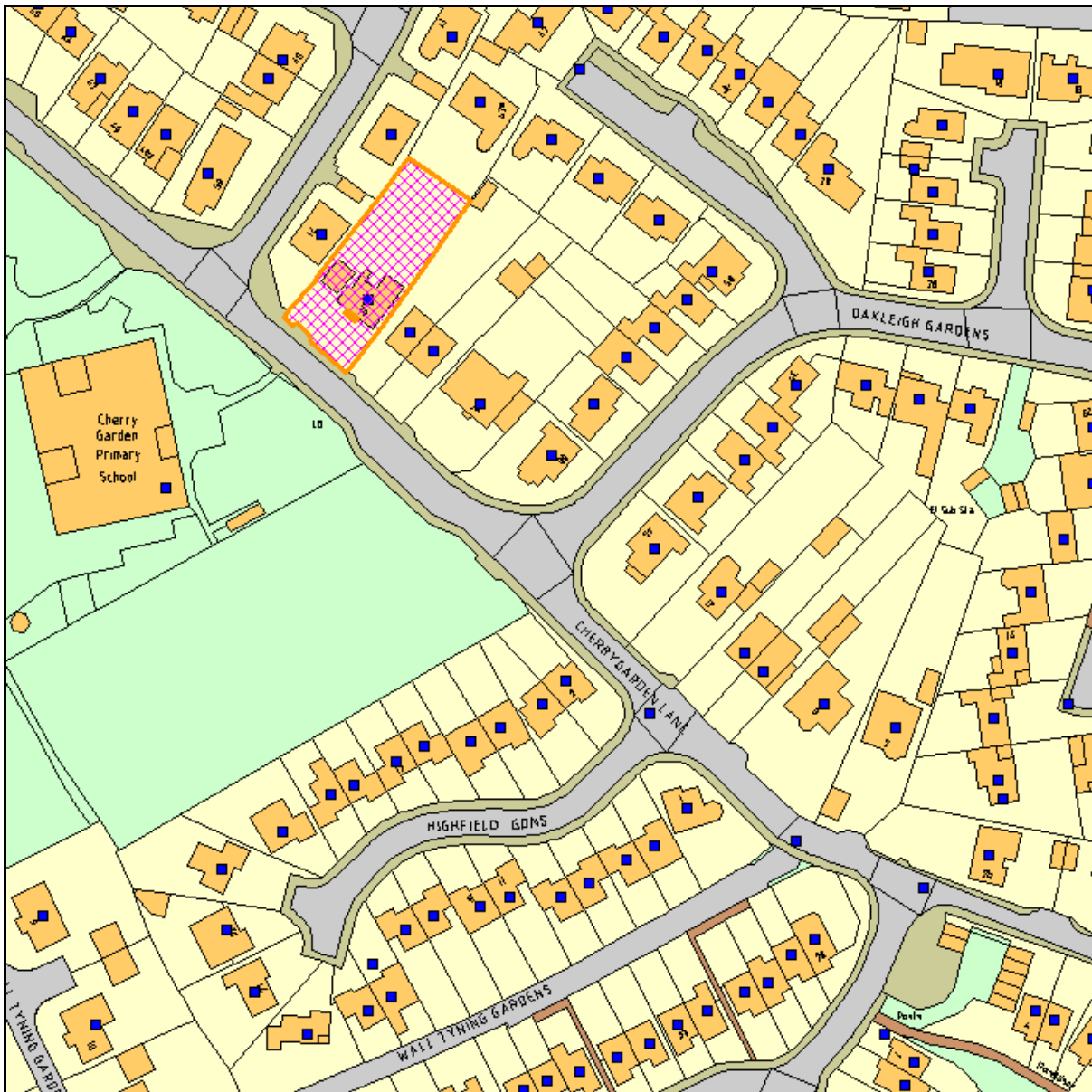
4. Prior to the use or occupation of the dwellings hereby permitted, and at all times thereafter, the proposed first floor windows in the southwest side elevation of Plot 1 and the northeast side elevation of Plot 2 shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 31/16 – 5 AUGUST 2016

App No.:	PK16/3618/F	Applicant:	Mr Hucker
Site:	30 Cherry Garden Lane Bitton Bristol South Gloucestershire BS30 6JH	Date Reg:	10th June 2016
Proposal:	Demolition of existing garage and erection of a single storey and two storey side and rear extension to provide additional living accommodation.	Parish:	Bitton Parish Council
Map Ref:	367061 170801	Ward:	Bitton
Application Category:	Householder	Target Date:	4th August 2016



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PK16/3618/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The planning application has been referred to the Council's Circulated Schedule procedure due to comments received from neighbouring residents contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the demolition of the existing garage and erection of a two storey rear and single storey side extension to provide additional living accommodation at 30 Cherry Garden Lane in Bitton.
- 1.2 The host dwelling is a two-storey detached dwelling with a pitched roof, the dwelling is finished in a mixture of pebbledash render and red brick. There is a single storey front porch finished in smooth render.
- 1.3 Following site visit on the 11th July 2016 it was noted that the existing garage had been demolished.
- 1.4 The agent was informed about the concerns regarding the single storey side extension and whilst revised plans were received on 2nd August 2016 there was no time to reconsult and as such they have not been considered within this recommendation.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

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

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

2.3 Supplementary Planning Guidance

Design Checklist Supplementary Planning Document (adopted) August 2007

Residential Parking Standards Supplementary Planning Document (adopted) December 2013.

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK15/4272/F Demolition of existing garage to facilitate the erection of replacement attached double garage with utility room (resubmission of PK15/1609/F).
Approved with Conditions 09.11.2015
- 3.2 PK15/1609/F Demolition of existing garage to facilitate the erection of replacement attached double garage with utility room.
Refused 03.06.2015
Refusal reason:
'The proposed double side garage would result in a dominating structure that has not been informed by its surroundings. It is considered that the scale and massing of the proposed structure would be out of keeping and have an adverse effect on the application site and surrounding dwellings, contrary to Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 and Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) June 2006.'
- 3.3 K1252 Two storey extension to provide additional lounge space with bedroom over (Previous ID: K1252).
Approved 14.04.1976

4. **CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council
Councillors object to this application as it represents overdevelopment of the site and an over-intensification of usage. The size of the original house would be increased beyond what is reasonable.
- 4.2 Sustainable Transport
Adequate parking for the size of the dwelling is proposed, as such there is no transportation objection to the proposed development.

Other Representations

- 4.3 Local Residents
One letter of objection has been received from a neighbouring resident with regards to the proposed demolition of existing garage and erection of a two storey rear and single storey side extension. The comments are summarised below:
- The proposal represents over intensification of development on the site, the proposal would have an adverse and over-bearing impact on the scale and character of the dwelling as well as being out of character with the surrounding properties and streetscene.
 - The proposal will be overbearing and result in loss of light to properties on St Anne's Drive which would be detrimental.
 - The proposal is contrary to policies CS1 and H4 due to overdevelopment of the site.

- There are highway safety issues due to the accessibility, parking and location of Cherry Garden School opposite to the site on Cherry Garden Lane.

Two letters of support have also been received from neighbouring residents, the following points have been raised:

- The proposal is sympathetic to the original dwelling.
- The proposal will enhance the appearance of no.30 and remove the ugly and dangerous existing garage.
- There will be no loss of privacy as no first floor windows are being added.
- The property will look more attractive from our property.
- The proposed finish will remove the 1970s spar finish enhancing the house and streetscene.

5. **ANALYSIS OF PROPOSAL**

- 5.1 The application seeks permission for the demolition of the existing garage and erection of a two storey rear extension and single storey side extension to provide additional living accommodation.

5.2 **Principle of Development**

Policies CS1 of the South Gloucestershire Core Strategy (adopted December 2013) and Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) are both supportive in principle. Saved Policy H4 is supportive providing development is within the curtilage of existing dwellings, the design is acceptable with relation to policy CS1 of the Core Strategy, providing that there is safe and adequate parking, and also providing the development has no negative effects on transport.

Policy CS1 of the Core Strategy exists to make sure developments enhance and respect the character, distinctiveness and amenity of the site and its context. The proposal shall be determined against the analysis below.

5.3 **Design and Visual Amenity**

The application site is a two-storey detached dwellinghouse in Bitton. The property is located on the residential road of Cherry Garden Lane. The application seeks planning permission for the demolition of the existing detached garage and the erection of a two storey rear and single storey side extension to provide additional living accommodation.

- 5.4 The proposed two storey rear extension will bring the rear elevation in line with the existing two storey rear extension. The proposal will be the same height as the existing two storey rear extension and will be subordinate to the original dwellinghouse. The proposed two storey rear extension will have a pitched roof and a gable end to match the existing two storey rear which was approved in 1976. The scale and height of the two storey rear extension are considered to be appropriate and respect and enhance the surrounding area and as such complies with policy CS1 of the core strategy.

- 5.5 The proposed single storey side extension will have a total height of 5.1 metres, and have a hipped roof the pitch of the proposed side extension will be

less steep than the previously approved garage. The proposed side extension will extend the width of the existing garage and provide additional living accommodation as well as two garage spaces- although the garage does not comply with the parking standards- this will be discussed further in paragraph 5.14. The scale of the proposed single storey side extension is extensive and is considered to be out of character with the original dwellinghouse and the surrounding area. The existing garage (although it has been demolished) is highly subordinate to the dwelling. The proposed garage has a ridge line just below the eaves of the original dwelling and will be a dominant development within the streetscene. It is considered that the proposed single storey side extension will impact the amenities of surrounding properties.

