



**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. 50/16

Date to Members: 15/12/2016

Member's Deadline: 21/12/2016 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE 15 December 2016

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK16/4078/F	Approve with Conditions	174 Burley Grove Mangotsfield South Gloucestershire BS16 5QQ	Rodway	None
2	PK16/5397/F	Refusal	Land Opposite Dean And Chapter Farm Wapley Road Codrington South Gloucestershire BS37 6RY	Westerleigh	Dodington Parish Council
3	PK16/5492/F	Approve with Conditions	Little Green 25 Shortwood Road Pucklechurch South Gloucestershire BS16 9PL	Boyd Valley	Pucklechurch Parish Council
4	PK16/5988/F	Approve with Conditions	71 Salisbury Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
5	PK16/6109/F	Approve with Conditions	50 Station Road Yate South Gloucestershire BS37 4PW	Yate Central	Yate Town
6	PT16/3748/F	Approve with Conditions	Knightwood Farm Mead Road Stoke Gifford South Gloucestershire BS34 8PS	Stoke Gifford	Stoke Gifford Parish Council
7	PT16/5449/F	Refusal	Bristol Memorial Woodlands Old Gloucester Road Alveston South Gloucestershire BS35 3TA	Thornbury South And	Alveston Parish Council
8	PT16/5523/F	Approve with Conditions	Willis House 27 Gloucester Road Rudgeway South Gloucestershire BS35 3SF	Thornbury South And	Alveston Parish Council
9	PT16/6214/TRE	Approve with Conditions	5 Christy Close Frampton Cotterell South Gloucestershire	Frampton Cotterell	Frampton Cotterell Parish Council
10	PT16/6244/TRE	Approve with Conditions	35 Wolfridge Ride Alveston South Gloucestershire	Thornbury South And	Alveston Parish Council

CIRCULATED SCHEDULE NO. 50/16 – 15 DECEMBER 2016

App No.:	PK16/4078/F	Applicant:	Mrs J Begum
Site:	174 Burley Grove Mangotsfield Bristol South Gloucestershire BS16 5QQ	Date Reg:	19th July 2016
Proposal:	Change of Use of Retail Shop to a mixed use Restaurant and Takeaway (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	None
Map Ref:	365876 176029	Ward:	Rodway
Application Category:	Minor	Target Date:	8th September 2016



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100023410, 2008.

N.T.S.

PK16/4078/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 The proposal seeks planning permission for the change of use of a ground floor retail shop to a mixed use composed of a restaurant and takeaway (sui generis) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The proposal also includes the installation of ventilation and extraction equipment. Over the course of the application further information has been required with regard to these aspects of the proposal in order to provide the Local Planning Authority with a greater understanding of such equipment's impact on nearby occupiers. As such a brief period of re-consultation occurred in order to keep nearby residents up-to-date with regard to the proposal.
- 1.3 The host site is no. 174 Burley Grove, which is understood to be last utilised as a retail unit. The unit is positioned within a parade of four other units: the adjacent unit is a hairdressers, and the other two units within the parade compose just one retail unit. The application site is considered to be within the urban area of the Bristol East Fringe, the area within the immediate vicinity of the parade in Mangotsfield is predominantly residential.
- 1.4 The host unit is not within a primary or secondary shopping frontage. Above the host unit, within the first and second floor, is a residential unit known as no. 174A Burley Grove. There are also residential units above the other units within the parade. Further to this, there is also a residential unit immediately to the rear of the application site.
- 1.5 The South Gloucestershire Local Plan (Adopted) January 2006 designates Burley Grove as a Local Centre, the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 is consistent with the Local Plan, including Burley Grove within Table 3 'Local Centres and Parades' of Policy CS14 of the Core Strategy.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS3	Renewable and Low Carbon Energy Generation
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development

CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS14	Town Centres and Retail
CS29	Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T8	Parking
T12	Transportation
RT5	Proposals for Out of Centre and Edge of Centre Retail Development
RT8	Small Scale Retail Uses within Urban Areas and the Boundaries of Small Settlements
RT9	Change of Use of Retail Premises within Primary Shopping Frontage in Town Centres
RT10	Change of Use of Retail Premises within Secondary Shopping Frontage in Town Centres
RT11	Retention of Local Shops, Parades, Village Shops and Public Houses
RT12	Use of Upper Floors in Town, Local and Village Centres

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP21	Environmental Pollution and Impacts
PSP31	Town Centre Uses
PSP32	Local Centres Parades and Facilities
PSP35	Food and Drink Uses
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

South Gloucestershire Design Checklist SPD (Adopted) August 2007
South Gloucestershire Waste Collection SPD (Adopted) January 2015

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|---|----------|------------|
| 3.1 | K587/2 | Approval | 21/12/1992 |
| | Change of use of ground floor from retail (A1) to area housing office (A2) (previous id: k587/2). – <i>Adjacent unit no. 172 Burley Grove</i> | | |
| 3.2 | K587/1 | Refusal | 18/08/1986 |

Change of use to Indian food take-away shop with living accommodation above (previous id: k587/1). – *Adjacent unit no. 172 Burley Grove*

- 3.3 K587 Approval 13/02/1975
Change of use of store-room in existing shop premises to use as hair dressing saloon. (previous id: k587). – *Adjacent unit no. 172 Burley Grove*

4. CONSULTATION RESPONSES

- 4.1 Parish Council
Unparished area.
- 4.2 Sustainable Transport
No objection given the former use of the unit and the nearby parking.
- 4.3 Drainage and Flood Risk Management
No objection.
- 4.4 Highway Structures
No comment.
- 4.5 Environmental Protection
No objection subject to following conditions:
- Noise mitigation scheme – insulation;
 - Rating level for any noise generated fby plant and equipment;
 - Opening Hours:
Monday to Saturday: 10:00 – 23:00;
Sunday and Bank Holiday: 1200 – 2300.
 - Submitted and approved equipment shall be installed before the use commences;
 - Compliance with approved management plan.

Other Representations

- 4.6 Councillor Michael Bell
The Councillor stated concerns that two neighbours were not notified.
- 4.7 Local Residents
Approximately 10 comments have been submitted to the Local Planning Authority concerning this planning application. One of these comments was in support of the proposal encouraging the further employment development in the area, the remaining 9 comments were in objection to the proposal and have been summarised below:

Noise

- Proposal will result in noise;
- Quiet residential area;
- Traffic will increase which will have its own noise impact;
- Patrons drinking alcohol;
- Concerns regarding opening hours;

- Noise from delivery vehicles.

Odour

- Proposal will emit cooking smells into the surrounding neighbourhood;
- Odour emissions will affect people's ability to enjoy their gardens.

Highways

- Parking problems – previous business has sufficient parking nearby, but a food outlet will require parking for staff, diners, and those collecting takeaways;
- Parking problems – restaurant/takeaway parking requirement will coincide with the times when residents tend to park their cars.

Litter

- Litter from the takeaway;
- Merlin Housing suggest that only one bin can be stored but the plans suggest three;
- Vermin.

Property Values

- Proposal will impact upon property values.

Consultations

- Some of the main affected neighbours were not consulted.

Fire Safety

- Consideration of risk of for patrons and members of staff.

Other Takeaway Uses

- There are already takeaways in the area, more are not needed;
- Local shops are in decline, takeaways are killing communities.

5. **ANALYSIS OF PROPOSAL**

- 5.1 This planning application seeks planning permission for the change of use from a retail unit to a mixed use composed of a restaurant and takeaway. The host unit is within a local centre/parade in an urban area.

5.2 **Principle of Development**

Policy CS14 'Town Centres and Retail' states that development in local centres/parades should aim to meet local needs only, with a scale appropriate to the role and function of the centre/parade which would not harm the vitality and viability of other centres. The policy states it will achieve this by:

- encouraging retail, commercial, leisure and cultural development within a centre of an appropriate type and scale commensurate with its current or future function;
- safeguarding the retail character and function of centres by resisting developments that detract from their vitality and viability and protecting against the loss of retail units.

- 5.3 Policy RT11 will only permit the change of use of retail uses within village centres and local shopping parades where:
- the proposed use would not result in an over concentration of non-shop uses in a village centre or local centre or be detrimental to the vitality, viability, retail and social function of that centre; or
 - there are satisfactory alternative retail facilities available in the locality; or
 - it can be demonstrated that the premises would be incapable of supporting a retail use; and
 - the proposed use would not result in unacceptable environmental or transportation effects, and would not prejudice residential amenity.
- 5.4 PSP32 'Local Centres, Parades and Facilities' and PSP35 'Food and Drink Uses (Including Takeaways)' both attract limited weight within the assessment of this planning application. Both policies are material in that they are considered to be NPPF compliant, and demonstrates the direction in which the Local Planning Authority are aiming to go with regard to local centres and food and drink uses.
- 5.5 PSP35 is largely similar to saved policy RT11, apart from it states that 'the number, distribution and proximity of food and drink uses and hot food takeaways should be taken into account – for information there are no other consented or operating food and drink, or hot food takeaway uses within the existing parade.
- 5.6 PSP32 states that proposal(s) for retail and main town centre uses in local centre parades and elsewhere in the district will be acceptable where:
- small scale retail, or main town centre are proposed of a scale and character appropriate to the location; and
 - access for pedestrians, cyclists and those with impaired mobility is provided or enhanced; and
 - car parking facilities that prioritise short stay are retained or enhanced; and
 - vacant floorspace and living space would be brought back into active use; and
 - an active ground floor frontage is maintained or provided; and
 - they do not result in the loss of any retail and main town centre uses that meet essential day to day convenience, retail or service needs and;
 - avoid harm to the vitality, vibrancy and function of the centre or parade.
- 5.7 At this point it is useful to understand the use of the proposal. Annex 2 of the PPG defines main town centre uses to be the following:
- Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and*

bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

- 5.8 Accordingly, the restaurant/takeaway use is considered to be in line with the uses which are considered to be 'town centre uses'.
- 5.9 Policy CS13 'Non-Safeguarded Economic Development' is also material. This policy aims to secure suitable economic re-use of existing non-safeguarded economic uses. As this proposal is a use which would generate employment and limited economic benefit within the area, this proposal is considered to be compliant with policy CS13.
- 5.10 Overall, the proposal is acceptable subject to the proposal having:
- acceptable impacts on the function of the parade as a local centre;
 - acceptable impacts on the vitality, vibrancy and function of the centre/parade;
 - acceptable environmental impacts e.g. noise, odour and waste;
 - acceptable impacts on residential amenity of nearby occupiers;
 - acceptable highway safety impacts; and
 - acceptable impact on the shopfront and character of the area.
- 5.11 The considerations set out above will be assessed throughout the remainder of this report.
- 5.12 Change of Use within the Local Centre/Parade
The existing unit was used as a retail unit selling locally hand crafted products, a alongside a workshop for crafts and also a tea room. The proposal is described as a restaurant with an ancillary takeaway component within the submitted planning statement. However the statement goes onto suggest that the restaurant will account for 55% to 60% of turnover and the takeaway will constitute the remaining 40% to 45%. It is also understood that the takeaway will be composed of approximately 50% collections and 50% deliveries. It is important to realise that these figures are all derived from the applicant's business plan, and in this way are approximates. Nonetheless, officers and the agent have agreed that a mixed use of both restaurant and takeaway is an adequate and appropriate description for the proposed development.
- 5.13 The existing parade is composed of a hairdressers and also a convenience store which appears to have assumed two units. In this way the change of use away from a retail unit within the host unit would not result in the over concentration of non-retail uses within the shopping parade. Further to this, a restaurant/takeaway combined use is considered to be a town centre use, a use compatible with such local centre/parade locations within the emerging PSP Plan. Indeed, the restaurant and takeaway would encourage the late afternoon/early evening economy within the shopping parade, and also provide a helpful facility of use to the large nearby residential population.

- 5.14 Accordingly, the principle of the loss of the retail unit in this location is acceptable given the proposed use and the existing situation within the parade. Officers find that the development would overall improve the viability and vitality of the local centre.
- 5.15 Environmental Impact of Development and Residential Amenity
Officers recognise both that the proposal is within a location surrounded by residential occupiers, and also the concerns of the number of residents who have submitted comments with regard to this application. The proposed use does give rise to concerns with regard to noise and odour, and as such the Council's Environmental Protection Team have commented, as well as this, the applicant/agent has supported the application with details of extraction and ventilation.
- 5.16 The applicant has proposed an external flue which would emerge from the roof of the existing rear extension which forms the proposed kitchen area. The flue would rise to a first/second floor level and terminate just above the eaves of a two storey rear section of the existing building. The extraction equipment also includes a vent; a number of filters and also a silencer. The purpose of such equipment is to adequately ventilate the application site whilst having an acceptable impact on the nearby residential occupiers.
- 5.17 The Council's Environmental Protection Team have commented on the most recent submitted information regarding extraction equipment and have stated that there are no objections to the proposal subject to conditions, these are listed below:
- Noise mitigation scheme – insulation;
 - Rating level for any noise generated by plant and equipment;
 - Opening Hours:
 - Monday to Saturday: 10:00 – 23:00;
 - Sunday and Bank Holiday: 1200 – 2300.
 - Submitted and approved equipment shall be installed before the use commences;
 - Compliance with approved management plan.
- 5.18 The first suggested condition involves insulating the host buildings in order to ensure adequate noise mitigation, and the second suggested condition requires that any noise generated by plant and equipment resulting from the development to not exceed 5dB below the pre-existing background level. Both these conditions are necessary to ensure the amenities of the area are adequately protected, and as such both conditions are recommended as well as a condition requiring the development to comply with the submitted extraction details.
- 5.19 The applicant has proposed the following opening hours (planning statement):
- Monday to Saturday: 12:00 – 14:30 and 17:00 – 22:30
Sunday and Bank Holiday: 12:00 – 14:30 and 17:00 – 22:30.

- 5.20 Levels of noise emitting from the kitchen and restaurant itself would likely not result in a materially harmful impact on any nearby residents given the mitigation measures proposed. Notwithstanding this, the Council's Environmental Protection Officer has identified that noise from patrons leaving the premises has the potential to cause disturbance to neighbouring occupiers. Officers therefore suggest the following hours:

Monday to Saturday: 12:00 – 14:30 and 17:00 – 22:30
Sunday and Bank Holiday: 12:00 – 14:30 and 17:00 – 22:30.

- 5.21 This restricts the hours of opening on Sundays and bank holidays in a more appropriate manner, whilst the hours are not as restrictive as those suggested by the Council's Environmental Protection Officer, officers find the hours to be appropriate, especially given that day time hours are generally accepted to be between 07:00 and 23:00.

- 5.22 The Environmental Protection Officer has also suggested two compliance conditions, largely regarding the management and implementation of the required ventilation and extraction equipment. Officers find such conditions to be necessary and as such recommend them.

- 5.23 The proposed use will also produce waste, a condition is recommended to ensure that refuse and recyclables are collected at appropriate times in order to prevent unacceptable levels of noise. The suggested condition will restrict collection to the following time periods:

Monday to Sunday (including Bank Holiday): 08:00 and 20:00.

- 5.24 Further to this, officers suggest a condition that restricts delivery times to following time periods:

Monday to Saturday: 08:00 – 20:00
Sunday and Bank Holiday: 09:00 – 18:00.

- 5.25 Accordingly, subject to the aforementioned conditions officers find this proposal to have an acceptable impact on the amenity of the area, including the residential amenity of the occupiers of the first and second floor residential units in the immediate area.

5.26 Design and Visual Amenity

No changes are proposed to the shopfront, and the only external development proposed concerns the proposed rear flue. Officers find its scale and location to be appropriate. Further to this, a condition is suggested regarding the external finish of the flue, the purpose of the condition would be to require the flue to match the external appearance of the rear of the existing building.