- 5.6 The existing dwelling utilises the materials of concrete interlocking roof tiles, a mixture of pebbledash render and red brick for the main elevations and black windows. There is a single storey front porch which is smooth render. The proposed materials will match the existing. A comment has been received from a neighbouring resident in support of the proposal stating that the proposed finish will enhance the house and streetscene as it will remove the 1970s spar finish, there is no mention of the change of render finish within the application. The materials should where possible, match the existing, and enhance and respect the existing dwelling and surrounding area to comply with policy CS1; to ensure the materials complement the existing dwelling a condition will be used.
- 5.7 Overall, it is considered that the two storey rear extension is of an appropriate scale and proportion complying with policy CS1 of the adopted Core Strategy. However the proposed single storey side extension is extensive in size and does not respect the character of the site and surrounding area as the scale is out of proportion with surrounding properties and as such the proposal fails to comply with policy CS1 of the adopted Core Strategy.
- 5.8 Residential Amenity
Saved policy H4 of the adopted Local Plan states that proposals for development within existing residential curtilages will only be permitted where they would not prejudice the amenity of nearby occupiers.
- 5.9 The applicant site is a detached two-storey property located within the settlement boundary of Bitton. The boundary treatments at the site consist of 1.5 metre terraced fencing at the front of the property and 2 metre timber fences at the rear. The application seeks permission for the demolition of the existing garage and erection of a single storey side and two storey rear extension to provide additional living accommodation.
- 5.10 There are a number of new windows proposed within the extension including a new window within the existing first floor eastern elevation, it is noted that this window will be of obscure glaze. The proposed windows in the first floor rear elevation will be in a similar location to those in the existing rear elevation, whilst the windows will result in some overlooking particularly towards no. 21 St Annes Drive the impact is not considered to be adverse.

- 5.11 The proposed single storey side extension is not considered to comply with Saved policy H4 this is because it is overbearing, the height of the proposed single storey side extension will have a total height similar to the eaves of the existing dwelling, a similar sized side garage/ extension has previously been refused at the site due to the overbearing nature. Whilst it is noted that the owner/occupier of 21 St Annes Drive has submitted a letter in support of the proposal it is considered that the development will be overbearing and oppressive towards the bungalow as well as other properties on St Annes Drive and also be out of proportion with the surrounding streetscene.
- 5.12 Furthermore, the proposed single storey side extension alongside the proposed two storey rear extension may result in an increase of overshadowing to neighbouring dwellings. Concerns have been raised by neighbouring residents regarding the potential overshadowing.
- 5.13 Overall, it is considered that the proposal does not comply with saved policy H4 of the Local Plan (adopted) 2006. The proposal is considered to have a detrimental impact upon the living conditions of neighbouring dwellings particularly the bungalows on St Annes Drive as the development will be overbearing, oppressive and overshadowing.
- 5.14 Highways
The application seeks planning permission for the demolition of the existing garage and erection of a two storey rear extension and single storey side extension. As a result of the works the dwelling will have four bedrooms. Part of the single storey side extension will be a double garage, it is however noted that the garage does not comply with the Residential Parking Standards and cannot count towards available parking at the site. There is however an area of hardstanding at the front of the dwelling suitable for approximately three vehicles which complies with the residential parking standard. Overall, there are no transportation objections to the proposed works.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 It is recommended that planning permission is **REFUSED**.

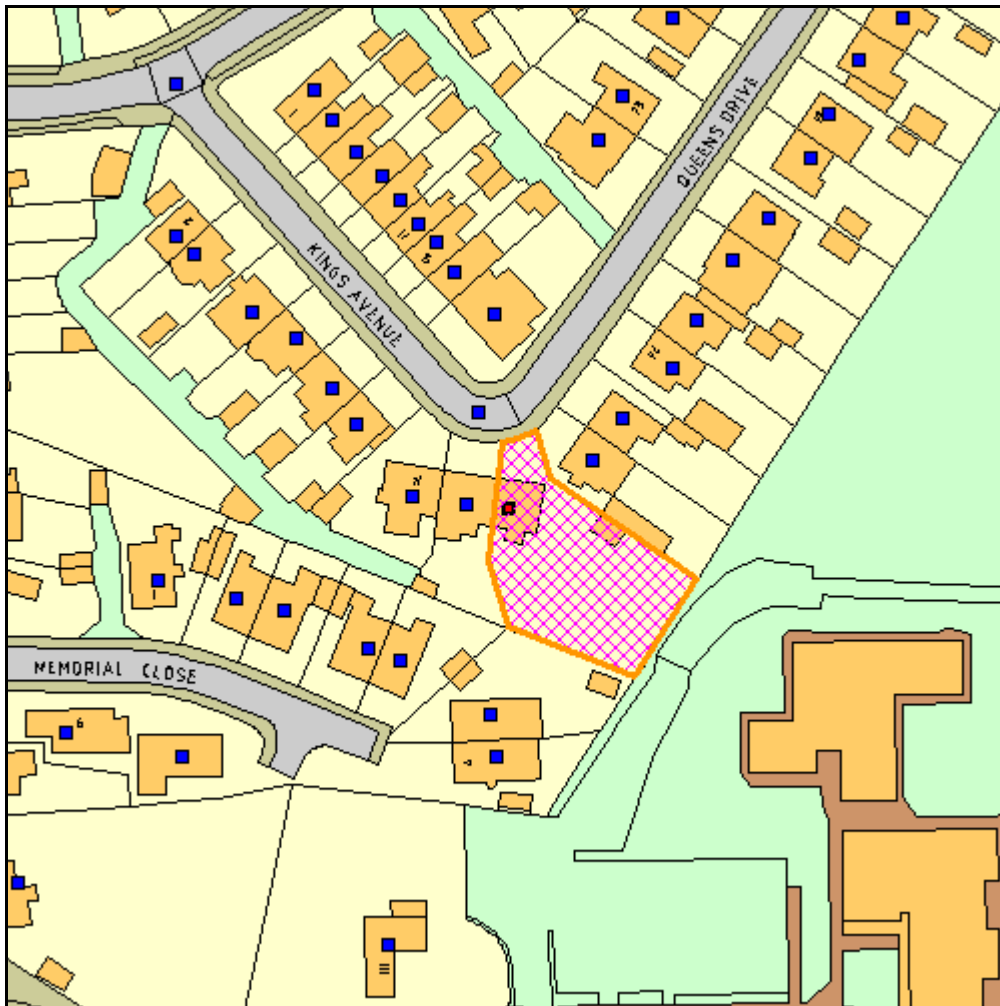
Contact Officer: Fiona Martin
Tel. No. 01454 865119

REFUSAL REASONS

1. The proposed single storey side extension which forms part of this proposal, by reason of its size and massing, would be out of keeping and character with the existing dwellinghouse and other nearby properties and, if allowed, would have a detrimental effect on the amenities of the occupiers of the adjoining dwellinghouse and would detract from the visual amenities of the locality. The proposal is therefore considered contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006, and the National Planning Policy Framework.
2. The proposal represents an over-development of the site which would be cramped in appearance and detrimental to the residential amenities of the occupiers of neighbouring residential properties, particularly no. 21 St Annes Drive this is because the proposal is overbearing and oppressive. The proposal is therefore contrary to Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006, and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 31/16 – 5 AUGUST 2016

App No.:	PK16/3876/CLP	Applicant:	Ms CLAIRE SIMMONS
Site:	18 Kings Avenue Hanham Bristol South Gloucestershire BS15 3JN	Date Reg:	30th June 2016
Proposal:	Application for a Certificate of lawfulness for the proposed alteration of roof from hip end to gable end, forming rear dormer to facilitate loft conversion.	Parish:	Hanham Abbots Parish Council
Map Ref:	363939 171810	Ward:	Hanham
Application Category:		Target Date:	18th August 2016



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PK16/3876/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer and hip to gable roof alteration at 18 Kings Avenue would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/2348/PNH Approve 03.06.2016
Erection of a rear extension which would extend beyond the rear wall of the original house by 4 metres, for which the maximum height would be 2.975 metres and the height of the eaves would be 2.60 metres

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Council
No objection.

Other Representations

4.2 Local Residents

Objections raised by 3 local residents. Concerns as follows;

- Negative impact on privacy
- Width and height of proposal

- 4.3 One of these objections is in relation to the vehicular right of way which is included in the red line boundary of the site. It is stated that No.16 Kings

Avenue own this right of way and the applicant should have served a No.1 notice on this resident in accordance with planning procedures.

- 4.4 The case officer will consider these objections in 6.4 *Other Matters*.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Layout Plan
Existing Elevations and Floor Plans
Proposed Floor Plans
Block Plan

Received by the Council on 22nd June 2016

Proposed Elevations
Materials

Received by the Council 15th July 2016

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015.

- 6.3 The proposed development consists of a dormer window to the rear and a hip to gable roof alteration. This development would fall within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows dormer additions and roof alterations subject to the following:

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

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

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

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

The proposed dormer window and roof alteration would not exceed the highest part of the roof, and therefore meets this criterion.

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

The proposal would only extend from the rear and side elevations.

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

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

The property is a semi-detached house and the proposal would result in an additional volume of no more than 50 cubic meters (Approximately 49.5 cubic meters).

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

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

The proposal includes none of the above.

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

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

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

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

As per the email received by the agent 15/07/2016, the materials used in the exterior work will be of similar appearance to existing materials.

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

- (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or site extension –**

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

The rear dormer would be greater than 0.2 metres from the outside edge of the eaves of the original roof and the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse.

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

No side windows are proposed as part of the development.

6.4 Other matters

The case officer understands the concerns of nearby occupiers in relation to privacy and the scale of the proposal. However, neighbours can only object to a Certificate of Lawfulness application on lawful grounds. Consequently, these comments have not been taken into consideration when determining the application.

- 6.5 With regard to those concerns raised in relation to vehicular right of way at the site; it is acknowledged that Section 66 of the Town and Country Planning Act 1990 states that for 'any application for planning permission' it requires a duty on the applicant to supply a Certificate of ownership and to serve notice on any persons (other than the applicant) who are owners on the land to which the application relates. However, the Town and Country Planning (Development Management Procedure) Order (DMPO) 2015 Article 39 sets out the procedure for Certificate of Lawfulness. This states that in making a Certificate of Lawfulness application the applicant must include; 39 (2) (c) *"a statement setting out the applicant's interest in the land, the name and address of any such other person known to the applicant to have an interest in the land and whether any such other person has been notified of the application"*.
- 6.6 Consequently, following the receipt of these concerns, the case officer approached the applicant to confirm that they had complied with the statement set out in 39 (2) (c) of the DMPO 2015. A response was received 01/08/2016 from the agent on behalf of the applicant stating that they had complied with the above. With this in mind, I do not

consider this objection would deem the development unlawful with regard to Schedule 2, Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015.