5.27 Transport and Parking

Officers note the concerns raised by a number of members of the public with regard to the impact this proposal would have on the highway in the immediate and nearby area. It is important to consider the existing use of the site as a retail unit. In terms of transport impacts, although it is accepted that movements

- associated within the proposed use would be higher within the lunch time and evening periods, officers do not consider that the proposed change of use would necessarily increase the overall traffic movements when compared to the existing use.
- 5.28 The Council's parking standards for restaurant/takeaway is set at maximum of 1 car parking space per 5sq.m dining area for take-away/restaurant uses. Provision at below this level is considered acceptable in accessible locations and where there is suitable alternative parking already available. The proposal would offer a level of provision below this maximum parking standard as there is no allocated off-street car parking accompanying this planning proposal.
- 5.29 The host unit is located within a shopping parade with available 'grasscrete' parking, the highway in the surrounding area is then largely composed of residential streets. Whilst parking spaces in the area, both off-street and on-street, are relatively busy throughout the day, there are opportunities for further safe car parking in the area. Overall, officers consider that there is sufficient opportunity within the area for future users associated with the proposal to park in a safe manner that does not materially harm the amenity of the area.
- 5.30 Accordingly, whilst officers note the concerns of a number of residents with regard to the proposal's transportation impact, officers find that the development would not materially harm the highway safety of the area.
- 5.31 Bin Storage
There is a proposed bin storage area to the rear of the dwelling adjacent to the proposed kitchen, the proposed storage area is both close to the dwelling and the road for ease of use and collection. Accordingly, there are no objections the bin storage area.
- 5.32 Officers also note comments from a member of the public who state that a letter from Merlin confirms that only one waste bin can be stored to the rear of the building. The submitted planning statement however suggests that three waste bins will be required. Officers note this contradiction but consider this to be a civil matter, and therefore not a matter that should attract weight within the assessment of this planning application.
- 5.33 Other Matters
Officers also note comments from a member of the public regarding the impact the development may have on nearby property values. Issues relating to property values are not considered to constitute a material consideration that attracts significant weight in the assessment of this planning application.
- 5.34 Members of the public have also stated concerns regarding litter and vermin, other legislation outside of planning control covers such issues. As such officers do not find these issues to attract material weight in this assessment, especially as officers have found no objection to the proposed bin storage at the site. Similarly, a member of the public has questioned fire safety at the site. Such an issue is not considered to be material to the assessment of this application given the fact that other forms of legislation and guidance exist outside of planning control.

5.35 A number residents have questioned the method of consultation and notification with regard to this application. Officers have checked that the nearby residents have been consulted and have found that the majority of those required to be notified have been. An exception of this originally was the resident of the residential unit above the host unit. In reaction to this, the neighbour was notified and has since submitted comments, meaning they were not prejudiced by this original error. Overall, despite the original error in consultation, officers feel that all those who are required to be notified by the Council's Statement of Community Involvement (SCI) have been.

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: 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 first use of the unit as a restaurant and takeaway hereby approved, the extraction equipment to be used within the development shall be carried out, completed and thereafter retained in strict accordance with the following submitted details:

- Outline Design for Planning Purposes, dwg no. 16025 A;
- Operating and Maintenance Instructions for Extraction Systems prepared by BW Fabrications Ltd;
- Annex B: Information Required to Support Planning Application for a Commercial Kitchen, BWF ref. 16025, prepared by BW Fabrications Ltd;
- Odour Risk Assessment, BWF ref. 1602, prepared by BW Fabrications Ltd.

For the avoidance of doubt the fan and motor of the extraction system shall be sited within the building's structure and shall be fixed on anti-vibration mounts and be joined to ductwork using flexible couplings meaning the fan and motor unit should not be fitted on to walls or ceilings adjoining residential premises. The extract ducting should be rigid in construction and installed with anti-vibration mountings.

Reason

In the interests of the amenity of the nearby residents and also the vitality and viability of the local centre; and to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006; Policies CS1, CS9 and CS14 the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

3. Prior to the first use of the unit as a restaurant and takeaway hereby approved, a scheme of sound insulation with the nearby residential units in mind shall be submitted to the Local Planning Authority for approval in writing. The approved sound insulation scheme shall then be implemented and completed prior to the first use of the unit as the permitted restaurant and takeaway use. For the avoidance of doubt the scheme of noise insulation shall take into account the provisions of BS 8233: 2014 "Guidance on sound insulation and noise reduction for buildings".

Reason

In the interests of the amenity of the nearby residents and also the vitality and viability of the local centre; and to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006; Policies CS9 and CS14 the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

4. The rating level of any noise generated by plant and equipment used in association with the restaurant and takeaway use hereby approved shall be at least 5 dB below the pre-existing background level as determined by BS4142: 2014 "Methods for rating and assessing industrial and commercial sound".

Reason

In the interests of the amenity of the nearby residents and also the vitality and viability of the local centre; and to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006; Policies CS9 and CS14 the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

5. The hours of the working for the restaurant and takeaway use hereby approved shall be restricted to the following time periods:
Monday to Saturday: 12:00 - 14:30 and 17:00 - 22:30
Sunday and Bank Holiday: 12:00 - 14:30 and 17:00 - 22:30.

Reason

In the interests of the amenity of the nearby residents and also the vitality and viability of the local centre; and to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006; Policies CS9 and CS14 the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

6. No deliveries pursuant to the restaurant and takeaway function of the development hereby approved shall occur at the site outside of the following hours:

Monday to Saturday: 08:00 - 20:00
Sunday and Bank Holiday: 09:00 - 18:00.

Reason

In the interests of the amenity of the nearby residents and also the vitality and viability of the local centre; and to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006; Policies CS9 and CS14 the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

7. Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall be restricted to the following time periods:

Monday to Sunday (including Bank Holiday): 08:00 and 20:00.

Reason

In the interests of the amenity of the nearby residents and also the vitality and viability of the local centre; and to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006; Policies CS9 and CS14 the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

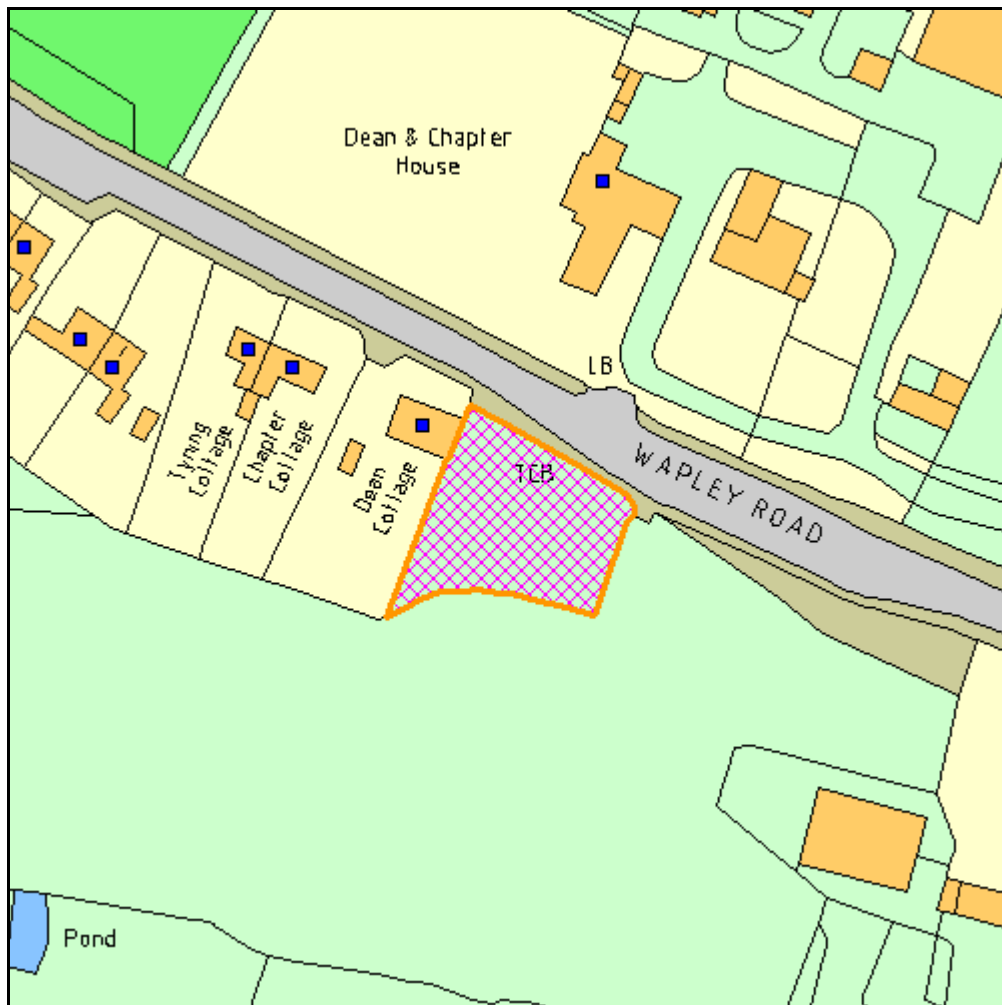
8. The external facing of the flue to be used within the development hereby approved shall be painted in a colour to match the colour of the rear elevation of the host unit, unless otherwise expressly agreed in writing with the Local Planning Authority.

Reason

In the interests of the visual amenity of area and to accord with Policy CS1 the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 50/16 – 15 DECEMBER 2016

App No.:	PK16/5397/F	Applicant:	Mr James Fannon
Site:	Land Opposite Dean And Chapter Farm Wapley Road Codrington Bristol South Gloucestershire BS37 6RY	Date Reg:	26th October 2016
Proposal:	Erection of 2no detached dwellings, garages and associated works.	Parish:	Dodington Parish Council
Map Ref:	372768 178971	Ward:	Westerleigh
Application Category:	Minor	Target Date:	16th December 2016



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100023410, 2008.

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PK16/5397/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated as a result of the Parish Council comments.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of two detached dwellinghouses and garages. The materials proposed are natural Cotswold stone and stone coloured render with red/brown double roman tiles over. The highway boundary would have a natural Cotswold stone wall.
- 1.2 The site is located on Wapley Road, Coddington. The site is located in the open countryside outside any defined settlement boundaries and in the Green Belt. The site is directly on the opposite side of Wapley Road to Dean and Chapter House which is a grade II listed building. Ostlands Farm, to the east of the site is grade II listed. Dean Cottage, directly adjacent to the west of the site, is locally listed.
- 1.3 The application is supported by a statement of significance which suggests that a single dwelling (previously having been a pair of dwellings) was demolished in the 1950's following a fire down to 60cm above the ground. The site is said to have become overgrown and was purchased by the applicant in 1989. The front of the site is currently fenced off with harris fencing.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

Section 6 Delivering a wide choice of high Quality homes

Section 7 Requiring good design

Section 9 Protecting Green Belt Land

Section 12 Conserving and Enhancing the Historic Environment' and accompanying Historic Environment Planning Practice Guide.

Planning (Listed Buildings and Conservation Areas) Act 1990

Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)

National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;

Managing Significance in Decision-Taking in the Historic Environment (GPA 2)

The Setting of Heritage Assets (GPA 3)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS8 Improving accessibility

CS9 Managing the Environment and heritage

CS16 Housing Density

CS17 Housing Diversity

CS18	Affordable Housing
CS34	Rural Areas.

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H3	Residential Development in the Countryside
T12	Transportation Development Control Policy for New Development
T7	Cycle Parking
L1	Landscape Protection and Enhancement
L4	Forest of Avon
L13	Listed Buildings
L15	Locally Listed Buildings
L16	Protecting the most versatile agricultural land
LC12	Recreational route

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

PSP7	Development in the Green Belt
PSP17	Heritage Assets and the Historic Environment
PSP40	Residential Development in the Countryside
PSP42	Custom Build dwellings
PSP43	Amenity space

2.3 Supplementary Planning Guidance

South Gloucestershire Development in the Green Belt (Supplementary Planning Document) Adopted May 2007

South Gloucestershire Design Checklist (Supplementary Planning Document) Adopted 2007

South Gloucestershire Council Affordable Housing Supplementary Planning Document (Adopted) September 2008

Residential Parking Standards Supplementary Planning adopted December 2014

South Gloucestershire Landscape Character Assessment as amended and adopted Nov 2014:- LCA 6 Pucklechurch Ridge and Boyd Valley

South Gloucestershire Adopted Local List SPD

3. **RELEVANT PLANNING HISTORY**

3.1 N4237 refusal and appeal dismissed 16.03.1978 Erection of a house and alteration of to vehicular and pedestrian access

3.2 P94/2631 ROU Jan 1995 Erection of one dwelling (Outline) refused for greenbelt, open countryside development and landscape reasons

4. **CONSULTATION RESPONSES**

4.1 Doddington Parish Council

Support as it was felt that it would tidy the area up and the proposed housing was in keeping with those dwellings already there.

However, members would like officers to ensure that CIL is paid - unless the houses have a covenant put on them that they can only be sold as affordable houses in perpetuity. They did feel this was a bit of an excuse for not paying

4.2 Other Consultees
Archaeology officer
No objection

Landscape officer
Green belt objection

If consent is felt to be acceptable then prior to determination a landscape scheme should be submitted to enhance the setting of the development and contribute to the amenity of the wider landscape and public realm. The scheme should follow SGC planning policy the strategic landscape recommendations of the South Gloucestershire Landscape Character Assessment and accommodate SuDS.

Lead local Flood Authority

We query what the existing foul mains system is and its location, as there are no public foul mains drainage in this area and therefore request confirmation and/or clarity before we may comment further.

Conservation Officer
Object

Sustainable transport

Some of the information submitted with this application refers to the historical evidence that there were a pair of semi properties on this site but no longer there. On the assumption that there is a proven history that the site was previously occupied by residential property then, there is no in principle objection for the proposed two houses. I confirm there is adequate off-street parking to meet the Councils parking standards. additionally, there is acceptable turning on site to ensure that vehicles can enter and exit the entrance in forward gear. In view of this therefore, there is no highway objection to this application subject to a planning condition to provide off-street parking and turning all to be maintained satisfactory thereafter.

Public Rights of Way

The proposed development is unlikely to affect the nearest public right of way reference LDO/36/30 which runs along the eastern border of the development area.

Highway Structures

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

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

5.2 Paragraph 49 of the NPPF states that '*Housing applications should be considered in the context of the presumption in favour of sustainable development (officer underlining). Relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five year supply of deliverable housing sites.*'

5.3 The latest five year housing supply figures are set out in the 2015 Authority's Monitoring Report (AMR). Table 2.3, on page 31 of the AMR sets out the 5 year supply position. Figures for a new AMR dates 2016 are shortly to be released but for now the 2015 figures are the most up to date.

The five year supply deficit: 1,451

Five year supply figure: 4.28

5.4 The Council therefore acknowledges that Paragraph 49 as set out above is engaged and accordingly all policies that relate to the supply of housing are out of date in the determination of this application. This relates principally to the application of policy H3 of the Local Plan and Policies CS5 and CS34 of the Core Strategy. CS5, (the key locational policy in relation to development states that development on land such as the application site which is located in the open countryside outside a settlement boundary and in the Green Belt should be limited to those sites providing infill within settlement boundaries, where the development is brought forward as a Community Right to built Order or comply with the provisions of the NPPF or relevant local plan polies in the Core Strategy. Furthermore CS34 focusing on Rural Areas states that settlement boundaries around rural settlements should be maintained and that development outside those boundaries should be strictly controlled. Therefore historically there would have been an "in principle" objection to the development but the national presumption and NPPF policy attracts greater weight in these circumstances. Notwithstanding the above, Green Belt is a national policy which is referred to later in the report and retains its standing despite paragraph 49 being engaged.

5.5 Given the Council cannot demonstrate a five year housing supply and given that the above policies are thus out of date weight must be afforded to the erection of additional dwellings. However, it is necessary for decision makers to follow the requirement set out in Para 14 of the NPPF which states:

*At the heart of the National Planning Policy Framework is **a presumption in favour of sustainable development** which should be seen as a golden thread running through both plan-making and decision taking. For decision taking where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as whole; or*

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

5.6 In this case the proposal is for only two houses and it is considered that two houses, whilst adding to the housing supply would contribute only modestly to that supply and the harm afforded by the proposal must be weighed against the limited additional supply. It is noted that these houses create a low density on the site of 27 dwellings per hectare on this 0.074Ha site. This report first considers the principle of whether residential development outside the settlement boundary should be permitted.

5.7 Para 55 of NPPF resists “isolated homes” in the countryside unless there are special circumstances. Para 55 reads as follows;

‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby (officer underlining). Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling.*

Such a design should:

- *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- *reflect the highest standards in architecture;*
- *significantly enhance its immediate setting; and*
- *be sensitive to the defining characteristics of the local area.*

5.8 The site is adjacent to several other houses but this does not alter the fact that, at approximately 3km from any surrounding services at Yate, Pucklechurch, Dyrham or Tormarton, the site is particularly unsustainable and as such is an isolated home which should be resisted under paragraph 55 of the NPPF.

5.9 Paragraph 7 of the NPPG states that:

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- *an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

- *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; **and***
- *an environmental role– contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

- 5.10 It is understood from the submission that the houses may be intended for family members of the applicant but it is not clear how this has a social role to play given that the applicant lives in Horton some 5-6km away. The erection of two houses would however be likely to have a modest positive impact on the local economy. The site is located some 3km from local services and being only two houses would do little to support those services which are in the various surrounding villages.

The parish believe this application could clear up an untidy site which presently has harris fencing to its roadside elevation and undergrowth about its site which hides the location of a low level pile of rubble (the application indicated that this is the remnants of previous buildings at the site). The site is overgrown with tall weeds at present but it is clear from google footage that the site when strimmed is relatively tidy and in its overgrown form offers a natural environment to nature. Some mitigation for the loss of the site may be derived for biodiversity if a well-designed landscape scheme were achieved but this must also be weighed against the loss of the natural environment which would necessarily be reduced by the erection of the two houses.

- 5.11 Consideration is given to the siting of the houses outside of any settlement boundary; and how that would contribute modestly to the Council's housing supply figures. In this case the site is located too far from services to be considered a sustainable site and an objection is raised on the basis that the proposal falls outside the designated settlement boundary.
- 5.12 Policy CS16 states that development should 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. In addition the density of new development should be informed by the character of the local area and contribute to:
- The high quality design objectives set out in Policy CS1
 - Improving the mix of housing types in the locality and
 - Providing adequate levels of Public open space, semi private space and communal open space.
- 5.13 The mix of housing in the locality is not materially affected by the proposal as the proposal is private housing and of a scale similar to other housing closeby. With respect to open space it is considered that the houses would have more than adequate semi private and private amenity space for its reasonable needs

and that no public open space would be required, given the scale of the proposal. The design is considered separately below.

5.14 Density

At under 27 dwellings per hectare the proposal represents a relatively low density of development. Given the misgivings regarding Green Belt policy and heritage matters (see sections below) this has not been added as a distinct refusal reason as it is concluded that the proposal is inappropriate in principle. It would also be somewhat contradictory to recommend refusal because it was inefficient use of land. In reality however, in the event that it were concluded this was appropriate development in the Green Belt, the two dwellings represent reasonable use of the land having regard for relatively low density of surrounding houses.

5.15 Loss of Agricultural Land

It is right to consider the use of this land and the applicant considered it to be vacant with no current use described at part 14 of the application form and that the previous use was residential. The land was previously, some sixty years ago, domestic curtilage until a fire damaged the house which stood at the time and it was later demolished in the fifties according to the applicant's statement of significance. The land was bought by the applicant in 1989. No formal certificate application has been established as to its use some sixty years after the fire and demolition and it is now considered that the remnants of the buildings which stood on site are reverting or indeed have reverted to agricultural state. Policies L16 and CS9 respectively seek to protect the most versatile agricultural land. Notwithstanding this it is not considered that the size of the site nor its non domestic use would raise concerns in respect to the objectives of these policies.

5.16 Green Belt

The main policy restriction under consideration for this application is that of how Green Belt policy applies to these proposals. This is located in the NPPF section 9 and referred to again in policy CS5 of the core strategy. Reference to the green belt in policy CS5 is not considered out of date as green belt is a major policy of the NPPF. The NPPF at paragraph 89 states that the local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

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

have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

- 5.17 Of the above criteria the proposal cannot be assessed as being a replacement dwelling given that there is no building there to replace. Equally the site is not considered to be an infill plot as it is on the end of a row of houses and there is a field of some 60m between the site and the site associated with the neighbouring Ostlands Farm. Further whilst the CIL form and a letter received from the agent indicates that the site is for Affordable housing for the applicants family members this is not subsidised affordable housing as defined in policy CS18 .

The applicant considers the land to be brownfield land in the Design and Access Statement and it is stated that the dwellinghouse, as demolished has not completely blended into the landscape. Whilst it is true that the lower element (they say two foot high) of the building or its rubble remains are there under the undergrowth it is not considered that the land has been used for domestic use for some sixty years and that the use of the land as domestic curtilage has ceased. Moreover the interpretation of previously developed land according to the Glossary in the NPPF states that :

“Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”

As such it is considered that the site is not in accordance with any of the limited exceptions to development as set out in paragraph 89. Further, even if the site were to be considered previously developed land the proposal to add houses on the end of this short line of houses would have a substantial impact on the openness of the Green belt and the countryside generally.

- 5.18 The site is considered to be an agricultural field and it is important to reiterate one of the five fundamental purposes of the green belt as set out at paragraph 80 is to assist in safeguarding the countryside from encroachment. The current site is not considered to be “within a village”, it reads as open countryside and it follows that the creation of these 2 new planning units should not be considered to fall within this category of appropriate development.

There is no further definition of “infill” within the NPPF notwithstanding that it has a glossary of some of the terms used. The adopted Core Strategy (2013) defines infill as “The development of a relatively small gap between existing buildings, normally within a built up area.” The adopted SPD (2007) for Green Belt development defines infill development as “development that is small in

scale and which fits into an existing built up area". This SPD definition was based on the established policy position at the time that green belt infill could only take place within settlement boundaries. For the reasons stated above whilst the number of units is limited, the gap between built form is considerable. The nature of development at this point is sporadic and rural – including the application site.

- 5.19 It is concluded that this proposal does not constitute any of the exceptions listed in the NPPF but rather represents encroachment into the countryside. As such the proposal is inappropriate development in the green belt and by definition harmful to openness. Indeed, two detached dwellings at this site would cause significant harm to openness over the present situation. When considering any planning application, local authorities should ensure that substantial weight is given to any harm to the green belt. Very special circumstances will not exist unless the potential harm to the green belt, and any other harm, is clearly outweighed by other considerations. The applicant does not list Very Special Circumstances but refers to the planning history to gain favour for the application. This is based on the fact that a house was destroyed by fire and demolished in the fifties.
- 5.20 This is not considered to be very special circumstances, which would outweigh the substantial harm to the green belt as set out in the NPPF. Consideration still needs to be given to other relevant policies and the green belt section of the NPPF. Paragraph 14 of the NPPF is quite clear and states that the presumption in favour applies unless "specific policies in this Framework indicate that development should be restricted". The footnote to the NPPF clarifies that Green belt is one of these instances. The NPPF identifies this type of development as inappropriate. As such it cannot be sustainable; and moreover would in any event amount to a significant and demonstrable harm that outweighs the benefit of the development. Very special circumstances have not been demonstrated. Subsequent Ministerial statements have confirmed that a lack of five year land supply alone is unlikely to amount to very special circumstances to justify inappropriate development in the Green Belt. Refusal is recommended on this basis.
- 5.21 Landscape & Visual Amenity.
The proposal is already shown to be inappropriate and harmful to the openness of the green belt and whilst additional planting and protection of the existing hedge would be sought by way of a landscape scheme if permission were feasible it is not considered that this would be sufficient to overcome the harm to the green belt of the proposal.
- 5.22 Impact on heritage assets
The application proposes two new dwellings and associated garaging. A statement of significance has been submitted but this misses the purpose of this document as it fails to recognise the two grade II listed buildings and locally listed building in proximity and whose setting requires assessment. It also fails to assess in any detail the history of the site. At a minimum the historic tithe maps and apportionments should be analysed. The local records office or local history society may hold historic photos or records of the site. The historic maps show that a group of buildings occupied the site until at least the time of

the 3rd edition OS map. The group included one larger building and a smaller ancillary structure (probably animal pens). The buildings were built set back from the road on a similar building line to Ostlands Farm.

If the principle of development on this site were to be considered acceptable, understanding its history more fully may provide a basis for appropriate design of replacement structures.

The two proposed new dwellings are of almost identical design, the main body of each house being the same height and width, with three mini gables and with matching garages between, and the same palette of materials. The only significant difference is one has a single storey side extension. The materials for the building are limestone and render for the elevations, upvc windows and red/brown clay double roman tiles. The houses are far taller and bigger than Dean Cottage and of a scale that would appear overly dominant and oppressive in the streetscene. Dean and Chapter House and Ostlands Farm are important historic buildings and new development should not overpower these traditional buildings, or detract from their setting. Unfortunately, due to the scale and massing of both buildings, and their almost identikit design, it is considered that they would.

From a historic environment perspective further assessment of the historic use of the site, and the buildings on it, should be included before redevelopment could be accepted, in order that its significance is more fully understood. In addition, the design of the buildings as proposed are not considered to preserve the setting of the listed buildings and an improved design would be required. However given the strong Green Belt Objection already clearly established this was not requested of the applicant.

Privacy and Residential amenity

The dwellings are not anticipated to cause harm by reason of mass or overlooking to the neighbour as they are sufficiently distant to that a dwelling could be designed such that it would not be detrimental to the residential amenities of the neighbours. Whilst the rear garden could be slightly larger than its 50m² this is not considered a refusal reason under policy PSP43 which seeks 60m² given that there is a footpath giving access to walks immediately adjacent to the site.

5.23 Transportation

There is adequate off-street parking to meet the Council's parking standards. Additionally, there is acceptable turning on site to ensure that vehicles can enter and exit the entrance in forward gear. In view of this therefore, had there been no sustainability objection in principle the parking and access arrangements would have been acceptable and a condition attached to ensure that the layout was achieved prior to occupation. As it is the site is not in a location acceptable for housing and the scheme is to be refused.

5.24 Affordable Housing

The site size and number of dwellings sought in this application is below the threshold for affordable housing in the adopted Core strategy and as such no affordable housing is required from this site. The site is not being put forward

as a CS18 scheme and as such no weight is added to the proposal in this regard.

5.25 Drainage

The drainage team raise no in principle objection to the proposal but would like to see further drainage details as there are no public foul sewers near the site. This could be achieved at a later date if permission were to be granted but in this case details were not sought as the application is headed for refusal on fundamental issues.

5.26 Public Rights of way

The proposal would not affect the nearby right of way.

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 proposal is considered to be unacceptable in principle as these new dwellings are inappropriate in the green belt, being harmful in principle and the houses would also harm the openness of the green belt contrary to NPPF and policy CS5. They would also be likely to adversely impact the immediate character of the landscape and the setting of listed buildings. . The matters put forward in support of the application are not considered to be very special circumstances which would clearly outweigh the other harms identified as being caused by the development.

6.3 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 That planning permission is refused for the reasons set out below.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

REFUSAL REASONS

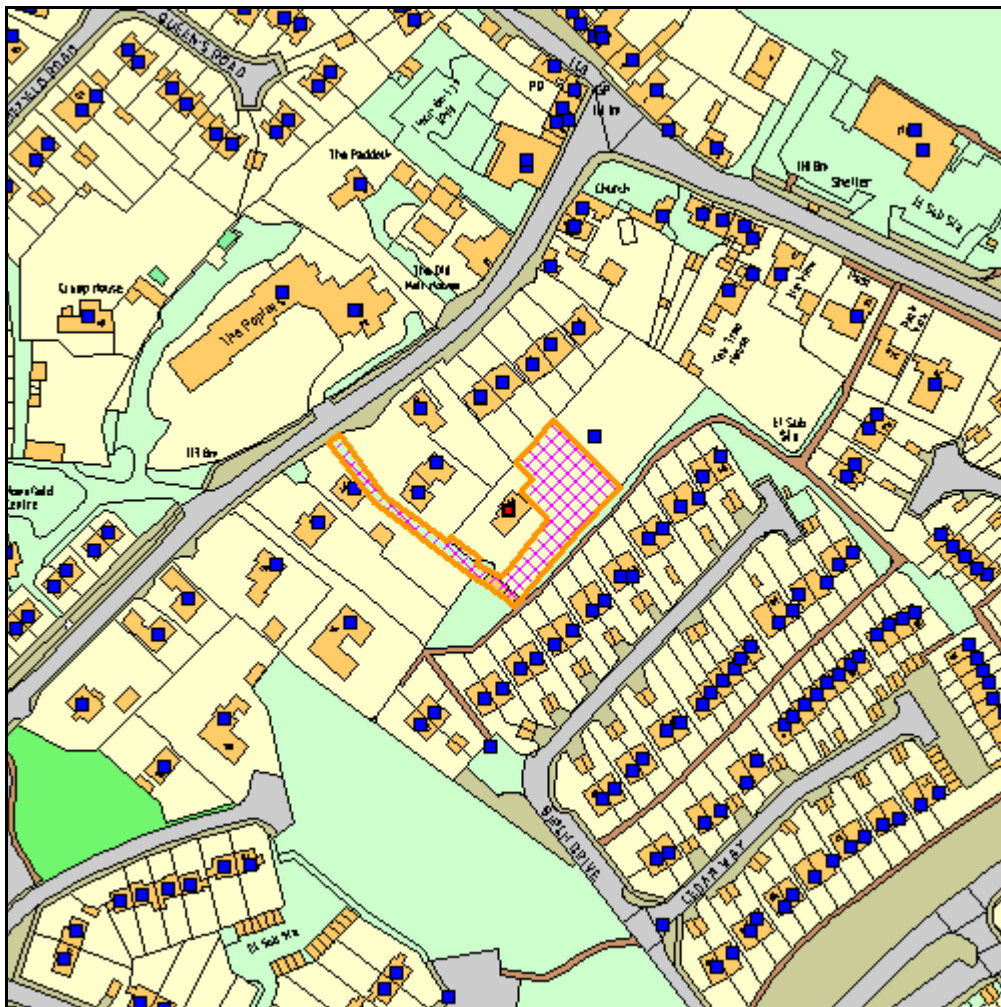
1. The site is located in the open countryside and within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of policy CS5 of the South

Gloucestershire Local Plan Core Strategy Adopted December 2013, and the National Planning Policy Framework including paragraph 14.

2. The site is located in the open countryside at a location remote from local facilities, where there are limited footways and an irregular bus service. As such the development would be car dependent and promotes unsustainable transport behaviour contrary to Paragraph 55 of the NPPF, policy CS8 of the South Gloucestershire Local plan Core Strategy adopted December 2013 and policy T12 (A) of South Gloucestershire Local Plan adopted January 2006.
3. The proposed development, by virtue of the scale and design of the houses, would cause harm to the setting of the nearby listed buildings, Ostlands Farm and Dean and Chapter House. The development is therefore contrary to section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF, policy CS9 of the South Gloucestershire Local Plan Core Strategy adopted December 2013 and saved policy L13 of the South Gloucestershire Local Plan adopted January 2006.

CIRCULATED SCHEDULE NO. 50/16 – 15 DECEMBER 2016

App No.:	PK16/5492/F	Applicant:	Heaton Homes Ltd
Site:	Little Green 25 Shortwood Road Pucklechurch Bristol South Gloucestershire BS16 9PL	Date Reg:	10th October 2016
Proposal:	Erection of 1no. detached dwelling and garage with associated works. (Resubmission of PK15/2490/F).	Parish:	Pucklechurch Parish Council
Map Ref:	369917 176310	Ward:	Boyd Valley
Application	Minor	Target	30th November
Category:		Date:	2016



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PK16/5492/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule for determination as comments of objection have been received. These are contrary to the officer's recommendation for approval which has had due regard to the findings of the appeal inspector and the modifications to the proposal.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of one detached dwelling on land to the northeast of 25 Shortwood Road in Pucklechurch. The site has a relatively complex planning history, as set out in section 3.
- 1.2 Planning permission was first sought for the erection of 3 dwellings on this site (PK14/1205/F); the application was withdrawn to address issues with the level of information submitted. Two concurrent applications were then submitted; one for 3 dwellings – in effect a resubmission of the earlier scheme (PK14/4166/F) and one for only a single dwelling (PK14/4164/F). A split decision was issued on the application for 3 dwellings which refused the houses but permitted the detached garage for no.25 itself (as this had an extant planning permission). Planning permission was granted for the single dwelling and in effect this formed 'plot 2' of the 3 dwellings. A planning application (PK15/2490/F) was then submitted for a single dwelling which would form 'plot 1' of the 3 dwelling scheme. An appeal was lodged against the non-determination of this planning application by the local planning authority (APP/P0119/W/15/3135284). A decision to dismiss the appeal was issued on 17 March 2016. The appeal was dismissed as the private drive serving the site was not considered adequate to provide safe access.
- 1.3 This application acts as a resubmission of PK15/2490/F in an attempt to overcome the reasoning of the Inspector in dismissing the appeal. If planning permission was granted, it would result in 3 dwellings being served by the access drive. Within this application, the access arrangements have been modified.
- 1.4 The application site contains the original large, detached house set in extensive gardens. Within these gardens, the development of 'plot 2' has been substantially completed. The site is set back from and concealed from the road as it is situated in land bounded by properties on Shortwood Road, Abson Road, and Birch Drive.
- 1.5 The site is located within the defined settlement boundary for Pucklechurch as shown on the proposals maps. It is also adjacent to, but excluded from, the village's conservation area. A number of trees surrounding the site are subject to Tree Preservation Orders. The site is visible from the public realm as a footway runs between Birch Drive and the application site.
- 1.6 It should be noted that the local planning authority has not previously raised objection to the principle of development on this site. This application must be determined against any 'outstanding' constraints to development; in this case the outstanding constraint is the Inspector's appeal decision. Should the issues

raised in the appeal decision be satisfactorily addressed, planning permission should be granted.