- 6.7 In any case, in the event that this Certificate of Lawfulness is granted, it would only be granted lawful in planning terms and would not grant lawfulness in all respects or constitute the removal of land rights.

7. RECOMMENDATION

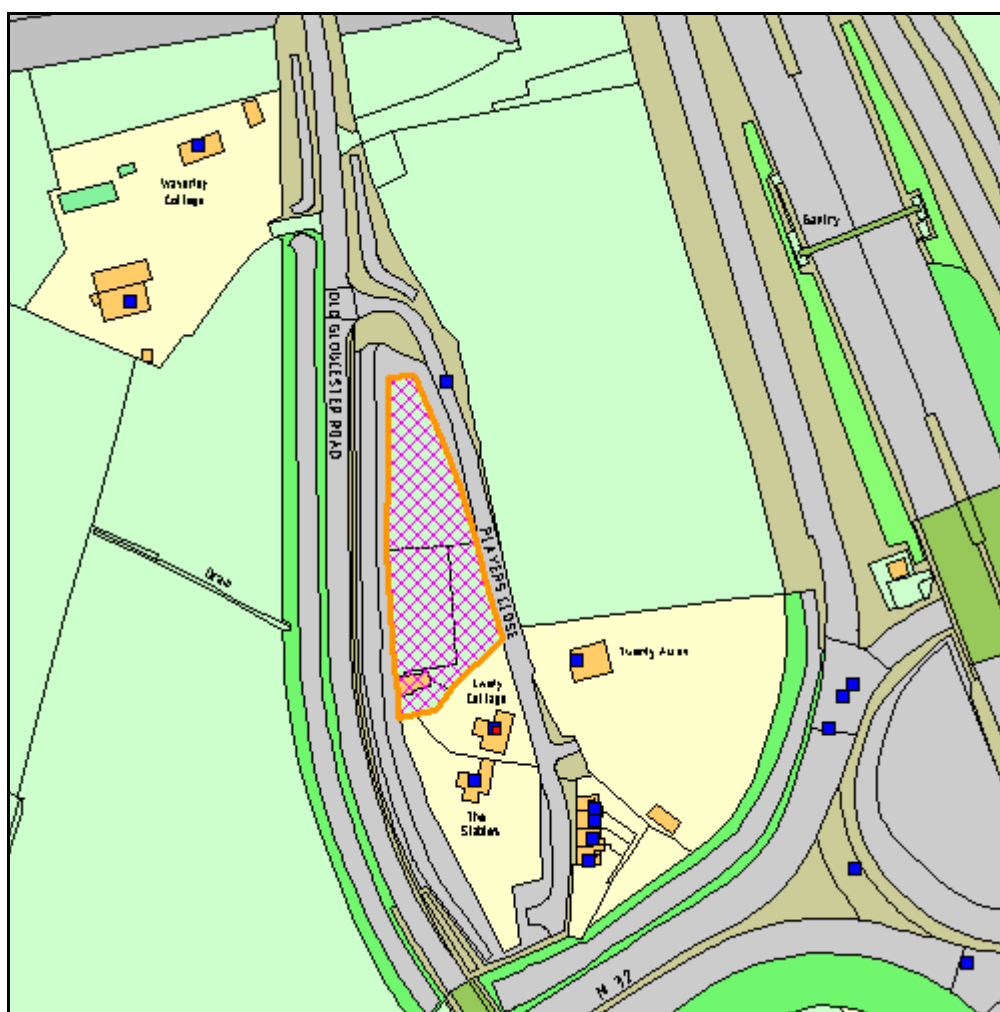
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed rear dormer and hip to gable roof alteration falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Lucy Paffett
Tel. No. 01454 3436

CIRCULATED SCHEDULE NO. 31/16 – 5 AUGUST 2016

App No.:	PT16/1277/O	Applicant:	Mr Ben Lovell
Site:	Land To The West Of Players Close Hambrook Bristol South Gloucestershire BS16 1SX	Date Reg:	18th March 2016
Proposal:	Erection of 5no. dwellings with garages to include access layout with other matters reserved	Parish:	Winterbourne Parish Council
Map Ref:	363970 179443	Ward:	Winterbourne
Application Category:	Minor	Target Date:	11th May 2016



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PT16/1277/O

1. THE PROPOSAL

- 1.1 The applicant seeks outline consent for the erection of 5no. detached dwellings (with garages) and access to be determined, and all other matters to be reserved.
- 1.2 The application site relates to an area of land to the west of Players Close. The land is an area of paddock associated with Lively Cottage. The site lies outside the Green Belt and within the settlement boundary of the New Neighbourhood 'East of Harry Stoke'.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance 2016
Technical Guidance to 'NPPF'

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS2	Green Infrastructure
CS4a	Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS24	Green Infrastructure, Open Space Standards
CS25	Communities on the North Fringe of Bristol Urban Area
CS27	East of Harry Stoke New Neighbourhood
CS34	Rural Areas

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

L1	Landscape Protection and Environment
L9	Species Protection
L11	Archaeology
T7	Parking Standards
T12	Transportation Policy for New Development
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
EP2	Flood Risk Development
EP4	Noise Sensitive Development

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.

South Gloucestershire Design Checklist (Adopted) 2007)
 South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013
 South Gloucestershire SPD: East of Harry Stoke (Adopted) May 2016
 Affordable Housing SPD (Adopted) Sept.2008.
 Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
 SPD – (Adopted) March 2015

2.4 Emerging Plans

Policies, Sites & Places Development Plan Document (Draft) June 2014

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourses
PSP21	Environmental Pollution and Impacts
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

2.5 Other relevant plans

South Gloucestershire Health Improvement Strategy 2012-2016

3. **RELEVANT PLANNING HISTORY**

3.1	N3630 Approved	Erection of a front porch. 16.6.77
3.2	P85/1029 Approved	Erection of two storey rear extension to form kitchen and freezer/store room with two bedrooms over. 24.4.85
3.3	P85/1985 Approved	Erection of building to form double garage, stables and tack room. 21.8.85
3.4	P89/1161 Refused	Erection of two detached bungalows. Alterations to existing vehicular access 8.3.89
3.5	P96/1166 Approved	Alterations and extensions to existing outbuilding to form detached annex. 24.4.96
3.6	PT01/3483/F	Subdivision of existing single curtilage to form two

	Approved	independent dwellings. 20.5.02
3.7	PT05/1130/F	Erection of detached double garage (in accordance with amended plans received by the Council on 6 September 2005).
	Approved	22.9.05
3.8	PRE14/0641	Residential development 4no. (or more) dwellings
	Advice given	12.8.14
3.9	PT16/0892/ADV	Display of 1no. non-illuminated stationary lorry advertisement (retrospective)
	Refused	4.5.16

4. **CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council

Objection:

The proposed development is in Green Belt and it is also considered to be overdevelopment of the site. There is also concern over traffic access to the site.

4.2 Other Consultees

Sustainable Transport

No objection subject to conditions and a s.106 agreement

Environmental Protection

No objection;

Spatial Policy Team

No objection

Lead Local Flood Authority

No objection subject to a SUDS condition and an informative regarding surface water

Ecologist

No objections subject to a condition for a mitigation and enhancement plan

Children and Young People

No objection

Housing Enabling

No objection

Archaeology

No objection

Other Representations

4.3 Local Residents

14 letters of objections have been received from local residents. The points raised are as follows:

Location:

- Green belt location

Transport:

- Narrow road with limited parking and turning space and no designated pedestrian walkway
- Existing difficulties for delivery trucks, septic tank servicing/waste removal etc
- Junction joining Old Gloucester Road scene of number of unrecorded accidents
- Old Gloucestershire Road should not continue to be main route to motorway and traffic calming measures are needed
- Concerns regarding contractor vehicles, plant and equipment that would block or restrict access during construction

Ecology:

- Ecology and wildlife
- The extended phase one habitat survey does not create a comprehensive enough reflection of the true nature of the area. Additional field surveys, time and investigations needed

Drainage:

- Existing flooding situation – frequently water logged. Not convinced that it could be mitigated against with infiltrated suds due to high water table

Design and residential impact:

- Permission will set a dangerous precedent
- Over-development of this quiet cul-de-sac
- Concerns of overlooking, overbearing and strong visual impact
- High density of buildings to land – does not reflect the character of the local area
- No details of proposed building materials but would emphasise that surrounding dwellings have a traditional construction style

Other matters:

- Owner not concerned with impact on the neighbours – wishing to maximise proceeds from sale of land
- At very least a requirement to make available mains sewerage, cable and gas for all properties in the Close together with additional drainage to reduce risk of flooding

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

The application stands to be assessed against the above listed policies and all material considerations. In this instance pre-application advice given in August 2014 for a development of 4no. (or more) houses on the site, discouraged an application. This was because the area had only fairly recently been removed from the Green Belt and included with the settlement boundary of what is known as East of Harry Stoke. The East of Harry Stoke SPD was being written at the time and it was emphasised that to be acceptable the proposal must be part of the overall and comprehensive development of this new neighbourhood area. It was concluded that the proposal at that time was premature and could not be supported. This outline application is to consider the principle of erecting 5no. houses on the site with their access determined. All other matters are to be reserved.

5.2 Of particular importance here is the location of the site which until the recent boundary changes set out under the Core Strategy (2013), was outside a settlement boundary and also within the Green Belt. The site is part of a small road, Players Close, which comprises a terrace of cottages and some individual properties. This area has the M32 on one side and the M4 to the other and the railway line to the north. It is separated from the M4 by fields and the slip road which is at a distance of approximately 142 metres away.

5.3 The site is now regarded as being within the settlement boundary and outside the Green Belt, therefore development is supported in principle. However, other considerations must be taken into account. The area forms part of the vision for a major redevelopment to include approximately 2,000 new homes together with community services and other facilities to support the new residents and the wider community in north east Bristol. Exceptional circumstances were put forward to justify the release of this area from the Green Belt. The reasons given were to meet future housing need, ensure sustainable patterns of development and create and plan comprehensively for sustainable communities. Comprehensive development is a recurring theme in many of the Core Strategy policies. Included within these vision statements and subsequent strategic policy is the green infrastructure (GI) or corridor which is specifically identified in Policies CS2, CS25 and Policy CS27. A specific SPD: East of Harry Stoke was adopted in May 2012.

5.4 It is therefore important that any development in this location can be read as being part of the overall scheme for the East of Harry Stoke area and part of the comprehensive development of the new neighbourhood. The site, and the rest of Players Close are close, in distance terms, to this new neighbourhood area but physically separated from it by the Old Gloucester Road. It is anticipated that the new facilities of shops and schools etc would be used by residents of Players Close in the future. Therefore, a physical link between the two areas by way of a crossing over Old Gloucester Road was proposed as a method of achieving this connection and complying with the necessity of being regarded as part of the comprehensive development (Policy CS8, T12). Negotiations have resulted in a sum of money for the works to the crossing on

Old Gloucester Road and improvements to the pavement alongside this road to be secured using a s 106 agreement.

- 5.5 It is acknowledged that South Gloucestershire Council does not have a five year land supply. As such paragraph 49 of the NPPF is engaged and Policy CS5 is considered out of date. Paragraph 49 declares that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF goes on to state that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.
- 5.6 Policy CS2 deals with the planning of new infrastructure with the aim of creating sustainable communities and enhancing the quality of life by delivering connected open spaces, creating recreational opportunities including play areas, conserving and enhancing landscape character, historical, built and cultural heritage features. In addition Policy CS24 seeks provision of green infrastructure, outdoor sport and recreation facilities and new developments must comply with the appropriate local standards of provision in terms of quantity, quality and accessibility; provision must usually be on-site and the functionality must be suitable for their intended purposes.
- 5.7 Policy EP and EP4 deal with environmental issues raised by its proximity to this major road network and issues of surface water flooding.
- 5.8 As an outline application, matters relating to Landscape, design and scale, transportation and siting are reserved but given the level of objection some discussion where relevant is made below.

Character of the Area

- 5.9 Players Close is a small cul-de-sac of mixed housing: terraces and detached properties of differing styles and ages. The properties form a cluster to the southern end of the road. This proposed development would be linear in shape, leading from the start of Players Close to the other houses. The site has been shown as being 2950 sq metres which equates to a housing density of 16.9 houses per hectare. South Gloucestershire does not have a stipulated density level but it is considered that this would not amount to overdevelopment of the site or be unacceptable in this way.

Design and Visual Amenity

- 5.10 As this is an outline application, no specific details of the design or materials to be used have been submitted for consideration. These would be part of the subsequent full application should one be submitted and would need to take into account the findings of the acoustic report and the comments from the Council's Environmental Protection Officers who state the importance of design in mitigating noise from the motorways. This course of action is considered acceptable. Proposed materials to be used would be considered within a full planning application.

Layout

- 5.11 The site can be described as being long and thin running from the more northern point of Players Close to the south. This shape has thereby dictated in general terms the layout of the proposed new properties. It is noted that the indicative plans shows four of the five in a row with the fifth at the top corner at an angle to the rest. As mentioned above this outline application is not assessing the precise layout of the scheme which again will need to take into consideration the appearance of the dwellings, primarily designed to address traffic noise issues. The comments from neighbours are therefore noted but the issues raised cannot be fully addressed here as by its very nature the outline application is dealing mostly with the principle of development of this particular site.

Residential Amenity

- 5.12 The proposed 5no. dwellings would be located to the northern end of the cul-de-sac. Concerns have been raised regarding overlooking and overbearing. The closest property on the other side of Players Close is set a little distance from the highway and mature planting in its front garden and that of the application site, provide successful and adequate screening. It is considered that there would be no adverse impact on the residential amenity of this neighbour sufficient to warrant a refusal of the outline application. Similarly, Lively Cottage would be adjacent to the last plot on the site. This cottage is angled away from the site and it is considered that with appropriate boundary treatment and given the proposed distance, there would be no adverse impact on the residential amenity of this existing property. With regard to the future occupants of the proposed 5no new dwellings, the proximity of the motorway is noted and the submitted acoustic report is covered in the Environmental Protection section below. The amount of garden space allocated for each house is considered to be appropriate and in line with the guidance of the emerging PSP 43.
- 5.13 Concern has been raised regarding possible disruption during the construction phase. It is acknowledged that this can be a consequence of development, however, a condition will be attached to the decision notice to limit the hours of work on site and to ensure best working practices are followed.

Sustainable Transport

- 5.14 During the course of the application details of the access from the proposed houses was requested. Submitted plans showed each of the houses would have their own individual access onto Players Close. A number of constraints were identified which included the narrow width of Players Close and the lack of street lighting. Following discussions with the applicant and agent it was agreed that a condition would be attached to any decision notice specifying that prior to first occupation a footpath and appropriate street lighting must be installed. Given that 5no. new dwellings would increase the use of Players Close, these measures are considered fitting to ensure highway safety. Each property also has provision for off-street parking of 2no. spaces which meets the Council's set parking standards. Again a condition would secure this arrangement.

5.15 With regard to the wider implications of the proposed scheme, discussions have agreed a s106 contribution of £50,000 to provide a crossing point over the Old Gloucester Road. This crossing would provide a safe point to access the new neighbourhood at East of Harry Stoke. By this means the proposal becomes part of the comprehensive development of the area as a whole and thereby complies with Policy CS27.

5.16 The narrow width of the lane is recognised and local residents have mentioned problems for delivery and service trucks. However, this is a current situation and as the houses are to be located further towards the entrance of Players Close with their own individual access points it may be that not all vehicles would need to go down to the end of the cul-de-sac and its turning point.

5.17 Comments have stated that Old Gloucester Road should no longer continue to be a main route and this is reflected in the master planning for the new neighbourhood. With regard to accidents, the Council's records do not show any reported accidents or near misses in this area. It may be the case that such situations have arisen but they have not been reported or recorded by police.

5.18 Ecology

The site is located immediately north-west of the junction between the M32 and M4 motorways at Hambrook, just north of Bristol. The surrounding landscape consists of pasture, garden centres, scattered residential development and the motorway network. The site is bounded for the most part by public roads. Immediately south of the site is a private dwelling and garden. The site itself is a grazed paddock with a small stables and associated exercise yard, and is not subject to any nature conservation designations. There is one statutory Site of Special Scientific Interest and three non-statutory Sites of Nature Conservation Interest within 1km of the site, but it is extremely unlikely that any would be adversely affected by the proposal.

5.19 An Extended Phase 1 Habitat Survey was provided which found:

Habitats

- Species-poor semi-improved grassland;
- Scrub - the boundaries are fenced, but immediately outside the boundaries are bands of scrub, particularly on the western boundary, with considerable ecological value;
- Stone wall on eastern boundary;
- Stables – constructed of timber walls, with a pitched asbestos roof and some areas of clear Perspex, with concrete floors.

Species protected under the Conservation Regulations 2012 (as amended), known as European Protected Species, and Wildlife & Countryside Act 1981 (as amended)

- Bats – although the stables were subject to a thorough inspection, the results are not explicit within the report, but given its construction and likely light interior it is assumed that there was negligible bat roost potential, although this should be clarified with the surveyor. This also applies to the results of the survey of boundary trees in terms of their potential to support

roosting bats. In addition the value of the boundary habitats as providing foraging and commuting habitat does not appear to be stated;

- Great crested newts (gcns) – the scrub and grassland provide potential habitat for this species, which is known to occur within the Harry Stoke complex, but the report considers that the road between Harry Stoke and the site is likely to act as a barrier and/or to reduce the likelihood of the species being on site;
- Hazel dormouse – negligible potential in the boundary habitats, particularly as they are poorly connected with blocks of semi-natural broadleaved woodland in the wider landscape.

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

- Reptiles – suitable habitat in the site boundaries, including the stone wall on the eastern boundary. No signs were observed on site, but there are records within 1km;
- Nesting birds – suitable habitat in the site boundaries.

Badger Act 1992

- There was no evidence of badgers using the site itself.

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

- Not considered within the report, but the boundary habitats may have potential to support this species. There are (1988) records for this species just to the west of the site.

The site did not have suitable habitat, nor was close to such habitat, to require consideration of any other protected species.

5.20 Given the above findings there are no ecological objections to the scheme however, it was noted that the ecological report did not provide enhancement suggestions which would be expected. As such a condition will be attached to the recommendation requesting a mitigation and enhancement plan.

5.21 Environmental Protection

Given the proximity of the site to the motorway, the applicant was requested to provide an acoustic report detailing how noise from the nearby M4 and M32 motorways and the railway to the north will affect the proposed development. The applicant complied with this request.

5.22 The report was studied by Environmental Protection Officers and the assessment methodology and monitoring levels were considered appropriate. With regard to predicted internal noise, levels were shown to comply with the Council's guidance. As this is an outline application no details of the internal layout have been provided but in any further submission it is recommended that the internal layout should ensure habitable rooms are located away from facades exposed directly to motorway noise. Mechanical ventilation is known to be acceptable, but the Council's guidance based on the NPPF and new planning noise guidance, aims to ensure openable windows to habitable rooms

are not exposed to direct transmission paths. This matter will be looked at carefully should a full application be submitted.

- 5.23 Given the proximity to noise, it was considered important that the proposal should demonstrate that exposed external amenity and garden areas would be sufficiently protected. The scheme relies on a building layout with the new properties themselves providing barriers to the noise. In any full application further details will be required to ensure the SOAEL (Significant Observed Adverse Effect Level) i.e. the level above which significant adverse effects on health and quality of life occur, are not exceeded. It may be necessary to introduce acoustic fencing and barriers between open structures and alleyways to ensure no further transmission paths occur. Again this is something that would need to be addressed in a full application.