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 Managing the Environment and Heritage

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape

L5 Open Areas within Defined Settlement Boundaries

L12 Conservation Areas

T12 Transportation

H4 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

(a) South Gloucestershire Design Checklist (Adopted) August 2007

(b) Residential Parking Standard (Adopted) December 2013

(c) Pucklechurch Conservation Area (Adopted) July 2010

(d) Affordable Housing and Extra Care Housing (Adopted) May 2014

(e) Landscape Character Assessment (Adopted) November 2014

(f) Waste Guidance for New Developments (Adopted) January 2015

(g) CIL Charging Schedule and S106 (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/2490/F Non-determination 21/12/2015
Erection of 1no. detached dwelling with detached garage and associated works.

Appeal reference: APP/P0119/W/15/3135284

Appeal decision: Dismissed

Decision date: 17/03/2016

This application related to 'Plot 1' of the 3 dwellings proposed under PK14/4166/F. This development would have been in addition to that permitted and carried out under PK14/4164/F and would have cumulatively resulted in 3 dwellings on the site.

- 3.2 PK14/4166/F Split-decision 20/02/2015
Erection of 3no. detached dwellings and 3no detached garages with access and associated works. Erection of detached garage for existing dwelling. (Resubmission of PK14/1205/F).

Planning permission refused for the erection of 3 dwellings and garages; planning permission granted for the erection of replacement garage for existing dwelling. Should planning permission have been granted, cumulatively with the original dwelling this application would have resulted in a total of 4 dwellings on the site.

- 3.3 PK14/4164/F Approved with Conditions 31/03/2015
Erection of 1no. detached dwelling and detached garage with access and associated works.

This permission would form 'Plot 2' of the 3 dwellings proposed under PK14/4166/F. Cumulatively with the original dwelling this permission resulted in a total of 2 dwellings on the site.

- 3.4 PK14/1205/F Withdrawn 27/05/2014
Erection of 3no. detached dwellings and 3no detached garages with access and associated works. Erection of detached garage for existing dwelling.

4. CONSULTATION RESPONSES

- 4.1 Pucklechurch Parish Council
Objection: no provision for pedestrians along access drive; drive has poor visibility; shared surface does not protect pedestrians; cars cannot pass one another at the narrowest point of the drive; impact on the operation of Shortwood Road; no analysis of right turns.
- 4.2 Highway Structures
No comment
- 4.3 Lead Local Flood Authority
No objection
- 4.4 Luke Hall MP
Concern raised by constituent
- 4.5 Sustainable Transport
No objection
- 4.6 Tree Officer
No objection

Other Representations

- 4.7 Local Residents
10 public comments of objection have been received in relation to this application which raise the following points:

- access is too narrow
- bins on Shortwood Road would block the pavement
- building schedule an attempt to circumvent social housing
- collection of waste would result in a blockage to the public highway
- density of development too high
- development has adverse impact on nearby occupiers including: visual; overlooking; privacy; overshadowing
- development lead to a loss of garden
- doctors' surgery nearby
- existing access unsafe
- garden contains wildlife and birds
- if drive is blocked there is no access to the properties
- impossible for vehicles to pass along drive
- increase in width of drive does not improve visibility
- lack of information to suppress local residents from commenting
- landscaping has not been undertaken
- mitigation strategy does not cover the full number of species associated with site
- mitigation works insufficient to overcome access issues
- no content of pre-application advice included in the application form
- no provision for pedestrians
- noise/pollution/environmental impacts
- ongoing applications on the site leading to piecemeal attempt to circumvent previous decisions
- overwhelming opposition from local residents
- proposed building is too tall
- query street lighting
- remaining garden should be allocated to the 2 existing properties
- removal of village character
- servicing needs of development should be considered
- there is no precedent for infill development
- too little garden and amenity space provided
- use of access is hazardous
- waste collection point is too far from dwelling
- website promotes 4 properties for sale
- works have been undertaken without the consent of the appropriate landowner.

5. **ANALYSIS OF PROPOSAL**

5.1 Planning permission is sought for the erection of 1 detached dwelling on a site in Pucklechurch.

5.2 **Principle of Development**

The application site is located within the defined settlement boundary of Pucklechurch. Policy CS5 of the Core Strategy directs development to the existing urban areas and defined settlements and therefore the site is considered, in principle, suitable for development.

- 5.3 However, at present the local planning authority is unable to demonstrate a 5-year supply of deliverable housing land. As a result, paragraph 49 of the NPPF is engaged and the policies in the Development Plan which act to restrict the supply of housing should be considered out-of-date. When relevant policies in the Development Plan are out-of-date, proposals should be assessed against the presumption in favour of sustainable development. This states that planning permission should be granted unless the adverse impacts of doing so *significantly and demonstrably* outweigh the benefits of the proposal.
- 5.4 Given the site's location with the settlement boundary it is not considered that the current position with regard to housing land supply would have a significant impact on the principle of development on this site; the site is within an area identified for future development by policy CS5. What the housing supply shortfall does is introduce the threshold of 'significant and demonstrable'.
- 5.5 Therefore the proposed development is acceptable in principle but should be determined against the analysis set out below. Of particular importance is whether the alterations to the access lane are sufficient to overcome the reason for the appeal to be dismissed.
- 5.6 Transport and Highways
In order to assess whether the proposed alterations to the access are sufficient to overcome the Inspector's reasoning, the decision letter must be considered.
- 5.7 As part of the Inspector's decision, the main areas of concern were identified. The main area of concern in the decision letter is the constrained width of the access drive near its junction with Shortwood Road. The Inspector notes that the width of the access is substandard but that it is only marginally below standard. This leads onto a concern that the width of the access would result in drivers using the drive to have to reverse onto the public highway which may result in potentially dangerous conflicts.
- 5.8 To address this, changes have been made to the access – in particular the junction of the drive and Shortwood Road. Works include setting back the northern boundary wall to increase the width and the hedge has been replaced with a fence. The result is that the access is now 5.7 metres wide at the mouth of the drive which reduces to 4.8 metres wide some 8 metres from the kerb line on Shortwood Road. There is a single pinch point along the access drive where the width reduces to 4.1 metres with the width of the drive (beyond the widened "front" end) being between 4.3 and 4.5 metres in width.
- 5.9 These changes are significant. The effect of these modifications is that the access can now be considered appropriate for two-way vehicular traffic. As a result, the potential for conflict which would lead to conflicts with Shortwood Road have been reduced. The visibility at the mouth of the access drive is acceptable.
- 5.10 Previous concerns raised by the highways officer have been overcome through the modifications. Furthermore it is considered that these modifications also fully address the concerns raised by the Inspector and therefore no highway objection is raised to the proposal.

- 5.11 A pedestrian route will be marked along the access drive, although the drive would be subject to a shared surface treatment. The constraints on the access in terms of the telegraph and overhead power cables are to be removed and services re-laid underground. The proposed layout accords with the Residential Parking Standard SPD.
- 5.12 Character of Area and Heritage
Policy L5 seeks to protect open areas within defined settlements from development that would adversely affect the contribution that the open area makes to the quality, character, amenity and distinctiveness of the locality. No objection has previously been raised against development on this site on the basis that it would have an adverse impact on the character of the area through the loss of open land.
- 5.13 From Shortwood Road the site is concealed behind the existing houses. The site is visible from the footway to the north of Birch Drive, however Birch Drive is a Radburn style development and therefore houses stand between the vehicular carriageway and the site. This means that the site is not particularly visible from the main public view points unless using the footpath and the contribution that the site makes to the character of the wider area is mainly limited to the tops of the visible trees.
- 5.14 As part of the development, the trees will be retained. Therefore the development of the site is not considered to have an adverse impact on the character and amenity that the site offers to the locality and the proposal would not be contrary to policy L5 of the Local Plan. Any impact would be limited and very local in nature; such an impact would be outweighed by the provision of housing within the rural areas, particularly given the current lack of a 5-year housing land supply.
- 5.15 The site sits on the boundary of the conservation area to the north and west. Along these boundaries, the site is screened from the conservation area by the existing built form and therefore the site adds little to the character of the conservation area. Although there is some archaeological interest within Pucklechurch, the site has not been identified on the heritage record as being likely to hold archaeological remains. No heritage based objection to the redevelopment of this site is raised.
- 5.16 In terms of the presumption in favour of sustainable development, the impact of the proposal on the character of the area and its heritage value is not considered harmful and is therefore a neutral factor.
- 5.17 Layout and Density
The application site has a markedly different density to the surrounding development. Birch Drive to the south has a much higher density than the application site. Shortwood Road to the north also has a higher density. The proposed development is not considered to be harmful to the general density of development in the locality. Development within the defined settlement boundaries provides an opportunity to increase density in the interests of more sustainable development patterns.

- 5.18 It is not considered that the development would result in garden grabbing or be out of character with the prevailing characteristics of the locality. The layout of the site is considered to be acceptable, in terms of design. It is also not considered that loss the garden in its open form would be detrimental to the character and appearance of the locality.
- 5.19 In terms of the presumption in favour of sustainable development, the layout and density of the proposal are not considered harmful and is therefore a neutral factor.
- 5.20 Design and Appearance
The proposal consists of the erection of one detached dwelling and garage between the original dwelling on the site and the recently completed dwelling on 'plot 2'. The proposed dwelling generally reflects the proportions and massing of the existing house on the site. The proposed dwelling stands at 2½ storeys in height, with living accommodation within the roof space.
- 5.21 The proposed property is substantial and robust in appearance with a prominent roof and dormer window features. In terms of materials, the dwelling would be finished externally with a roughcast render and reconstructed stone lintels and cills on the front elevation. The roof would be finished with double roman tiles and the dormer and bay windows with a plain tile.
- 5.22 In the past planning applications and appeal, no objection has previously been raised by officers to the design and appearance of the dwellings. Properties in the vicinity of the application site have a mixed palette of materials and a diverse general appearance. There are various styles of properties including chalet bungalows, detached houses and cottages. It is therefore not considered that the development, as proposed, would be harmful to the visual amenity of the area. It is not considered that the massing of the properties is out of character with other properties in the area or cannot be reasonably expected within an existing settlement. The proposed property is consistent in its design approach to the dwelling previous permitted on 'plot 2'.
- 5.23 It is not considered that the development would result in harm from its design and appearance and therefore this is a neutral factor with regard to the presumption in favour of sustainable development.
- 5.24 Trees and Landscape
There are a number of protected trees in the vicinity of the application site which may be affected by development. An arboricultural report to include impact assessment, method statement and tree protection plan dated May 2014 by Hillside Trees Ltd. has been submitted for assessment. This report demonstrates that there is adequate protection for the existing trees and measures for the protection of the Root Protection Areas (RPAs) of trees where there is conflict with the proposal. Subject to a condition requiring the development to be carried out in accordance with the tree report there are no arboricultural objections
- 5.25 Under planning permission PK14/4164/F (which had the effect of granting development on 'plot 2'), a simple landscaping scheme was required by

- condition. This landscaping scheme covered the communal areas of the scheme and therefore no further landscaping would be required in connection with this development.
- 5.26 In terms of the presumption in favour of sustainable development, it is not considered that the proposal would result in harm should it be approved given that details can be managed through a condition. Therefore this is a neutral factor in reaching the planning balance.
- 5.27 Residential Amenity
No objection to the proposed development has previously been raised on the basis of its impact on residential amenity. The relationship between the proposed dwelling and both the original dwelling on the site and the new dwelling at 'plot 2' is considered to be acceptable; the relationship would not be unacceptable with regard to privacy, light, or overbearing impact.
- 5.28 The proposed dwelling would benefit from a reasonably good standard of amenity. The proposed garden is well sized (at 118 square metres) and considered to be commensurate with the size of the dwelling. Sufficient separation distances are proposed between the new dwelling and nearby dwellings so that there would be minimal overlooking between the new and existing properties.
- 5.29 It is noted that there is local concern over the impact of the development of this site on residential amenity. However, the site is located within an existing settlement and therefore a certain amount of development, along with a reasonable associated impact, should be expected. Between the proposed dwelling and the dwellings to the rear on Shortwood Road stands 28 metres and at the front there is 25 metres to the properties on Birch Drive. These distances are considered to be sufficient to protect levels of residential amenity as over approximately 22 metres it is unlikely to result direct visibility into rooms of other houses. It is noted that there would be some overlooking of the adjacent gardens, however, within an established settlement this cannot be considered to be unreasonable. The distance from the proposed dwelling and the boundary mean that the proposed house is unlikely to be overbearing, despite its mass.
- 5.30 It is not considered that the development would result in harm to the residential amenities or living conditions of nearby occupiers. Therefore in terms of the presumption in favour of sustainable development this is given neutral weight.
- 5.31 Ecology
When development was first proposed on this site, the site consisted of a well-maintained garden comprising mown lawn, ornamental shrubs and trees and vegetable beds of limited value for nature conservation. However, mature gardens can offer suitable habitat for hedgehogs and slowworms.
- 5.32 Slowworms are protected against intentional or reckless killing or injuring under the Wildlife & Countryside Act 1981 (as amended) and CROW Act 2000. They are also a species listed on the South Gloucestershire Biodiversity Action Plan (SGBAP). Conversely, hedgehog is a Priority Species nationally, being listed

under Section 41 of the Natural Environment & Rural Communities (NERC) Act 2006.

- 5.33 An ecological mitigation strategy was required by condition on previous planning permissions. Details have been submitted with this application and therefore would form the basis of a condition.
- 5.34 Given that any harm to ecology can be mitigated through the use of conditions, it is not considered that the proposal would have a detrimental impact on ecology. Therefore in the context of the presumption in favour of sustainable development this is given neutral weight.
- 5.35 Presumption in Favour of Sustainable Development
The presumption in favour of sustainable development states that when the relevant policies in the development plan are out-of-date, applications should be approved unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits of the proposal or when specific guidance in the NPPF indicates that planning permission should be resisted.
- 5.36 In terms of benefits, should planning permission be granted, it would result in 1 additional dwelling within the district. This level of development would not have a notable impact on overall housing supply. Nonetheless a site such as this is likely to be delivered within a period of 5 years and therefore the development would result in a moderate socio-economic benefit through the provision of housing to meet the identified shortfall.
- 5.37 Through the appeal process, it was concluded that the development would result in a severe impact on highway safety and as a result the proposal failed to comply with specific guidance in paragraph 32 of the NPPF. As such it failed the presumption in favour of sustainable development. Modifications to the access have been made which overcome the areas of concern raised by the Inspector. It is no longer considered that the development would have a severe impact on highway safety and the access arrangements do not act as a constraint to development.
- 5.38 The analysis above has not identified any environmental or social harms that cannot be adequately addressed. When this is assessed against the moderate benefit of the proposal, the balance falls in favour of granting planning permission.
- 5.39 Other Matters
Some matters raised as a result of the public consultation have not been addressed in the body of this report and shall be considered here.
- 5.40 Every planning application is assessed on its own merits and therefore it cannot be considered that if the planning application was granted this would necessarily set a precedent for other developments to also gain planning permission. However, it is acknowledged that should this application be approved, it would be a material consideration for other applications for development nearby.

- 5.41 Matters of land ownership, access over land, utility supplies, rights to light, and damage to third parties are civil matters and are given very little weight in assessing this application. The agent has submitted certificate B to indicate that all relevant landowners have been consulted on this application. Street lighting would be a matter for the applicant as it is not proposed that the access track become adopted.
- 5.42 Much concern has been raised with regard to waste collection. It is acknowledged that bins will need to be collected from a suitable location. If this is the public highway, then any inconvenience is temporary in nature being restricted to waste collection day. It is therefore given little weight in reaching a recommendation.
- 5.43 Each application is assessed on its own merits. There is nothing to prevent a series of applications from being submitted on a development site. Where these are undertaken to artificially avoid social housing, there are means available to the authority to seek a contribution on the development as a whole. It is not considered that such a situation exists here at this time. Furthermore there is no requirement for an applicant to release all details of pre-application advice on the application form. It is not considered that this would suppress any comments from local residents in relation to the application. Whilst the level of objection from local residents is noted, it is not reason to resist the development.
- 5.44 Landscaping needs to be undertaken at a certain time of year and therefore the lack of landscaping at this time is not a cause for concern. Mechanisms are in place to require landscaping to be undertaken should the trigger points be missed. It is not in the remit of the application before the council to dismiss the proposal and require the land to be allocated as garden to the existing properties. Whilst the developer's website may be promoting 4 properties for sale, it is still necessary to gain the appropriate planning permissions.

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.

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. 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 to accord with the provisions of the National Planning Policy Framework. This is required prior to commencement to avoid remedial works.

3. The development hereby approved shall be carried out in accordance with the scheme of landscaping associated with planning permission PK14/4164/F.

Reason

To protect the character and appearance of the area to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy H4, L1 and L5 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

4. The development shall be carried out in accordance with the mitigation strategy for avoiding killing or injuring slowworms or hedgehogs prepared by Crossman Associates reference 18082015.

Reason

To avoid harm to protected species and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

5. The off-street parking facilities shown on plan PL401g shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

6. The development hereby approved shall be carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan prepared by Hillside Trees Ltd dated August 2015

Reason

To protect the character and appearance of the area to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy H4, L1 and L5 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

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

Reason

To protect the amenities of nearby occupiers during construction and to accord with the National Planning Policy Framework and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

8. Prior to the first occupation of the dwelling hereby permitted, the demarcated pedestrian walkway, as indicated on plan PL-403g, shall be provided in full and thereafter retained.

Reason

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

9. The dwelling hereby permitted shall not be occupied until the access drive is upgraded as shown on plan PL-403g. The access shall thereafter be retained as upgraded.

Reason

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

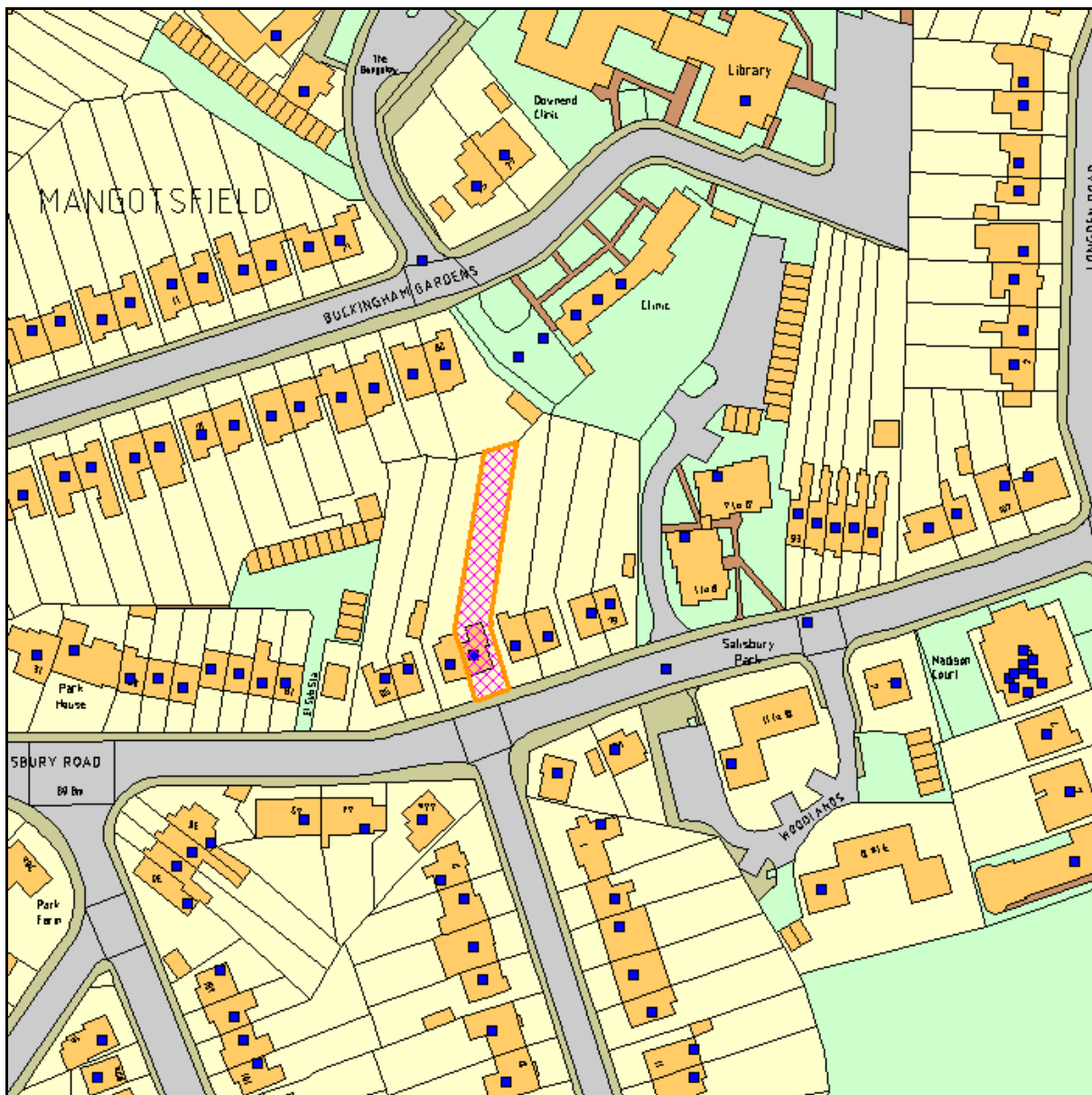
10. The development shall be carried out in accordance with the following plans: PL-401g Proposed Block Plan, PL-402g Proposed Site Layout Plan, PL-403g Proposed Access Details, PL-411 Proposed Floor Plans, PL-412 Proposed Elevations, PL-413 Combined Proposed Garage Plans, LOC4 Location and Block Plan, and EX10 Existing Site Survey, received by the Council 4 October 2016.

Reason

In the interests of proper planning and for the avoidance of doubt.

CIRCULATED SCHEDULE NO. 50/16 – 15 DECEMBER 2016

App No.:	PK16/5988/F	Applicant:	Mrs Michelle Hook
Site:	71 Salisbury Road Downend Bristol South Gloucestershire BS16 5RJ	Date Reg:	4th November 2016
Proposal:	Partial demolition of existing rear extension and erection of single storey rear extension, first floor side extension and raised patio area.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365380 176594	Ward:	Downend
Application Category:	Householder	Target Date:	27th December 2016



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PK16/5988/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This appears on the Circulated Schedule as one neighbouring occupier has objected contrary to the officer recommendation.

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 This application seeks full planning permission for the partial demolition of an existing rear extension, the erection of a single storey rear extension, as well as a first floor side extension and raised patio area at 71 Salisbury Road in Downend.
- 1.2 The application site comprises a semi-detached property which benefits from a large, narrow plot in the built up residential area of Downend, which makes up part of the East fringe of Bristol urban area. The properties elevation comprise of render with some brick detailing, it has UPVC windows and a concrete tiled roof. The ground level of the site lowers towards the rear garden. The property is located in a mixed character area, however, dwellings surrounding the application site are largely semi-detached and of similar design.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance 2014
- 2.2 Adopted 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
CS29 Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control Policy for New Development
- 2.3 Emerging Development Plan

South Gloucestershire Local Plan, Proposed Submission: Policies, Sites and Places (PSP) Plan, June 2016
PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP38 Development within Existing Residential Curtilages
- 2.4 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)
Residential Parking Standard SPD (Adopted) December 2013

3.

- ### 3.1

4.

- ## 4.1

Other Representations

- ## 4.2

5.

- ## 5.1

- ## 5.2

- ## 5.3

- ## 5.4

However, the case officer considers that given it would be set back from the main front building of the property by 4.6 metres, and would be modest in scale, it is unlikely to have a detrimental impact on the surrounding area, or constitute an intrusive addition to the streetscene.

5.5 *Single storey rear extension*

The existing rear element of the single storey extension would be demolished and would be replaced with the proposed single storey rear addition. It would extend to match the angular boundary of the rear garden which lies towards the south east, away from the main property. The extension would be formed so that its rear elevation faces directly down the angular rear garden.

5.6 It would run along the entire rear elevation, and would have a width of 6 metres. Given its orientation, the western element of the extension would have a maximum depth of 5 metres, and follow an angular line to the eastern element of the extension. This would have a maximum depth of 2.5 metres, and similar to the existing extension at this point. The rear extension would have a flat roof with a large glazed roof lantern, and would have a maximum height of 4 metres, and a height of 3.7 metres at the eaves. In addition to the roof lantern, it would introduce patio doors and 1no. window to the rear elevation.

5.7 The extension would not constitute permitted development as it would not comply with criteria as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, A.1, (i). It would be within 2 metres of the boundary of the curtilage of the dwelling, and the height of the eaves would exceed 3 metres.

5.8 *Raised patio area*

The ground level at the site slopes downward toward the rear garden, as such there is an existing raised patio area and steps from the existing single storey extension. The ground floor level of the property is approximately 1.7 metres higher than the immediate adjacent area of rear garden. This application proposes to install a rear raised patio area which would extend from the proposed single storey rear extension. It would have a height of 1.4 metres at the highest point and would have a depth of 3.2 metres, and a width of 6.2 metres. It would also have steps down to the rear garden and provide the occupiers with a functional patio area.

5.9 *Cumulative impact on design and visual amenity*

The application proposes a number of alterations to the property, which are considered appropriate given the size and context of the site. It is noted that the flat roof design of the extension is not a preferable, however this is alleviated somewhat by the glazed roof lantern, and given it would be wholly enclosed within the rear garden, it is considered acceptable in this instance. It is proposed that all materials would match those found on the existing property, and overall, it is considered that the development would not be detrimental to the character of the property or its context. Accordingly, the proposal is acceptable in terms of design and visual amenity, and would comply with Policy CS1 of the Core Strategy.

5.10 Residential Amenity

The property adjoins No.69 Salisbury Road to the west and together they form a semi-detached pair. The adjacent property has a single storey conservatory adjacent to part of the boundary. It is noted that the increased amount of built form constructed next to the shared boundary would represent some change to the existing situation. However, the extension would largely face away from the neighbours built form. Furthermore, the extension represents a reduction in height than the existing extension at the site. Accordingly, it is unlikely to have a detrimental impact on the residential amenity of these occupiers.

5.11 To the east sits No.73 Salisbury Road, concerns were expressed by these occupiers in relation to overshadowing and overbearing as a result of the first floor side extension. These comments are acknowledged, however, the first floor element of the development would not extend beyond the existing main rear building line of the property, which matches No.73 equivalent. Accordingly, it is not considered that the first floor extension would have a material impact to the residential amenity of these occupiers. Furthermore, it is noted that nearest the shared boundary, the proposed single storey rear extension would be 0.5 metres lower in height than the existing.

5.12 Given the assessment above, it is considered the proposed development would not be detrimental to residential amenity and is deemed to comply with saved Policy H4 of the Local Plan (2006).

5.13 Highways

Plans show that the development would not introduce any further bedrooms to the property, nor would impact on the existing parking provision or access at the site. Accordingly, there is no objection raised in relation to highway matters.

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

CONDITIONS

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

Reason

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

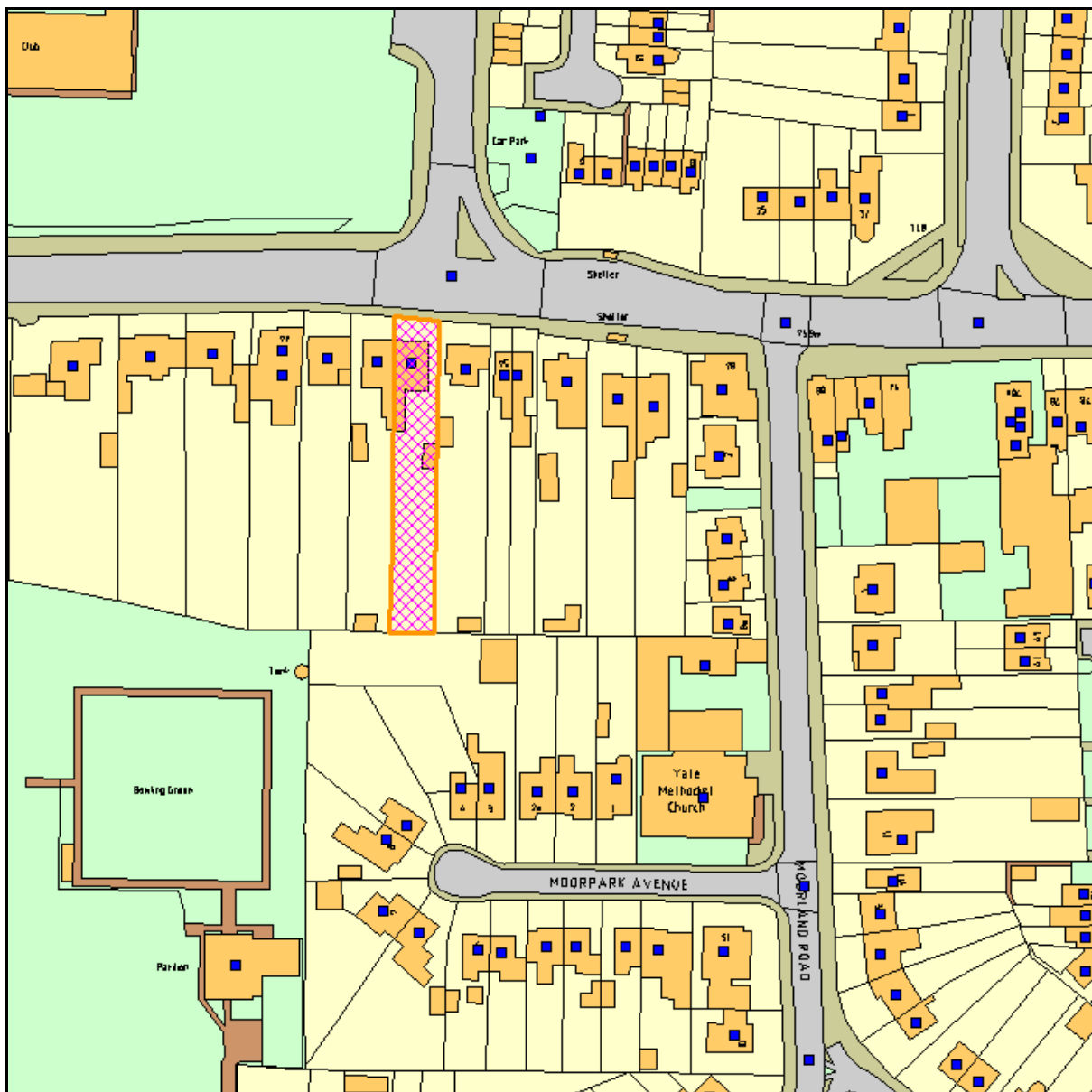
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 50/16 – 15 DECEMBER 2016

App No.:	PK16/6109/F	Applicant:	Mr And Mrs Marc And Rachael Laird
Site:	50 Station Road Yate Bristol South Gloucestershire BS37 4PW	Date Reg:	10th November 2016
Proposal:	Demolition of existing rear extension. Erection of single storey rear extension to provide additional living accommodation	Parish:	Yate Town Council
Map Ref:	370500 182497	Ward:	Yate Central
Application Category:	Householder	Target Date:	2nd January 2017



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PK16/6109/F

REASON FOR SUBMISSION 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 demolition of an existing rear extension in order to facilitate the erection of a single storey rear extension to provide additional living accommodation.
- 1.2 The application site is no. 50 Station Road within the urban area of Yate, the host unit is a two storey semi-detached property and the rear extension to be demolished is single storey in scale and has a depth of approximately 8.5 metres. The proposed extension to replace this existing structure will also be approximately 8.5 metres and will not be built off the shared party wall.
- 1.3 The proposed extension would form a utility room and garden room with a bathroom. The existing extension was used as a utility/WC and store.
- 1.4 The submitted plans indicate that it is intended to replace the existing rear elevation finish (render) with a stone finish, the front and side elevations of the host unit are finished in stone. Given the fact that the elevation to subject to this change is a rear elevation, officers find the proposal to be non-material in nature, meaning express planning permission is not required.