5.24 Drainage

With regards to the drainage, there is no in principle objection to the proposal subject to a condition relating to SUDS (Sustainable Drainage Systems) and an informative relating to surface water. It is noted that the Environment Agency 3rd generation flood maps for surface water show ground profiles in this development area as being subject to overland flow or flood routing in the event of high intensity rainfall (i.e. non-watercourse and non-sewer surcharging). The development area is shown as 1 in 30 year surface water flooding. In line with flood risk standing advice the developer must show whether he has appropriately considered surface water drainage and flood risks to and from the development site which could occur as a result of the development. It must be noted this is separate from the water course flood zone maps and does not require submission of a flood risk assessment.

Other matters

- 5.25 Comments have been received expressing an opinion on the motive of the applicant. This cannot be taken into consideration under the remit of a planning report. Similarly, a request for the provision of mains sewerage, cable and gas for all properties and additional drainage. Such provisions would be an unreasonable request on the basis of the size of the development and would be contrary to the recommendations for the setting of conditions in the NPPF (2012).

5.26 Conclusion:

The proposal is for the erection of 5no. new dwellings. Following revisions to the boundaries, the site is within a revised settlement boundary and outside the Green Belt. The principle of new development is therefore acceptable and this is awarded significant weight. It is acknowledged that 5no. new dwellings would add to the housing shortfall and this is given some weight. By virtue of the new island crossing the proposal would be viewed as being part of the comprehensive development of East of Harry Stoke and this is also given some weight. The outline proposal for 5no. new dwellings is therefore recommended for approval.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
- a) A sum of £50,000 for works to provide a central island and associated works such as utility diversions, temporary traffic signals and road safety audits.
 - b) The cost to be divided into two instalments, one on first occupation and another on the occupation of the third dwelling.
- 7.2 That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement.
- 7.3 If the S106 Agreement is not signed and sealed within 6 months of this determination then, in view of the length of time, the application should either:
- a) Be returned to the Circulated Schedule for reconsideration;
- Or
- b) The application should be refused due to the failure to secure the Heads of Terms listed above under a Section 106 Agreement, for the reason listed.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

1. 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

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

2. Reserved matters:

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

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3. Reserved matters

Plans and particulars of the reserved matters relating to the layout, external appearance, design and materials of the buildings to be erected, the scale of the buildings, 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.

4. Timing of reserved matters

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

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

5. Access

The access to the development hereby permitted shall be carried out in accordance with the Site layout plan received by the Council on 6.4.16

Reason

To ensure the satisfactory provision of the access, in the interests of highway safety and to accord with saved Policy T12 of the South Gloucestershire Local Plan January 2006 and Policy CS8 of the South Gloucestershire Local Plan Core Strategy December 2013.

6. SUDS

No development shall commence until surface water drainage details including Sustainable Drainage Systems (SUDS) for flood prevention, pollution control and environmental protection have been submitted and approved in writing by the Local Planning Authority. A detailed development layout showing surface water and SUDS proposal shall be submitted with any reserved matters applications. No development

above the surface of the ground shall begin until surface water and foul water discharge works have been carried out in accordance with approved details.

Reasons

To ensure that a satisfactory means of drainage is provided, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) January 2006.

This is a pre-commencement condition to avoid the need for future remedial action

7. Landscape and ecological management plan

Prior to the commencement of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing with the Local Planning Authority. The Plan shall accord with the provisions detailed within the Extended Phase 1 Habitat Survey forming part of the application but shall also include details of mitigation and enhancement of the site for wildlife, such as bat, bird, insect and hedgehog boxes to be installed on the site; planting the hedgerows with suitable native species, including fruit/nut/berry producing species, to plug gaps and form thick corridors of vegetation. Thereafter the development shall proceed in accordance with the agreed details and shall be retained as such.

Reason

In the interests of wildlife habitat and the biodiversity of the site and the locality and to accord with saved Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006; and Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (Adopted) December 2013.

This condition is a pre-commencement condition in order to ensure that the wildlife habitat is adequately surveyed and protected before development commences.

8. Details of reserved matters

The reserved matters shall include:

- a. details of street lighting layouts and equipment specification and any external private lighting,
- b. details of the proposed footpath alongside the site to form a safe walkway for pedestrians
- c. details and locations of bin storage area and cycle stores for individual dwellings,
- d. an Arboricultural Implications Assessment, an Arboricultural Method Statement, a Tree Protection Plan, a detailed plan showing all works, including underground and above ground works, within any Roots Protection Areas of the existing trees and hedgerows on land or on the perimeter of the site boundary, and all works shall be carried out in accordance with the approved details.
- e. a layout showing the existing hedgerows to be retained and
- f. a pedestrian link to the proposed residential development opposite Old Gloucester Road on the land known as East of Harry Stoke

Reason

In the interests of visual amenity, the long term health of the trees and hedgerows, to protect the residential amenity of the neighbouring occupiers, to protect and enhance the wildlife habitat in the area, and to encourage means of transportation other than the private car, and to accord with Policy CS1, CS8 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and saved Policy L1 and T12 of the South Gloucestershire Local Plan Adopted January 2006

9. Construction hours

The hours of working on site during the period of construction shall be restricted to Monday - Friday 7.30am to 18.00pm, Saturday 8.00 am to 13.00pm; 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 CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

10. Construction management plan:

Prior to the commencement of the development hereby approved a site specific Construction Environmental Management Plan (CEMP) shall be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

For the avoidance of doubt, the CEMP shall address the following matters:

- (i) Procedures for maintaining good public relations including complaint management and public consultation;
- (ii) Mitigation measures as defined in the British Standard BS 5228: Parts 1 and 2 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance. Piling will not be undertaken and Best Practice alongside the application of BS 5228 shall be agreed with the LPA;
- (iv) The use of a Considerate Contractors or similar regime for the site induction of the workforce highlighting pollution prevention and awareness;
- (v) Measures to control the tracking of mud off-site from vehicles;
- (vi) Measures to control dust from the demolition and construction works approved;
- (vi) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained;
- (vii) Adequate provision for the delivery and storage of materials; and
- (viii) Adequate provision for contractor parking.

Reasons

In the interests of the residential amenity of neighbouring occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

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

11. Acoustic details

The reserved matters shall include details of the proposed acoustic measures to ensure the SOAEL (Significant Observed Adverse Effect Level) are not exceeded. Details to include any acoustic fencing between open structures and alleyways.

Reasons

In the interests of the residential amenity of future occupants and to accord with saved Policy EP4 of the South Gloucestershire Local Plan (Adopted) 2007 and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

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

CIRCULATED SCHEDULE NO. 31/16 – 5 AUGUST 2016

App No.:	PT16/1825/F	Applicant:	Mr Andrew Chudleigh
Site:	21 Perrinpit Road Frampton Cotterell Bristol South Gloucestershire BS36 2AR	Date Reg:	22nd April 2016
Proposal:	Demolition of existing building. Erection of 1 no. detached dwelling with new access and associated works	Parish:	Frampton Cotterell Parish Council
Map Ref:	365769 182426	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	14th June 2016



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N.T.S.

PT16/1825/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure, following objections received from the Parish Council and local residents which are contrary to the recommendation detailed within this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 1 no. new dwelling within the residential curtilage of 21 Perrinpit Road, Frampton Cotterell.
- 1.2 The site is outside of the settlement boundary of Frampton Cotterell and is therefore considered to be within the open countryside, and is also within the Bristol/Bath Green Belt.
- 1.3 The property, along with no 19, was grade II listed until 2015 when the listing was removed due to the number of modern alterations that had taken place.
- 1.4 Amendments were received during the course of the application to reduce the red line boundary so it does not extend into the paddock to the east, as well as the submission of an ecological appraisal and a tree survey.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance.
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H3 Residential Development in the Countryside
L1 Landscape
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Residential Standards SPD (adopted)
The South Gloucestershire Development in the Green Belt SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/3561/F / PT13/3468/LB Approve with conditions 29/11/2013

Erection of two storey side extension to provide additional living accommodation and internal works to a fireplace. (Amendment to previously approved scheme PT07/2208/LB).

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council
Objection – new dwelling in the Green Belt.

4.2 Other Consultees

Landscape

No objection subject to landscaping condition.

Sustainable Transport

No objection subject to conditions.

Lead Local Flood Authority

No objection.

Highway Structures

No comment.

Tree Officer

No objection to removal of trees subject to planting plan for mitigation.

Ecology

No objection subject to bird and bat boxes being installed at the site.

Other Representations

4.3 Local Residents

Two letters of objection have been received, stating the following:

- Land only ever meant to accommodate a garage
- Encroaching onto Green Belt and covenant preventing anything further being built in the field
- Not in keeping with existing properties
- Poor visibility onto road, which is a rat run
- Greenacres is marked on plans as having a 'dependent relatives dwelling' this is actually storage and a double garage

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Five Year Housing Supply

The application site is in the Green Belt and is outside of the settlement boundary of Frampton Cotterell. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph goes on to suggest that if the Local Planning Authority cannot demonstrate a five-year supply of deliverable

housing sites then their relevant policies for the supply of housing should not be considered up-to-date. South Gloucestershire Council's Authority Monitoring Report 2015 states that the Council could not demonstrate a five year housing land supply, meaning paragraph 49 of the NPPF is engaged. With reference to this proposal policies CS5 and CS34 of the adopted Core Strategy are therefore considered not to be up-to-date. Regardless of this, the starting point for any decision-taker is the adopted Development Plan, but the decision-taker is now also required to consider the guidance set out within paragraph 14 of the NPPF. Paragraph 14 states a presumption in favour of sustainable development, and states that proposal that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.

- 5.2 Accordingly, saved policy H3 of the Local Plan is now considered out of date, as are policies CS5 and CS34 of the Core Strategy for the purposes of housing provision; all of these policies were concerned with the retention of settlement boundaries; generally not supporting residential development outside of settlement boundaries or urban areas. The aspects of policy CS34 that relate to the protection of the Green Belt should still be considered up-to-date.

5.3 *Green Belt*

Paragraph 89 of the NPPF states that, other than the types of development listed as exceptions in that paragraph, the construction of new buildings in the Green Belt is inappropriate. One of the exceptions is 'limited infilling in a village' and this proposal is considered to meet that exception for the reasons discussed below.

- 5.4 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. Whilst it is acknowledged that the settlement boundaries have little weight with regards to the location of residential development, the rest of the description still applies. There are a large number of houses along Perrinpit Road, which are considered to represent '*a built up area,*' and the development is proposed in between Greenacres and the adjacent outbuildings to the south, and no. 21 and beyond to the north in a '*linear formation,*' and development does not extend further into the open Green Belt beyond the existing building line. As the development proposes only one house, it can reasonably be described as '*limited*' development. Lastly, the site is well associated with the village of Frampton Cotterell and is therefore considered to be part of the wider village in the absence of adopted settlement boundaries as identified in paragraph 5.2 above. To conclude, the proposal is accepted by officers as '*limited infilling in a village*' and is appropriate development which is acceptable in principle.

- 5.5 Amendments were received during the course of the application in order to reduce the amount of residential curtilage proposed to the west of the property, which extended into the paddock previously but is now level with the residential

curtilage of no. 21. This was considered necessary to be considered 'infill' development, as well as to reduce the impact on the openness of the Green Belt that a large residential curtilage would cause, due to the provisions of outbuildings and other residential paraphernalia. It is acknowledged that any new building will harm openness on Green Belt land to some extent, however the harm is not considered to be significant and therefore the development is acceptable in terms of paragraph 89 of the NPPF, policy CS34 of the Core Strategy, and the Development in the Green Belt SPD.

5.6 Design and Impact on Character of the Area

The application site is an end of terrace stone built dwelling on Perrinpit Road. The property sits back from the road and is well screened by thick planting along the front boundary. No. 17 and no. 21 used to be one house, possibly an original longhouse, and are now subdivided into two cottages. No. 19 projects and extends to the east, partially concealing no. 17. It is worth noting that the agent sometimes refers to the application site as both no. 21 and no. 19 within the plans and supporting documents, however the red line boundary can be used for the avoidance of doubt.

- 5.7 The immediate cluster of housing demonstrates a variety of architectural styles, with a mix of bungalows and modern two-storey dwellings (albeit in a traditional 'cottage' style), and so only limited weight can be given to comments received stating the development would be out of keeping. The density proposed with a small residential curtilage is consistent with the surrounding dwellings, particularly the three attached cottages to the north. The existing garage is to be demolished to facilitate the development of the new dwelling, which is to have a gable roofline of multiple elevations and will sit at a perpendicular angle to the highway, facing towards the host dwelling. The property is a modest height at less than 7 metres to the ridge height, with a large structure to the east standing at 5.9 metres in height. The dwelling is to be a mix of render and natural stone with interlocking roof tiles, the details of which will be agreed by condition. Subject to this, the development is considered to be acceptable and in accordance with policy CS1 of the Core Strategy (Adopted) December 2013.

5.8 Residential Amenity

The impact on the residential amenities of the surrounding occupiers should not be impacted upon negatively by the development, nor should the amenities of the future occupiers of the dwelling proposed. This is one of the core planning principles within the NPPF. Greenacres to the south is separated by a tall boundary between the proposed dwelling and the adjacent outbuilding, which was granted a Certificate of Lawfulness to be used as an annex. Given the height of the boundary and the lack of windows on the southern elevation of the proposal, with the exception of an obscure glazed window serving an en-suite, the residential amenities of Greenacres are not considered to be harmed. There are no residential properties to the west which looks out into the countryside, and the properties on the opposite side of Perrinpit Road to the east are at an adequate distance from the facing windows. There is 15 metres window to window distance between eastern half of the proposed dwelling and the extension on the existing property, between which inter-visibility may be possible. The applicant has shown these windows to be obscure glazed, which ordinarily would not be acceptable serving a principal window such as the

dining room and kitchen in this instance, however the space is served by two large patio doors facing out into the garden, allowing adequate light in to the property. A condition on the decision notice will ensure these remain so.

- 5.9 With regards to the application site, the majority of the amenity space shown is to the front of the property. This is to be enclosed by a hedge and a boundary wall to provide privacy, and a landscaping scheme will ensure that this is implemented prior to occupation of the dwelling. There are also small amenity areas to the rear and side. The space to the rear would not be useable due to the proximity to the tall boundary between Greenacres and the application site, but the area to the side is considered to count towards the total private amenity space. Officers estimate this space to be 52 square metres, which falls slightly short of the 60 square metres recommended for a three-bedroom dwelling in policy PSP43 of the June draft submission Policies Sites and Places Development Plan Document. Considering this policy is not yet adopted and has recently gone out to public consultation, only limited weight can be attached to it and therefore it is concluded that a refusal reason could not be sustained on this basis. Overall, the development is considered to accord with adopted policy H4 of the Local Plan January 2006.

5.10 Transport

Although outside the settlement boundary of Frampton Cotterell, the site is within a reasonable walking and cycling distance from the facilities in the village including bus services, a convenience store and a primary school. Whilst there is no footway fronting the site, there is a walkable grass verge which quickly connects to a footway approximately 80 metres south of the site access. The highway has a 30mph speed limit and has adequate street lighting to be walked along safely.

- 5.11 The existing site access is proposed to be widened to 4.5 metres and provided with visibility splays. The existing double garage to be retained is to provide only one parking space, due to the internal length being substandard. Two further spaces are proposed to the east, meaning that a total of three vehicles can be parked at the site to serve the existing and proposed dwellings. This meets the Residential Parking Standards outlined in the SPD for the three-bedroom proposed dwelling and the two-bedroom existing dwelling. Whilst cycle parking for one of the dwellings can take place in the garage to be retained, cycle parking for the other will be conditioned on the decision notice.

5.12 Vegetation

A tree survey has been received and the Council's Tree Officer has visited the site. It was concluded that the trees on site proposed to be removed are of poor quality due to damage from the adjacent outbuilding to the south, and so they are not eligible for a Tree Protection Order. In order to ensure the visual amenity of the area, the landscaping scheme to be conditioned must include new planting of trees to mitigate the loss. Subject to this, the development is acceptable in visual amenity terms.

5.13 Ecology

An ecological appraisal was submitted during the course of the application which found the garage to be demolished had no potential to support roosting

bats. In accordance with policy L9 of the Local Plan (Adopted) January 2006, ecological gain should be sought from development. The provision of bat and bird boxes is considered reasonable and appropriate for the scale of the development and these will be sought by means of a condition on the decision notice. An informative on the decision notice will also remind the applicant of their responsibilities towards nesting birds to prevent harm when removing the trees on site.

5.14 Planning Balance

Paragraph 14 states a presumption in favour of sustainable development, and states that proposal that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. Officers consider that no significant and demonstrable harm can be considered to outweigh the benefits of adding one new dwelling to the housing land supply, and it is therefore recommended that the application is approved.

5.15 Other Issues

One of the objections relates to a covenant on the land preventing anything from being built. This is a legal issue, separate from the legislation that the planning system operates within, and therefore does not have an impact on the determination of this application.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: **Trudy Gallagher**
Tel. No. **01454 862217**

CONDITIONS

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework. This information is required prior to commencement to prevent remedial works later on.

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

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the occupiers of the site and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework. This is required prior to commencement to prevent remedial works later on.

4. Prior to the commencement of development, enhancement recommendations for birds and bats, to include numbers, types and locations of boxes for attachment to the new and/or existing buildings within the site, shall be submitted to the Council for approval in writing. The agreed details shall be implemented prior to first occupation of the new dwelling.

Reason

In order to ensure ecological gain is achieved from the development in accordance with policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006. This information is required prior to commencement to prevent remedial works later on.

5. Prior to first occupation of the new dwelling, details of covered and secure cycle parking for the existing and proposed dwelling shall be submitted and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to first occupation of the development approved.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

6. No windows other than those shown on the plans hereby approved shall be inserted at any time in the north or south elevations of the property.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy H4 of the Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

7. Prior to the use or occupation of the dwelling hereby permitted, and at all times thereafter, the following windows shall be glazed with obscure glass to level 3 standard or above; GW3, GW4, GW7. Any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy H4 of the Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

8. Prior to first occupation of the new dwelling, the access and parking arrangements hereby approved, including the visibility splay, shall be implemented in accordance with the approved drawings.

Reason

In the interest of highway safety, to ensure adequate parking and to accord with South Gloucestershire Council's Residential Parking Standards SPD and policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 31/16 – 5 AUGUST 2016

App No.:	PT16/3465/F	Applicant:	Mr & Mrs Robert Parker
Site:	Fairway Bristol Road Thornbury Bristol South Gloucestershire BS35 3JA	Date Reg:	2nd June 2016
Proposal:	Erection of detached garage and store.	Parish:	Thornbury Town Council
Map Ref:	363651 189426	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	27th July 2016



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PT16/3465/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated schedule as a result of a consultation response, raising concerns on aspects of the development.