2. POLICY CONTEXT

2.1 National Guidance

NPPF	National Planning Policy Framework March
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

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12	Transportation
H4	Development within Existing Residential Curtilages

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking 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

3. **RELEVANT PLANNING HISTORY**

- 3.1 None received.

4. **CONSULTATION RESPONSES**

- 4.1 Yate Town Council
Objection – the extension cannot be completed as per the plan because it shows a rendered wall with no access to actually be able to render the wall. The plan therefore needs to be revised.

Other Representations

- 4.2 Local Residents
One letter has been received from a member of the public in response to this application. This comment include both comments of objection and support for the proposal, but overall the comment leant more toward objection than support. The comment has been summarised below:
- The existing structure has a poor appearance and the proposal represents an improvement;
 - Concerns over the feasibility of the design – accessing the western elevation;
 - Existing extension shares a party wall with rear extension of the commenter's dwelling – concerns regarding: insulation and damp/weather proofing;
 - Proposal would leave an inaccessible gap – cause a number of problems such as a refuge for vermin;
 - Due to distance between the proposed structure and existing neighbouring structure the foundations would be impossible to excavate;
 - Inaccessibility of western elevation – how could it be rendered as proposed?

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of a rear extension to a residential dwelling within an urban location.
- 5.2 Principle of Development
Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted if the highest possible standards of site planning and design are achieved. Meaning developments should demonstrate that they: enhance and respect the character, distinctiveness and amenity of the site and its context; have an appropriate density and well integrated layout connecting the development to wider transport networks; safeguard and enhance important existing features through incorporation into development; and contribute to strategic objectives.
- 5.3 Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) is supportive in principle of development within the curtilage of existing dwellings. This support is provided proposals respect the existing design; do not prejudice residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation.
- 5.4 The proposal is acceptable in principle subject to the development having an acceptable impact of the amenity of the area.
- 5.5 Design and Visual Amenity
The proposal will replace an existing single storey extension. The replacement extension will have a mono pitch roof like the existing extension does, and will have same depth as the existing extension. The proposed extension will however have a greater width and height, nonetheless the scale of the proposal is considered to be acceptable. The proposal will stone as used within the existing dwelling, and the fenestration will be composed of largely aluminium, further to this the roof tiles will be concrete as used in the existing dwelling. Overall, the proposal represents a material improvement when compared to the existing rear extension which this development proposes to replace.
- 5.6 Overall the proposal has a high quality of design that represents a material improvement when considering the existing rear extension. Positive weight is therefore attached to the proposal's design in the determination of this planning application.
- 5.7 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.
- 5.8 The proposal's scale mean the nearby occupiers' residential amenity will not be materially harmed by the proposal. Similarly, due to the boundary treatments at the site and the proposed function of the rear extension, the proposal will not result in a material loss of privacy to any nearby residents. Overall, the proposal will not materially prejudice the amenity of any neighbouring occupiers.

5.9 Transport and Parking

The proposal does not materially increase the number of bedrooms at the application site, and the development proposed does not materially impact the available parking area at the site. Accordingly, there are no transport objections to the proposed development.

5.10 Other Matters

Officers understand the issue raised by both the Town Council and the adjacent neighbour. The proposal will leave a small gap in between the neighbouring rear extension and the proposed western elevation. This is not considered a reason to refuse this planning application. The proposal's west elevation is identified to be finished in render and officers must assume that there are methods in which this elevation can be finished in the proposed material given the submitted plans. Notwithstanding this, the elevation would largely not be visible to nearby residents which does reduce officer concerns. The issues raised with regard to the foundations of the proposal and also matters of insulation and weather proofing the existing party wall are addressed within separate legislation to planning – The Party Wall Act 1996. Further to this, the applicant would require the land owner's permission to enter land that is not within the applicant's ownership. Informative notes will be added to the decision notice addressing the Party Wall Act 1996 and relevant ownership issues. The fact that vermin and litter may collect within the gap is not considered a reason to refuse the proposal.

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 condition below.

Contact Officer: **Matthew Bunt**
Tel. No. **01454 863131**

CONDITIONS

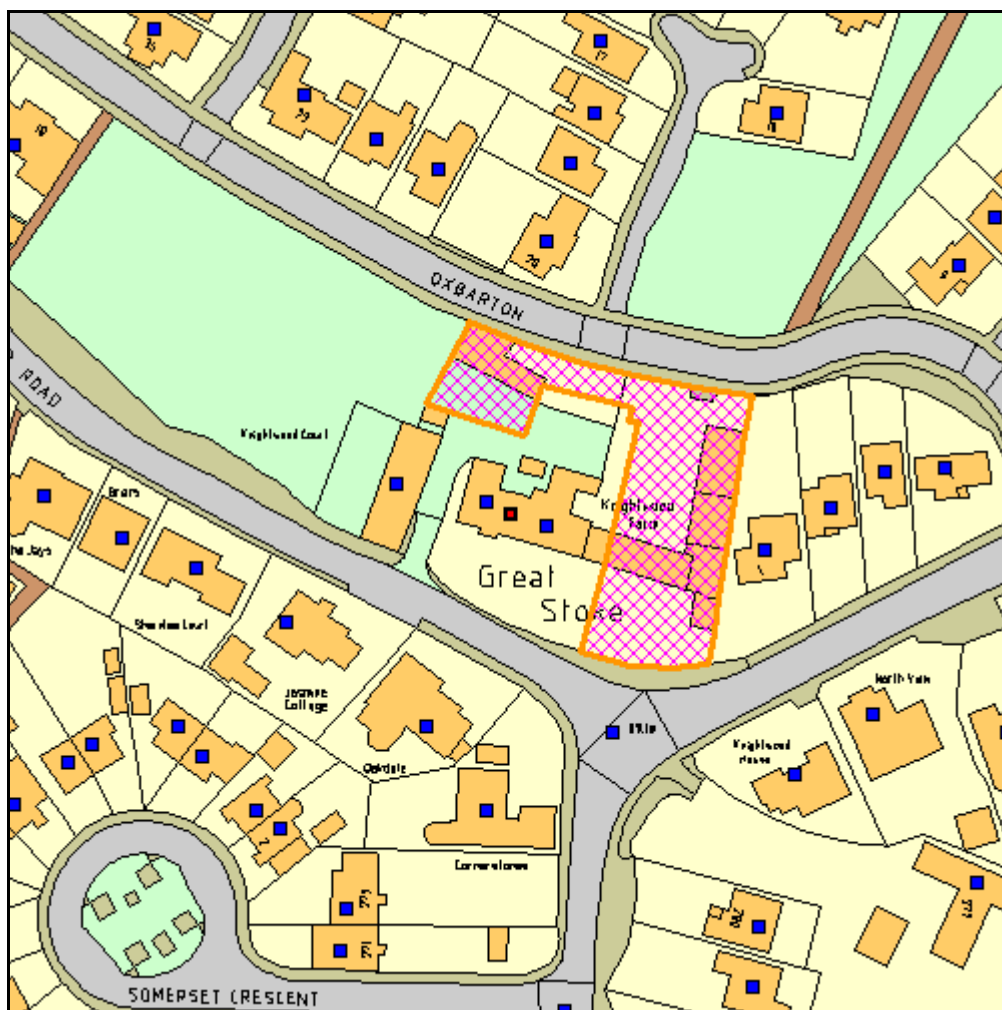
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 50/16 – 15 DECEMBER 2016

App No.:	PT16/3748/F	Applicant:	Mr R Ashman
Site:	Knightwood Farm Mead Road Stoke Gifford South Gloucestershire BS34 8PS	Date Reg:	27th June 2016
Proposal:	Demolition of outbuildings and erection of 4no. dwellings with access and associated works. (Resubmission of PT15/5430/F).	Parish:	Stoke Gifford Parish Council
Map Ref:	362730 180403	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	19th August 2016



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PT16/3748/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of existing outbuildings, which appear to be farm buildings of the former Knightwood Farm and the erection of 4 no. dwellings with access and associated works. Planning permission was granted in 1985 for a large residential development around the site and the area is mainly characterised by a group of 2-storey detached dwellings. The outbuildings are constructed of concrete block under corrugated roof sheeting with open frontage. The submitted Design and Access Statement has indicated that the agricultural purposes has ceased and has been used for the domestic storage for the applicant. Given the planning history of the site, officers are satisfied that the existing outbuildings are used for domestic purposes and located within the residential curtilage of former Knightwood Farm, which is now namely Upper House and Lower House. The proposal would also include a demolition of existing stone wall along the northern boundary adjacent to Oxbarton in order to provide parking spaces and vehicular access for the proposed development. There would not be any new access from Mead Road.
- 1.2 It should also be noted that this is a resubmission application, and previous two planning applications were withdrawn in order to address a number of concerns. The major differences of this proposal is the total number of the new dwellings, which has been reduced from the original 6 no. dwellings to the current proposal for 4 no. dwellings. In addition, the siting, scale and design of the dwellings are significantly different from the firstly proposed. During the course of the application, the proposed eastern elevation drawing has been submitted showing the rear elevation of plot 2, 3 and 4. Also a number of changes have also been made to the proposed dwellings, in terms of their height, scale and design.
- 1.3 The application site comprises a number of outbuildings adjacent to two-storey semi-detached cottage, which are situated on the northern side of Mead Road within the established residential area of Stoke Gifford. Planning permission was granted for their subdivision in 2012. The host cottages, Upper House and Lower House, are locally listed building, and may in part date from C16. The cottages comprise stone and render walls, clay pantiles and double Roman tiles and timber framed fenestration. The building is encompassed by a dual pitched roof and the eaves are broken by steep roof gables. There is an existing vehicular access is off Mead Road through a timber swing gate onto a hardstanding parking/turning area to the side and rear of the property. There is no proposal to alter this access.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

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

T12	Highway safety
L9	Species Protection
L11	Archaeology
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
L15	Buildings and Structures which Makes a Significant Contribution to the Character and Distinctiveness of the Locality

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1	High Quality Design
CS4A	Presumption in favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and developer contributions
CS8	Improving Accessibility
CS9	Heritage and the natural environment
CS16	Housing Density
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol Urban Areas

2.3 Supplementary Planning Guidance and other relevant documents

Residential Parking Standards SPD (Adopted 2013)
South Gloucestershire Biodiversity Action Plan (Adopted)
The South Gloucestershire Design Check List SPD (Adopted August 2007)
Local List SPD (Adopted 2008)
Trees on Development Sites SPD Adopted Nov. 2005
Waste Collection Guidance for new developments January 2015 SPD
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
SPD – Adopted March 2015
South Gloucestershire Health Improvement Strategy 2012-2016

2.4 Emerging Policy: Proposed Submission: Policies, Sites and Places Plan (June 2016)

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment

PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourses Management
PSP21	Environmental Pollution and Impacts
PSP37	Internal Space and Accessibility Standards for Dwellings
PSP43	Private Amenity Space Standards

3. **RELEVANT PLANNING HISTORY**

The site has been subject to a number of planning applications in the past, however the following are the most relevant to the determination of this application:

- 3.1 PT15/5430/F Demolition of outbuildings and erection of 5 no. dwellings and 1 no. garage with new access and associated. Withdrawn.
- 3.2 PT14/4905/F Demolition of outbuildings and erection of 6 no. dwellings and 5 no. garages with access and associated works. Withdrawn.
- 3.3 PT12/0031/F Subdivision of existing dwelling to form 2 no. dwellings with access, parking and associated works. Approved 02/03/12
- 3.4 PT11/2478/F, erection of single storey extension to facilitate the subdivision of existing dwelling into 2 no. dwellings with parking and associated works, withdrawn.
- 3.5 PT02/2910/F Conversion of existing agricultural building for office use and formation of vehicular access (in accordance with amended plans received by the Council on 6 November 2002), approval, 18/11/02.

4. **CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council
No Objection - This site has gone from a proposal for 6 dwellings and 5 garages via 5 dwellings and one garage to the current redesign which appears more in keeping with the former farm setting. Hours of work to be included in the planning conditions if consent granted.
- 4.2 Transportation DC Officer
No objection.
- 4.3 Conservation Officer
No objection to the revised proposal subject to conditions seeking large scale details and a sample of external materials.
- 4.4 Archaeology Officer
No objection subject to a condition seeking a programme of archaeological watching brief.
- 4.5 Environmental Protection Team
No objection subject to a condition seeking contamination investigation and mitigation measures.

4.6 Drainage Engineer

No objection subject to a condition seeking drainage details.

4.7 Tree Officer

There are no tree issues relating to this application

4.8 Highway Structures

No objection. The applicant is advised regarding the boundary wall alongside the public highway or open space.

Other Representations

4.9 Local Residents

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

- Loss of light to the rear garden of the adjacent property, No. 1 and No. 3 Knightwood Road due to the height and length of the wall that will form the boundary between plots 2-4 and No. 1 Knightwood Road.
- Overbearing impact given the open nature of the current situation and would affect the enjoyment of the gardens
- Over sailing of the roof construction, guttering and down pipes on the east elevation
- Overlooking impact due to rooflights
- The development is at the proximity to the trees at No. 1 Knightwood Road
- The original boundary / retaining wall is not straight and it comprises of various barns and milking sheds possibly hundreds of years old, and now a straight wall shown on the block plan
- No eastern elevation drawings submitted
- Will the new retaining wall to be a freestanding wall
- Overdevelopment
- Knightwood Farm and outbuildings are the only example left in Stoke Gifford that makes a significant contribution to the character and distinctiveness of the locality, a local listed building
- Traffic hazard and existing parking issues in Oxbarton and the locality
- The entrance to Oxbarton is already an issue due to the existing trees
- The proposed parking already obscures drivers visibility
- The proposed access is at a tight bend, opposite a footpath, the large amount of on-street parking in Oxbarton

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 The application stands to be assessed against the above listed policies and all material considerations. On 27th March 2012 the National Planning Policy Framework (NPPF) was published. The policies in this Framework are to be applied from this date with due weight being given to the saved policies in the South Gloucestershire Local Plan 2006 (SGLP) subject to their degree of

consistency with this Framework. It is considered that the Local Plan policies as stated in this report are broadly in compliance with the NPPF.