PROPOSAL AND SITE DESCRIPTION

- 1.1 The applicant seeks full planning permission for the erection of a detached garage and store within the residential curtilage of Fairway, Bristol Road, Thornbury. The application site relates to a detached bungalow within an established residential area.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance 2014
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)
CS1 High Quality Design

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)
Residential Parking Standards SPD (2013)

3. RELEVANT PLANNING HISTORY

- 3.1 N1672 Approve with Conditions 10.07.1975
Erection of single storey extension to dwellinghouse to provide washroom, utility room and w.c.
- 3.2 PT05/0164/F Approve with Conditions 17.02.2005
Erection of rear conservatory. Alterations of roof line to provide additional bedrooms and bathroom accommodation. Conversion of existing garage to provide bathroom and additional bedroom. Single storey rear extension to form extended utility and WC. Single storey front extension to form porch. Installation of double doors with balcony rails to first floor front elevation.
- 3.3 PT16/0612/F – Detached garage and store. Approved 24th March 2016
- 3.4 PT16/1649/NMA – Non material amendment to PT16/1649/NMA to relocate garage. Objection 16th May 2016.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection

Other Representations

- 4.2 Local Residents
One response has been received, as follows:
Concern as to whether our property will be overlooked by the skylights and whether a hedge will remain as part of the boundary.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below. As is evident from the planning history above, previous approval has been granted for a detached garage and store of similar scale and design. Subsequent to this a non-material amendment was sought for the re-orientation and repositioning of the garage. It was not considered that the re-siting of the garage/store proposed could be undertaken via the NMA process. A full further application has therefore been submitted. The main issue for consideration therefore is whether the re-siting of the proposals gives rise to any additional amenity or design impacts. Under the current proposals the garage/store would be located further east towards the application dwelling and slightly further north, towards the shared boundary. The orientation of the garage would be such that the garage would be parallel with the house with the front of the garage facing inwards towards the driveway and the rear wall facing the boundary with the neighbouring curtilage to the north.
- 5.2 Visual Amenity
The proposal consists of the erection of a detached garage and store. The structure is to be placed within the front garden of the dwelling near to the existing dwelling. The structure is proposed to have a pitched roof with two rooflights to the front and two rooflights to the rear. There is also a small window proposed to the side elevation and glazed double doors and timber double doors to the front elevation. The structure has modest proportions and is proposed to have an oak frame with timber cladding and a natural slate roof. Overall, it is considered that the proposed garage and store would not harm the character or appearance of the area and as such, is considered acceptable in terms of visual amenity.
- 5.3 Residential Amenity
The property is set back from the adjacent busy highway and has neighbouring dwellings to both sides of the property. The property shares the same access

with the neighbouring property (Allesley). Given the single storey height of the garage and store, it is not considered that there will be any significant residential amenity issues for either the host dwelling or The Larches to the right. Rooflights in the roof of the garage, given their angle of vision, the location of the garage in relation to existing properties and the purposes of the garage/store would not be considered to give rise to any significant or material overlooking such as to warrant or sustain a refusal of the application on these grounds. Due to the modest size of the structure, its location and proposed use it is not considered to cause any significant loss of privacy or loss of light to the property immediately to the south of the site. As such, the structure is considered acceptable in terms of residential amenity.

- 5.4 This hedgerow is not protected and where it exists in the application property boundary can be removed if required. Notwithstanding this the garage itself, given its design, scale and location would not be considered to give rise to overbearing impact. Further to this permission would not give rights to build upon or access for the purposes of construction or maintenance any land not within the applicants control.

5.5 Sustainable Transport

It is noted that the proposed garage is below the Council guidelines of 3m by 6m for it to be included as a car parking space. However, as the proposal is not looking to increase the number of bedrooms in the property and as there is sufficient parking and turning space to the front, there are therefore considered to be no issues in terms of parking and highway safety.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

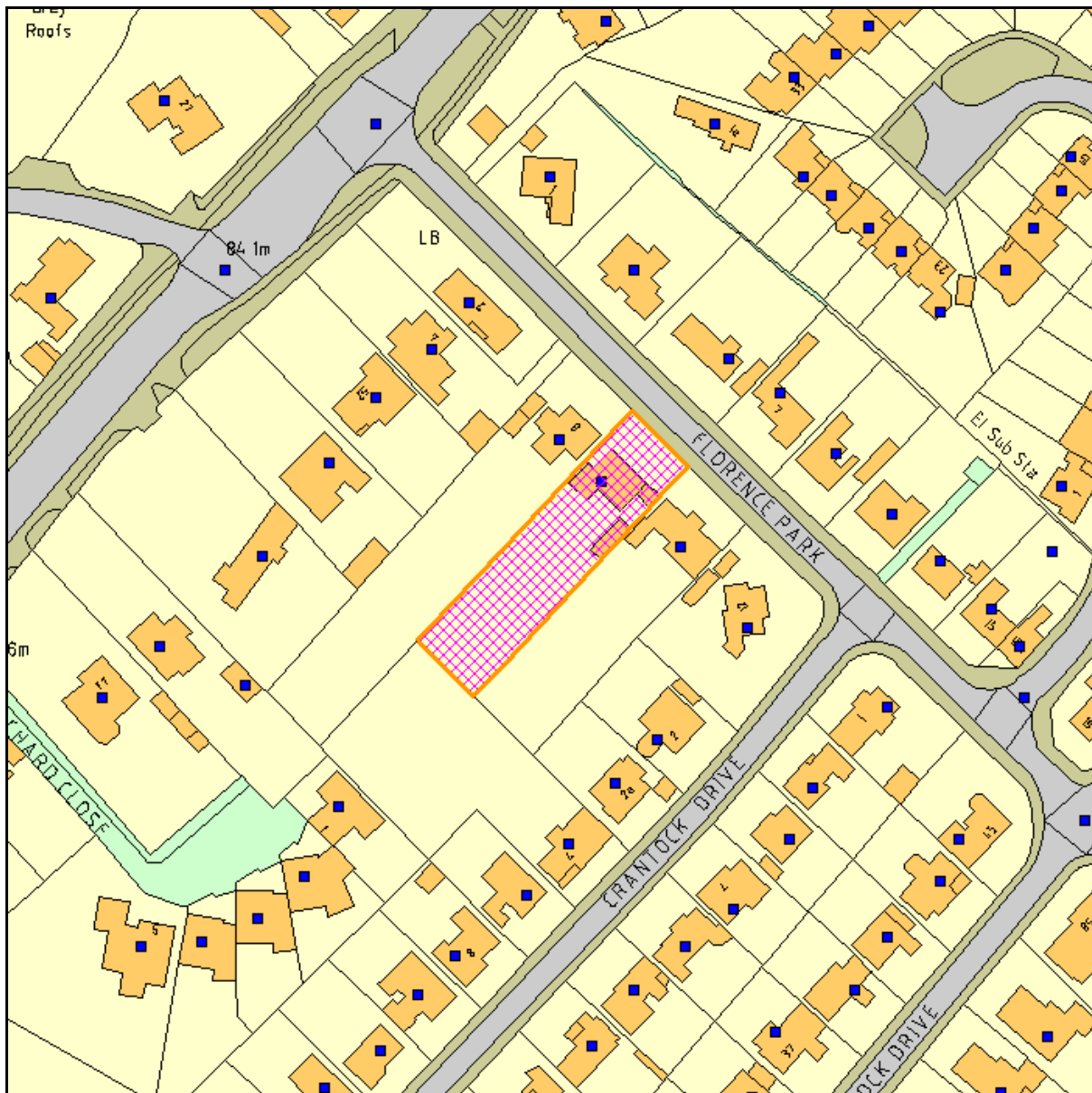
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 31/16 – 5 AUGUST 2016

App No.:	PT16/3545/F	Applicant:	Mr And Mrs Turner
Site:	8 Florence Park Almondsbury Bristol South Gloucestershire BS32 4HE	Date Reg:	6th June 2016
Proposal:	Erection of two storey side extension to form additional living accommodation.	Parish:	Almondsbury Parish Council
Map Ref:	361019 184272	Ward:	Almondsbury
Application Category:	Householder	Target Date:	28th July 2016



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PT16/3545/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to a consultation response received raising concerns regarding boundary/ownership issues.

1. THE PROPOSAL

- 1.1 The application is for the erection of a two storey side extension to form additional living accommodation. A chimney would also be added to the side of the property.
- 1.2 The property is a detached dwelling with a mix of rendered, tile and brick finishes, located within the residential area of Almondsbury, which is washed over by the Green Belt.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
Planning Policy Guidance
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Council Residential Parking Standards December 2013
South Gloucestershire Green Belt SPD

3. RELEVANT PLANNING HISTORY

- 3.1 N3596 – Erection of single storey extension at side and rear to form lounge; provision of canopy and patio; erection of domestic garage. Approved 16th June 1977.
- 3.2 PT15/0654/F – Erection of single storey side extension. Approved 5th May 2015.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No comments received

Sustainable Transportation

The applicant seeks to create a two storey side extension to form additional living accommodation, which includes 1 extra bedroom. Ample off street parking is provided which will remain unchanged. There are no transportation objections.

Other Representations

4.2 Local Residents

One letter has been received raising concerns of the following grounds:
The line of the drainage appears and the chimney to be encroaching onto 6 Florence Park. Any access to 6 Florence Park will not be permitted.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space. The site is also located within the Green Belt, so assessment will also need to be made in this respect.

5.2 Design / Visual Amenity

The proposed extension is of an appropriate standard in design and is not out of keeping with the character of the main dwelling house and surrounding properties. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials used will match those of the existing dwelling.

5.3 Residential Amenity

Given the overall scale of the extension and its relationship with the existing dwelling and surrounding properties it is not considered that it would give rise to a significant or material overbearing impact upon neighbouring properties. It is considered therefore that the proposal would be acceptable in terms of residential amenity.

5.4 Ownership/Boundary Issues

The concerns referred to above relating to potential encroachment are noted. A similar concern was raised on the previous application on the basis of encroachment of a proposed chimney and drainage in the same location whereby the applicants maintained all of the proposals were within their ownership boundary. The application includes the completed Certificate A ownership form, indicating that the applications site is solely on land within their ownership and this accords with the red line boundary of the planning unit provided. Whilst part of the side wall

appears as the extent of the applicant's boundary, this is not considered to represent the full extent of the actual ownership area. Notwithstanding this it should also be noted that any planning permission granted does not grant rights to access or build upon any land not within the applicants control. This will be notified on any planning permission. If a boundary dispute remains, this will be a civil matter to resolve.

5.5 Green Belt

Development within residential curtilages is appropriate development within the Green Belt provided it is not disproportionate and does not impact upon the openness of the Green Belt. The planning history of the site does show previous development at the site. This includes a rear single storey extension and a side garage. Taking into account the previous extension of the dwelling, which in part replaced a large detached double garage and with the proposed addition of the single storey extension, it is estimated that the additions to the existing dwelling amount to around 40%. House extension additions that exceed 30% will be carefully assessed on the basis of its appearance and whether it appears out of proportion with the scale and character of the original dwelling. The site is part of an established residential area within the settlement boundary of Almondsbury, which is washed over by the Green Belt. The application site is within an established line of buildings within the washed over settlement area. Further to this the proposals would be within the confines of the existing developed footprint of the site as they refer to first floor. In this respect it is considered that the extension can be incorporated within the main dwelling without being disproportionate and would not result in any impact upon the openness of the wider Green Belt. The plot and the existing dwelling can accommodate the proposed extension without the appearance of being disproportionate or impacting upon the openness of the Green Belt in this instance, with this design. It is not considered that this extension could in its own right be considered significant such as to be considered disproportionate development to the remainder of the existing dwelling house and curtilage. It is also not considered that any combined consideration with previous development at the site would give rise to any issues of disproportionality. The level of extension is acceptable to the site and would not therefore be considered disproportionate and as such would be an acceptable addition in the Green Belt.

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 proposed extension is of an appropriate standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Sufficient off-street parking exists. As such the proposals accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy December 2013..

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

7. RECOMMENDATION

- 7.1 That planning permission is granted subject to the conditions recommended.

Contact Officer: Simon Ford
Tel. No. 01454 863714

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

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

Reason

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

CIRCULATED SCHEDULE NO. 31/16 – 5 AUGUST 2016

App No.:	PT16/3558/F	Applicant:	Punch
Site:	Railway Tavern 56 Wotton Road Charfield Wotton Under Edge South Gloucestershire GL12 8SR	Date Reg:	8th June 2016
Proposal:	Installation of first floor fire exit door, and erection of external staircase.	Parish:	Charfield Parish Council
Map Ref:	372470 192337	Ward:	Charfield
Application Category:	Minor	Target Date:	2nd August 2016



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PT16/3558/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule for determination to take into account a number of comments which conflict with the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of an external staircase and a new door served by the proposed staircase. The door and staircase would be located on the eastern elevation of the building alongside the vehicular access to the car park.
- 1.2 The Railway Tavern appears on the 1880-1891 OS map. It is a classically inspired building with facades facing both Wotton Road and Station Road. It would appear that the building has been much altered over time and it is assumed that the smaller part of the building facing Station Road is the oldest part of the building. The building is mostly finished in render although the area of the building where development is proposed has an external brick finish. The site is gently sloping away from Wotton Road and therefore what is the ground floor at the front of the building becomes the first floor to the rear of the building; it is to this floor level that the new door is proposed.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS9	Managing the Environment and Heritage
CS23	Community Infrastructure and Cultural Activity
CS34	Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

EP4	Noise Sensitive Development
T12	Transportation
E3	Employment Development
RT11	Retention of [...] Public Houses

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

PSP8	Residential Amenity
PSP34	Public Houses

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/4282/F Approve with Conditions 08/03/2013

Demolition of existing outbuilding and reconfiguration of existing car park and ancillary outdoor space.

- 3.2 P98/2188 Refused 24/09/1998
Alterations to existing premises (construction of external staircase and gallery to provide access to childrens play area at lower ground level).

More extensive planning history is available to view on the council's website.

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
None received
- 4.2 Highway Structures
No comment
- 4.3 Lead Local Flood Authority
No objection
- 4.4 Sustainable Transport
No comment

Other Representations

- 4.5 Local Residents
3 comments from local residents have been received which raise the following points:
- existing emergency escape is also used as an entrance to the pub causing noise disturbance; emergency escapes should be controlled for use only in an emergency
 - outside smoking area causes noise disturbance; these should not be used after 22:00
 - broken glass is found in the surroundings of the pub; plastics should be used
 - car park restrictions are not enforced
 - window blind needed in the men's toilet
 - door should be fitted with automatic activation of fire alarm
 - staircase landing should be a no-smoking area
 - door closing mechanism should be installed to control noise
 - door should not be fixed open
 - tread on stairs should be of a material to minimise noise
 - door would overlook residential properties leading to a loss of privacy
 - if permitted, the existing fire escape would become a general access to the pub
 - better signage should be displayed regarding use of car park and proposed door
 - existing noise barrier be extended in height
 - no smoking areas be extended and enforced

5. **ANALYSIS OF PROPOSAL**

- 5.1 This application seeks planning permission for the installation of a new access door and an external staircase at a public house in Charfield.
- 5.2 **Principle of Development**
Minor alterations are sought to an existing public house. The development plan is supportive, in general, of the retention of public houses as community assets and a means of economic development. The design and access statement indicates that the new access door is required to provide a primary means of escape from the manager's accommodation and to provide better and safer facilities for staff and customers.
- 5.3 Therefore, the primary policies to be used in determining this application are CS1 (with regard to design), T12 (with regard to transportation) and the NPPF (with regard to residential amenity). The proposed development is acceptable in principle but should be determined against the analysis set out below.
- 5.4 **Design**
The proposed development would make a change to the external appearance of the building on its eastern elevation. This elevation does not form part of the principal elevation of the building or make a significant contribution to the character or appearance of the building overall. The eastern elevation is a mix of render and brick finishes, gable end walls, and flat roofed additions. Where the new staircase is proposed, the building (which contains toilet facilities) is supported on stilts leaving access to the lower ground floor level. Access to the car park is also gained from the eastern side of the building. Overall, this results in an ancillary appearance to much of the built form.
- 5.5 It is proposed to install an escape stair to serve a new door. According to the submitted plans, the landing of the staircase would not exceed 2 metres above the lowest part of the existing ground level. From Wotton Road, the landing would appear to rise only about 1.5 metres from the ground. The staircase would be constructed from steel and would have the general appearance of an escape stair. Given the ancillary nature of this elevation, it is not considered that the proposed staircase would have a significant harmful impact on the character and appearance of the existing building.
- 5.6 A solid door is indicated to replace an existing sliding sash window. Whilst the window has a traditional appearance, its loss and the installation of a door in its place is not considered to have a significant impact on the character and appearance of the building. Overall, the design of the proposed alterations are acceptable in terms of the impact on visual amenity.
- 5.7 **Residential Amenity**
Concerns has been raised that the proposed door would have a negative impact on residential amenity. Development should not be permitted that has a prejudicial impact on the residential amenities of nearby occupiers.
- 5.8 The characteristics of the site and locality are important factors in establishing the impact that the proposal would have on residential amenity levels. Railway

Tavern is located on the main road which runs through Charfield in close proximity to the Bristol to Gloucester railway line. The nearest residential properties are located to the east of the pub; these were erected recently constructed. These properties are around 25 metres from the pub and the proposed staircase. A relatively strong boundary is in place between the car park of the pub and the residential properties.

- 5.9 Concern has been raised that the use of the staircase would lead to overlooking. Given the separation distances between the pub and the residential properties, it is not considered that any resulting overlooking would be significant or prejudicial to the privacy of the neighbouring properties.
- 5.10 Noise was another area of concern raised. A public house and residential properties in close proximity is not unusual within settlement, and it would be reasonable to expect there to be some noise generation from the public house use. The proposed access and staircase has been stated to be for emergency purposes and access to the manager's accommodation. Floorplans do not indicate how the new door would directly serve the manager's accommodation however it is reasonable to expect access for staff into the building. The proposed door would not make a suitable primary access to the building; there are more suitable entrance points on Wotton and Station roads. Should the door be used for purposes other than staff access and emergency egress it is feasible that it would cause disturbance to nearby occupiers. A condition is therefore proposed to limit the circumstances in which the door may be used to protect the residential amenities of the neighbouring properties, in particular from noise disturbance at night.
- 5.11 Transport and Parking
The proposed development itself would not impede the existing vehicular access arrangements or lead to a loss of parking. As such, it does not have a material impact on transportation or parking.
- 5.12 Public comments have been received which raise concern about the hours of use of the car park. This application is solely concerned with the proposed door and staircase – it is not within the remit of this application to consider other matters such as compliance with conditions in relation to the car park. If residents have concerns on these matters they should raise them with the planning enforcement team.
- 5.13 Summary
It is not considered that the proposed development, when read in conjunction with the recommended conditions, would have a significant or adverse impact on the visual amenity of the area or the living conditions of nearby occupiers. Weight should be given in favour of development that supports the retention of and improvements to the public house as a community asset and a source of economic development in the rural areas of the district. Taking the above into account, the planning balance falls in favour of permitting the proposed development.

5.14 Other Matters

The public comments received on this application have raised a number of matters which have not been addressed in the above analysis. In the interests of clarity, these will be considered here.

5.15 It is not within the remit of this application to control behaviours associated with the patrons of the public house or the operation of the business. Therefore this application cannot control the use of the smoking area or prevent the use of glasses, nor can this decision require the provision of a blind in the men's toilet or additional signage.

5.16 Measures to control noise of the door opening/closing or the tread on the stairs are not considered to be reasonable given the separation distance to residential properties and the restriction of the use of the door imposed by condition.

5.17 Not related to the public comments received, the submitted plans indicate proposed planting and general landscaping of the external areas. These aspects of the proposal do not require the express planning permission of the local planning authority and therefore have been excluded from this assessment.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 It is recommended that planning permission is GRANTED subject to the conditions listed on the decision notice.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

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 access door (and associated staircase) located on the east elevation of the building as permitted by this decision shall solely be used for staff access and emergency egress from the building. For the avoidance of doubt, this condition prevents the use of this access as a general entrance to the public house. When not in use for the purposes listed above, the door shall remain closed at all times.

Reason

To protect the residential amenities of nearby occupiers from undue noise disturbance and to accord with the provisions of the National Planning Policy Framework.