- 5.2 The Annual Monitoring Report (December 2015) shows that South Gloucestershire Council does not currently have a five year housing 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. Notwithstanding the above, the adopted development plan is the starting position.
- 5.3 The site is located within an established residential area of Stoke Gifford and the proposed dwellings are situated within the curtilage of former Knightwood Farm, which comprises a pair of two-storey cottages. The principle of the proposed development is therefore acceptable by virtue of policy CS5 of the adopted Core Strategy and the saved policies H4 of the adopted Local Plan, which allows residential development within existing residential curtilages.
- 5.4 The main issues to consider in this instance are the appearance/form of the proposal and the impact on the character of the area, the impact on the residential amenity of neighbouring occupiers, whether the proposal provides a sufficient level of private amenity space and transportation effects. Whilst the building is not listed, it is still a heritage asset, which makes a positive contribution to the character of the area. The NPPF and policy CS9 of the adopted Core Strategy and saved Policy L15 of the adopted Local Plan require that heritage assets of historical importance are protected and where appropriate, enhanced. Therefore, careful consideration is required with regards to the effect on the appearance of the dwelling, which contributes positively to the character of the area.
- 5.5 Appearance/Form and Impact on the Character of the Heritage Asset
The application follows pre-application discussions with the agent to find a form and quantum of development that respects the character of the site, the setting of the locally listed building and the agrarian origins of the site. The detached dwellings have been replaced with a U-shaped building based partly on the footprint of the existing barns and a separate detached dwelling replacing a small stone built barn/garage already on site.
- 5.6 The layout proposed is acceptable in principle as it reduces the intensity of development and the encroachment of built form previously seen with the proposed 5/6 detached dwellings in the immediate setting of the locally listed farmhouse. The views along Knightwood Road towards the farmhouse are also respected compared to earlier schemes where new detached buildings have been proposed. The layout is based on the historic arrangement and layout of the existing buildings, most of which are 20th century replacements of earlier

structures and maintains an open core to the site and good sized rear gardens for the farmhouse.

- 5.7 The Conservation Officer originally raised concerns regarding the design, scale, proportions and elevation treatments of the individual buildings. The revised proposal has been submitted to address these concerns. The revised proposal shows the dwelling at plot 1 has been simplified on the front elevation by removing the original dormers, the eaves and ridge height of dwellings at plot 2-4 have also been reduced and a hipped roof has been introduced to replace a gable end. The general fenestration design reflects the simple character and origins of the existing farmhouse.
- 5.8 Part of the proposal is to remove the existing wall along the northern boundary of the site in order to provide additional parking spaces. Although the proposal would result in a loss of existing wall, it is considered that such loss would not cause significant adverse impact upon the setting of the locally listed building or the character of area. As such, there is no objection to its removal.
- 5.9 It is therefore considered that the revised proposal would respect the historic character of the site and the design of the dwellings is acceptable. As such, there is no historic objection subject to conditions seeking large scale drawings of details, details and samples of external materials.
- 5.10 Residential Amenity
The proposal is to demolish the existing outbuildings and to erect 4 no. dwellings with new parking spaces off Oxbarton. The nearest residential properties to the proposed new dwellings would be No. 1 Knightwood Road, the existing two cottages (Upper House and Lower House), No. 20 Oxbarton. Therefore the potential impact assessments are discussed as follow:
- 5.11 No. 1 Knightwood Road
The proposal is to demolish the existing buildings, which abuts the western boundary of No. 1 Knightwood Road and to erect a 2.1 metres high retaining wall and the new dwellings would be immediately behind the new wall. The residents raise concerns regarding the height and length of the proposed dwellings at plot 2, 3 and 4 and the potential overlooking impact. During the course of the applicant, a revised proposal has been submitted to reduce the height of the dwellings at plot 3 and 4, which are adjacent to No. 1 Knightwood Road and also to replace the gable end with a hipped roof at plot 2.
- 5.12 The existing walls, which are part of the farm buildings, are approximately 2.5 to 4 metres in height and approximately 2.5 metres from the gable wall of the No. 1 Knightwood Road. Part of the existing building has a flat roof and part of the building has a ridge with approximately 6.5 metres. There is a window facing the rear garden of the neighbouring property, although it appears not be in use. The proposed dwelling would have a pitched roof with a height from approximately 4.5 metres to 6.4 metres to its ridge and they would abut behind the new retaining wall. Whilst part of the proposed development would be higher and longer than the existing buildings, the proposed dwellings would have a pitched roof with the eaves would only be approximately 0.8-1 metres

higher than the existing wall and the new retaining wall would be lower than the existing retaining wall. In addition, the new dwellings would not come closer towards No.1 Knightwood Road and they would still retain the same distance from the side elevation of the neighbouring property. As the proposed dwellings would have a hipped roof, it would help to minimise some overbearing impact upon the neighbouring property. As such, it is considered that the proposal would not cause unreasonable overbearing impact upon the neighbouring property.

- 5.13 With regard to the potential loss of daylight and sunlight, it should be noted that there are currently a number of buildings along the boundary with an eaves height of approximately 2.5 metres to 4 metres. The proposed dwellings, plot 2-4, would largely replace these existing buildings. The new dwellings would be slightly set back, but they would be higher and longer than the existing buildings. Given the location and height of the proposed dwellings, the proposal would likely cause a degree of loss of daylight or sunlight to the outdoor amenity space of the adjacent property, in particular in winter time. Nevertheless, there are already existing buildings that abut the boundary, it is considered that such loss of daylight / sunlight, on balance, would not be significant to be detrimental to the living conditions of the adjacent residents to warrant a refusal of this application.

5.14 Upper House

The closest new dwelling to Upper House would be plot 4, which would be located further away compared with the existing outbuilding. The new dwelling would leave a reasonable space between two properties. Given that plot 4 would only be single storey dwelling and there would be some planting along the eastern boundary of Upper House, it is considered that the proposed dwelling at plot 4 would not cause any adverse impact upon the amenity of the residents of Upper House.

5.15 Lower House and the converted office

The closest new dwelling to Lower House and the converted office building is plot 1, which is to replace two existing outbuildings (garage and store). Plot 1 would be a single storey dwelling with bedrooms in the attic area, the rear elevation of plot 1 would be approximately 13 metres from the rear elevation of Lower House. Although there is a small window, which appears to be installed at a snug/guest room, on the rear elevation of Lower House, it would retain a reasonable distance from the proposed dwelling and there would be a degree of overlooking, it is considered that the such overlooking would not be significant to be harmful to the residential amenity of the nearby residents and the future residents. In addition, given the reasonable between the buildings, it is considered that the overbearing impact would not be unreasonable.

5.16 Oxbarton

The nearest new dwelling to Oxbarton would be plot 1, which would be fronting the public highway, Oxbarton. No. 20 Oxbarton is a two storey detached dwelling with a gable end to the south elevation, where is no primary window. Given that the proposed dwelling would be approximately 12 metres from the side elevation of No. 20 Oxbarton, it is considered that the proposal would not cause any unreasonable overbearing or overlooking impact upon this

neighbouring property. Plot 2 would also be fronting Oxbarton, and it would be looking over the public green space opposite. As such, the new dwelling would not cause any adverse impact upon the amenity of the locality.

5.17 Provision of amenity space

The proposal largely reflects the footprint of the existing outbuildings. The site is approximately 0.19 hectares in area, as such the density of the proposal would be approximately 21 no. dwellings per hectares. Whilst the density would be lower than the adjacent development, it would be more important to preserve the historic setting of the existing locally listed buildings namely Upper House and Lower House, therefore, it is considered that the proposed density would be appropriate and acceptable in this instance.

5.18 The existing cottages, Lower House and Upper House, would retain their front garden and part of the rear garden. Beyond the rear garden would be the new parking spaces for the new dwellings. It is considered that the size of the outdoor amenity space for the existing cottages is adequate.

5.19 Plot 1 is a 3-bed single storey dwelling with bedrooms in attic area and would be located at the northwest corner of the site. The private outdoor amenity space would be approximately 5 metres by 12 metres. It is considered that the provision is adequate and acceptable.

5.20 Plot 2, 3 and 4 would be 2-4 bedroom dwellings. The design principle of the proposal is to replicate the footprint of the outbuildings and to create a cottage new development, which would share the courtyard area, in order to protect the historic setting of the locally listed building. Emerging policy PSP43 states that all new residential units will be expected to have access to private amenity space. Private and communal external amenity space should be functional and safe, easily accessible from living areas, orientated to maximise sunlight, and of a sufficient size and functional shape to meet the needs of the likely number of occupiers, and designed to take account of the context of the development, including the character of the area. The PSP also set out the guidance for the size of the amenity space relative to the size of the dwellings, they are: 50m² for 2-bed dwelling, 60m² for 3-bed dwelling, and 70m² for 4-bed dwelling. The proposed site plan shows the shared outdoor amenity space in the courtyard area would be approximately 209 m², which would be above the set guidance in cumulative terms, which would only require 180m². In addition, plot 4 would also have a large sized front garden, which would be approximately 252m². Although the proposed courtyard amenity space would be a communal area, it is considered that the proposed amenity space is adequate and acceptable given its cumulative size, appropriate design taking account of the context of the development subject to a condition seeking a management plan for the communal area.

5.21 Transportation

The proposal is to provide 4 no. dwellings within the site. The existing wall along the northern boundary would be demolished to provide parking spaces for the development and there is no alteration to the existing vehicular access via Mead Road. Residents raise concerns about the highway issues of the proposal. Paragraph 32 of the NPPF states that development should only be

prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The proposal would provide 8 no. parking spaces and this would accord with the Council's residential car parking Supplementary Planning Guidance. Also the development would provide visibility splays given the status of the adjacent highway and vehicle speeds. Officers also take account that Oxbarton is a cul-de-sac, which is not through route, as such, any speeding offenders would be local and as a result would be well aware of the constraints in the locality. Notwithstanding this, the access points would provide appropriate visibility for the speed of traffic, the development therefore would comply with current visibility standards. Given the above, it is considered that the proposal would not result severe impact upon the public highway safety, therefore there is no highway objection to the proposal.

5.22 Ecological Issues

The site consists of a group of farm buildings and garages, either currently disused or used for storage. The surrounding area is urban, although there is some semi-natural habitat connectivity to habitats beyond the site in the wider countryside. The site itself is not subject to any nature conservation designations. An Ecological Survey Report has also been provided (TREcS, dated October 2014). A further bat survey was requested in order to carry out two bat surveys instead of one for building/s with medium bat potential, and to have results from another period of the bat season instead of just the end of the season as previously provided. The survey report has now been submitted (letter report TREcS dated June 2015), and it provides clarity regarding the bat roost potential of the various buildings. In fact all of the buildings were re-surveyed in May and it concluded that none of the buildings supported bat roosts. Given the above, there is no ecological objection to proposal subject to conditions seeking appropriate ecological enhancement and the implementation of the recommendations indicated in the survey report.

5.23 Archaeological Issues

The application site is within an area with considerable historic settlement activity, dating back to the 15th century. To ensure that any archaeological remains that are present are recorder and full recording takes place, there is no archaeological objection to the proposal subject a condition seeking a programme of archaeological work for all groundworks including the initial topsoil strip and geotechnical pits and any other form of ground disturbance.

5.24 Removal of permitted development rights

As discussed in the preceding paragraphs, the proposed dwellings would be in close proximity to the adjacent locally listed building which has a degree of significance, therefore, it can be considered as a heritage asset as recognised in policy CS9 of the adopted Core Strategy. The cumulative effect of extensions and outbuildings though permitted development rights could have an adverse impact on the sitting of a heritage asset, which makes appositive contribution to the character and distinctiveness of the area. In addition, the proposed dwellings would be immediately adjacent to existing cottages, Upper House, Lower House and No.1 Knightwood Road, in this instance it is considered necessary to remove permitted development rights for the dwellings to

safeguard the positive contribution the heritage asset makes to the character and distinctiveness of the area and the residential amenity of the neighbouring residents.

5.25 Others Issues

Concerns have been raised regarding the over sailing of the roof construction, guttering and down pipes. The agent has advised that such construction including guttering and downpipes would not be overhanging the boundary of the site. Notwithstanding this, it would be private civil matters between the applicant and the adjoining owners and would not be material planning consideration.

Regarding the lack of east elevation, the applicant has submitted the proposed east elevation, which has also been consulted, therefore the application can be determined accordingly.

5.26 The Planning Balance

As set out above, the Annual Monitoring Report has demonstrated that South Gloucestershire Council does not have a five-year supply of deliverable housing land and as such Policies CS5, CS15 and CS34 are out-of-date for the purpose of assessing this application. As set out above, the proposal would provide a positive contribution in meeting the shortfall identified in respect of the five-year housing land supply. On this basis, Paragraph 49 of the National Planning Policy Framework 'NPPF' is relevant and this application must now be considered in line with the 'presumption in favour of sustainable development set out in Paragraph 14 of the NPPF. Officers consider that in all other respects the development is acceptable and on this basis is representative of sustainable development. Paragraph 14 of the National Planning Policy Framework sets out that policies are out of date, the Local Planning Authority should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

- 5.27 The proposal is for the erection of 4 no. new dwellings and the benefits of new housing to the housing supply is given a considerable weight. It is considered that the proposal represents a sustainable development in terms of the NPPF three strands (social, economic and environmental). Whilst it is acknowledged that some impact would occur in respect of the historic character of the site and the amenity of the locality, officers consider that these are not to a degree where it would significantly and demonstrably outweigh the benefit; which is the provision of new housing, and that there are no significant or demonstrable harms that outweigh the benefit such that the presumption in favour should be resisted. On this basis, officers consider that there is considerable weight in favour of granting planning consent in respect 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: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report for the following reasons:

7. RECOMMENDATION

- 7.1 Planning Permission is GRANTED subject to the following conditions:

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

2. Removal of Permitted Development Rights

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

Reason

To protect the amenity of the locality and to maintain the character and the setting of the locally listed building , and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

3. Potentially contaminated land (Pre-commencement condition)

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

B) Where potential contaminants are identified, prior to the commencement of development hereby approved, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the

contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

- C) Prior to the first occupation of the proposed development hereby approved, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
- D) If unexpected contamination is found after the development is begun, the 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 shall 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.

An appropriate investigation shall include the following, unless agreed by the Local Planning Authority otherwise:

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

Reason

To protect the amenities of the future occupiers, and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, and the provisions of the National Planning Policy Framework. This is a pre-commencement condition to avoid any unnecessary remedial works in the future.

4. Landscaping Scheme (Pre-commencement condition)

Prior to the commencement of development, a scheme of landscaping, which shall include details of all existing trees on the land and the adjacent property, No. 1 Knightwood Road, details of any to be retained, together with measures for their protection during the course of the development; proposed planting and planting schedule, sample of panel of external boundary wall and other 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: In the interests of the landscape character of the site and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of the National Planning Policy Framework. This is a pre-commencement condition to ensure any protective works to be carried out and to avoid any unnecessary irreversible damage to the landscape character of the site.

5. Biodiversity Enhancement Measures (Pre-commencement condition)

Prior to the commencement of the development hereby approved, the details of the biodiversity enhancement measures for bat and birds, including the numbers, types and locations of boxes for attachment to the new buildings, shall be submitted to the local planning authority for written approval. Development shall be carried out in accordance with the approved details.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the wildlife habitat, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework. This is a pre-commencement condition to ensure that the enhancement measures to be firstly agreed in order to avoid unnecessary remedial work in the future.

6. Archaeological Watching Brief (Pre-commencement condition)

Prior to the commencement of the development hereby approved, a watching brief shall be submitted to the Local Planning Authority for approval in writing. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work shall be carried out in accordance with the approved details.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework. This is a pre-commencement condition to avoid any irreversible damage to the archaeological assets of the site.

7. Drainage details (Pre-commencement condition)

Prior to the commencement of development hereby approved, surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection shall be submitted to and approved in writing by the Local Planning

Authority. the details shall include a detailed site layout plan showing surface water and SUDS proposals.

Reason

To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012. This is a pre-commencement condition to ensure adequate drainage system are agreed prior to the construction of the development and to avoid any unnecessary remedial works in the future.

8. Large scale details

Prior to the commencement of the relevant parts of the development hereby approved, materials and finishes of the following items shall be submitted to and approved in writing by the local planning authority:

- a. Eaves, verges and ridges
- b. All windows (including glazing bars, cill, reveal and lintels)
- c. Rooflights
- d. All external doors (including furniture & fittings)
- e. All extract vents, flues, gas and electric meter boxes
- f. Rainwater goods and soil pipes including colour and method of fixing. For the avoidance of doubt, all rainwater goods and soil pipes shall be cast metal.

The design details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 together with cross section profiles. Cross sections through mouldings and glazing bars shall be submitted at full size. The scheme shall be implemented strictly in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of the National Planning Policy Framework.

9. External Materials

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of the National Planning Policy Framework.

10. Sample panel of stonework

A sample panel of facing stonework of at least one square metre, showing the stone, coursing, joints, mortar and pointing, shall be constructed on site and approved in writing by the local planning authority prior to the commencement of the relevant

phase of works. The development shall be carried out in accordance with the approved panel, which shall be retained on site until the completion of the scheme, to provide consistency.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of the National Planning Policy Framework.

11. No wires, pipework, satellite dishes or other aerials, alarms or other paraphernalia shall be affixed to the external elevations of the development hereby approved other than with the prior written agreement of the local planning authority.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of the National Planning Policy Framework.

12. Ecological Mitigation Measures

Development shall proceed in strict accordance with the recommendations in Section 7 of the Ecological Survey Report, TREcS, dated October 2014.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the wildlife habitat, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework.

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

Reason

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

14. Prior to the first occupation of the proposed dwellings hereby permitted a management plan for communal areas within the scheme shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall cover the first 5 years of the development and shall be carried out in accordance with the approved details.

Reason

In the interest of residential amenity of the future and neighbouring occupiers and to accord with the Policy CS1 of the South Gloucestershire Local Plan: Core Strategy

(Adopted December 2013) and saved Policy H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. The off-street parking facilities shown on the plan, drawing no. 7274/16/101 REV S, hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

16. No windows, dormers or rooflights other than those shown on the plans hereby approved shall be inserted at any time in the west elevation of the dwellings at Plot 2, 3 and 4.

Reason

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

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

Site location plan and Block Plan, Drawing No. 7274/16/001 Rev C received on 16 June 2016

Garage for Lower House, Drawing No. 7274/16/105 Rev E received on 16 June 2016

Proposed combined, Drawing No. 7274/16/SK02 Rev D received on 1 December 2016

Proposed Block Plan, Drawing No. 7274/16/101 Rev S received on 21 November 2016

House Type 'A' - Plot 1, Drawing No. 7274/16/102 Rev I, received on 21 November 2016

House Type 'B' - Plot 2, Drawing No. 7274/16/103 Rev H, received on 21 November 2016

House Type 'C' - Plot 3, Drawing No. 7274/16/104 Rev H, received on 21 November 2016

Scene A-A Existing and Proposed, Drawing No. 7274/16/106 Rev C, received on 21 November 2016

Scene B-B Existing and Proposed, Drawing No. 7274/16/107 Rev F, received on 21 November 2016

Visibility Splay, Drawing No. 7274/16/108 Rev F, received on 21 November 2016

House Type 'D' - Plot 4, Drawing No. 7274/16/109 Rev D, received on 21 November 2016.

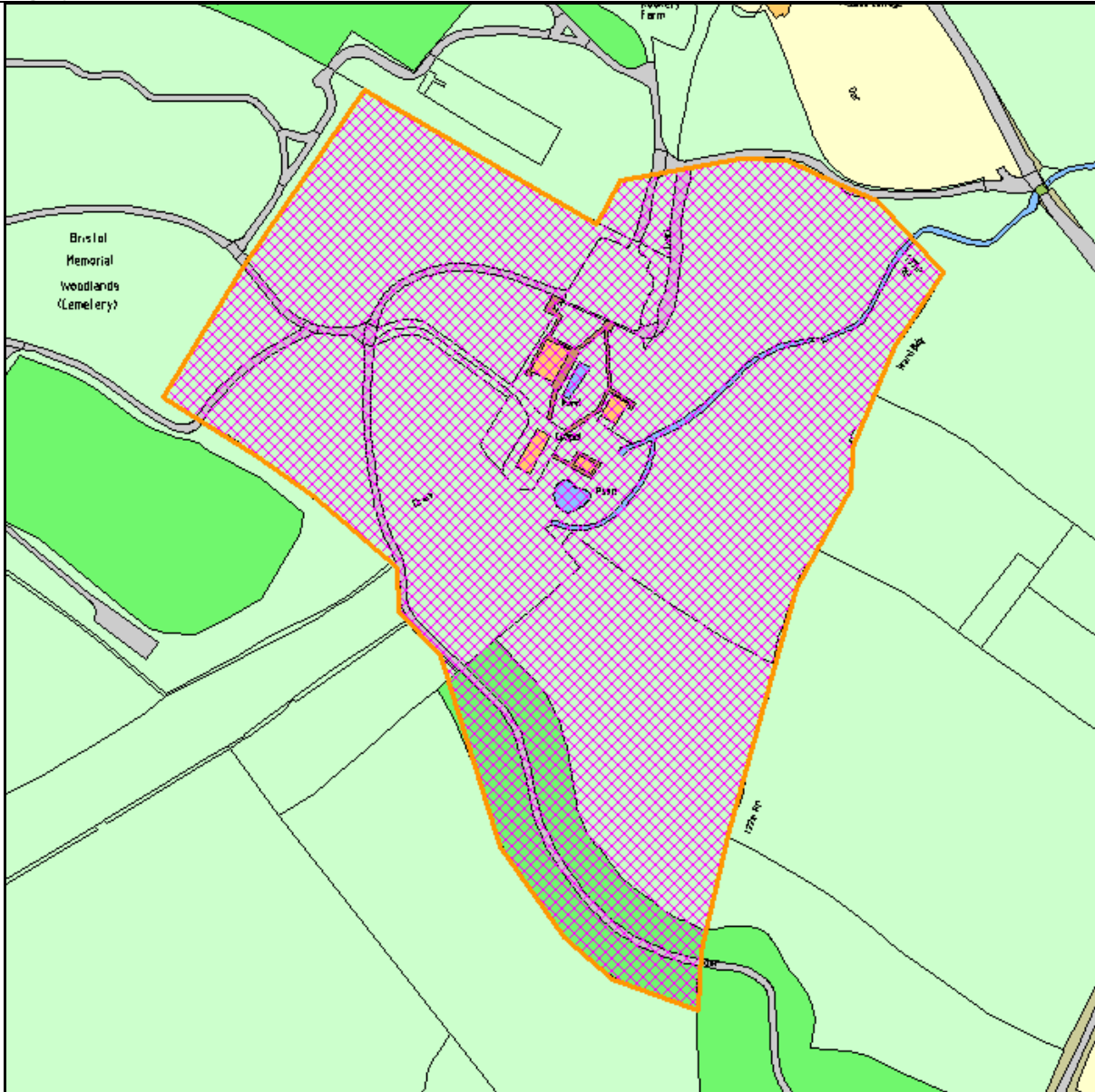
Reason

The application has been assessed on the basis of the submitted plans and to safeguard the historic interests of the site and the amenity of the locality, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core

Strategy (adopted) December 2013, and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 50/16 – 15 DECEMBER 2016

App No.:	PT16/5449/F	Applicant:	Bristol Memorial Woodlands Ltd
Site:	Bristol Memorial Woodlands Old Gloucester Road Alveston Bristol South Gloucestershire BS35 3TA	Date Reg:	7th October 2016
Proposal:	Erection of new chapel, reception building and memorial monument with parking and associated works . Conversion of existing store building to form office accommodation with ancillary kitchen (Resubmission of PT16/0276/F).	Parish:	Alveston Parish Council
Map Ref:	365356 186407	Ward:	Thornbury South And Alveston
Application Category:	Major	Target Date:	2nd January 2017



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N.T.S.

PT16/5449/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure following letters from members of the public which are contrary to the officer recommendation detailed in this report.

1. THE PROPOSAL

1.1 The application site consists of Bristol Memorial Woodlands, which has an authorised cemetery use and wedding ceremony use (sui generis) approved within applications P97/2095 and PT04/0222/F. An application to extend the cemetery was approved on 26th June 2013 under application ref. PT13/1010/F. A certificate of Lawfulness was granted in 2013 to confirm that it was lawful for 12 no. funerals per day to take place at the site (PT13/4479/CLE).

1.2 The application is a resubmission of PT16/0276/F which was for a new chapel building and reception building and was refused on 4th July 2016 for the following reasons:

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

2- The proposed burial facilities, if approved, would represent a non-essential and disproportionate development within the open countryside, the requirements for which could practically be met by existing buildings on site, and is therefore contrary to policy S4 of the South Gloucestershire Local Plan (Adopted) January 2006.

1.3 This application proposes a new chapel, reception building and memorial tower, and the conversion of an existing store building into an office and kitchen for the staff. The area of land utilised as a cemetery is not proposed to increase.

1.4 The site is situated in the open countryside and within the Bristol/Bath Green Belt. It is also partially within Flood Zone 3, with the rest of the site being situated in Flood Zone 1, and a Public Right of Way crosses the site. The site is covered by a blanket Tree Preservation Order, and Rookery Farmhouse is located to the north, which is a grade II listed building.

1.5 Further information regarding the exact location of the photo montages of the proposed tower were requested from the applicant during the course of the application, as well as a visual impact assessment from a group of heritage assets in Rudgeway. This information was not forthcoming.

- 1.6 Further information with regards to the diverting of the watercourse through the site was also requested from the applicant. A plan showing the diversion of the watercourse was received on 1st December 2016.

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 (Adopted) January 2006 (saved policies)

S4 Burial Facilities

L1 Landscape Protection and Enhancement

L9 Species Protection

L10 Historic Gardens

L11 Archaeology

L13 Listed Buildings

EP2 Flood Risk and Development

LC12 Recreational Routes

T12 Transportation Development Control Policy for New Development

T8 Parking Standards

T7 Cycle Parking

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 Development in the Green Belt SPD (adopted)

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|--|-------------------------|------------|
| 3.1 | PT16/0276/F | Refused | 04/07/2016 |
| | Erection of chapel and reception buildings | | |
| 3.2 | PT13/4479/CLP | Approve | 06/03/2014 |
| | Application for certificate of lawfulness for the carrying out of up to 12no. funerals a day within the lawful use as a cemetery granted planning permission by P97/2095 dated 12 March 2001 | | |
| 3.3 | PT13/1010/F | Approve with conditions | 14/05/2013 |
| | Change of use of agricultural land to cemetery (Sui Generis) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). (Re submission of PT12/3221/F) | | |

- 3.4 PT12/040/SCR EIA Not Required 16/10/2012
Change of use of agricultural land to cemetery (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)
Screening Opinion for PT12/3221/F
- 3.5 PT04/0222/F Approve with conditions 02/04/2004
Use of land and buildings for wedding ceremonies in addition to the existing use.
- 3.6 P97/2095 Approved Subject to S106 21/04/2001
Change of use of land from agricultural to woodland cemetery. Conversion and extension of buildings for ancillary use. Construction of vehicular access on to Earthcott Road, South of Gate Farm.
- 3.7 P95/2102 Refusal 18/12/1995
Change of use of land from agriculture to Woodland Cemetery. Conversion of building to uses ancillary to cemetery; erection of store and greenhouse; construction of vehicular and pedestrian access; ancillary works.

Refusal reasons:

1- The development by reason of its size, scale and location, would adversely affect the rural character and visual amenity of this area of predominantly open countryside and would detract from the character of this part of the Bristol Green Belt.

2- The development by reason of its scale and location is not well related to public transport and would result in an increase in car travel contrary to National and Local Planning Guidance relating to Green Belt and transportation.

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No objections.
- 4.2 Tytherington Parish Council
No comment.
- 4.3 Other Consultees

Sustainable Transport

No objection subject to passing bays being conditioned on access track.

Wessex Water

No comment.

Highway Structures

No comment.

Avon Fire and Rescue

No comment

Police Community Safety

No comment.

Arts and Development

No comment.

Sustainability

No comment.

Listed Building and Conservation Officer

Concerns regarding the prominence of the tower.

Tree Officer

No comments.

Environment Agency

No objection but recommends SUDs condition.

Public Rights of Way

No comment.

Open Spaces Society

No comment.

Archaeology

No comment.

Landscape

Concerns about impact of memorial tower on landscape, however has no objection subject to landscaping condition.

Ecology Officer

No objection subject to conditions.

Drainage

No objection subject to SUDs condition, and developer must apply separately to the Lead Local Flood Authority to divert the watercourse.

Other Representations

4.4 Local Residents

Forty five letters of support have been received from members of the public, and the points raised are summarised below:

- Site offers funeral services to remember forever, with peace and tranquillity and an unhurried way to say goodbye
- Will enable site to cater for larger funerals
- Unhurried part particularly important for those who have travelled far
- Personalised and unique service offering privacy and dignity
- Much better than rushed 30 minute slots at Westerleigh Crematorium

- More than one service per day is against their ethos, and this will allow more people to have funerals here as the waiting list is currently months long
- They are not seeking the extension for commercial reasons
- It is a haven for wildlife with lots of trees planted which helps the environment
- People at Memorial Woodlands are very supportive
- Offer non-religious services
- Proposals are sympathetic to the location
- By not supporting the application suggests the Council is expecting the local population to accept the other second rate services
- Extra traffic caused will be limited

One letter of objection has been received from a neighbour, making the following points:

- Proposed car park in meadow adjacent to Alwih Cottage on Shellards Lane is excessive in size
- Car park will cause noise and pollution, overlooking and a semi-commercial environment
- Significant impact on volume of traffic to the Old Gloucester Road and Shellards Lane – these are quiet country lanes
- Site is within an identified flood zone and the car park will be paved and will adversely affect its capacity to absorb and hold water poses a threat to the cottages on Shellards Lane

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy S4 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant and advises that proposals for burial facilities and crematoria will only be permitted where:

- Development would not have unacceptable environmental effects and
- The land is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination, and
- The proposal would not unacceptably prejudice residential amenity, and
- The proposal would not have an unacceptable transportation effect.

5.2 *Green Belt Policy*

The National Planning Policy Framework clearly attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness. Currently the site has one chapel and one reception room, which can lawfully host up to 12 funerals or weddings per day provided the ceremonies do not take place outside the hours of 9.30am and 4.00pm, as restricted by previous conditional approvals at the site highlighted in section 3 of this report. The proposal is to erect a new chapel, a memorial tower and a new reception room, serviced by a large car park to the north of the site, as well as the conversion of an existing building into an office and

kitchen for staff at the cemetery. It is considered that these facilities would not fall within one of the exceptions of development that are considered to be 'appropriate' in the Green Belt under paragraph 89 of the NPPF.

- 5.3 Paragraph 89 does state that the construction of new buildings for appropriate facilities for cemeteries can be considered appropriate development in the Green Belt, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. It is acknowledged that all new buildings in the Green Belt would have an impact on openness, which conflicts with the NPPF in the sense that 'appropriate' facilities for cemeteries are likely to include buildings as part of the facilities, but in this instance the site currently has access to both a chapel and a reception room which currently hosts only one of the potential twelve funerals per day which are deemed lawful at the site. During the previous application, it was acknowledged that an additional chapel could be considered appropriate given the existing use as a cemetery, provided that the demand could be demonstrated through very special circumstances. No very special circumstances have been put forward in this instance, and as well as the chapel the developer also proposes a two-storey reception building and a five storey memorial tower. The reception building is not considered to be appropriate given the existing provision on site of a reception building, particularly as it is not necessary for cemeteries to have on-site reception facilities at all.
- 5.4 The function of this Memorial Monument has been described as a chapel of rest where the coffin can be visited, a garden of remembrance at roof level and also as an additional chapel for small functions for up to twenty people. The proposed tower stands at 15.5 metres high and has a width of almost 8 metres, so the volume and height are both significant, and considered to be harmful to the openness of the Green Belt.
- 5.5 Furthermore, policy S4 of the Local Plan is also used to assess burial facilities. It states that outside settlement boundaries and in the open countryside, applications for new buildings serving burial facilities will only be acceptable where the conversion or re-use of existing buildings is not practicable and where they are essential and proportionate to the proposal. With regards to re-using existing buildings, it is queried why the site cannot be intensified to accommodate more than one funeral per day within the existing buildings, which seems feasible between the approved hours of 9.30am and 4pm and given the aforementioned approval for up to 12 events per day. Furthermore, the size of the buildings proposed do not appear to be proportionate, and it is unlikely that two new buildings and a 15.5 metre tower would be justifiable under policy S4. As the application stands currently, the principle of development is inappropriate in the Green Belt and is also unacceptable when assessed against policy S4 of the Local Plan (adopted) January 2006. The provision of additional built form is therefore not considered 'appropriate', and the agent has declined to submit a case for very special circumstances.
- 5.6 *Flood Risk*
Part of the site is located in Flood Zone 3, however this area will only include the proposed car park, and the development does not propose to alter the ground levels within FZ3. Weight is given to the fact that the Environment

Agency and the Lead Local Flood Authority have raised no objections to the proposal. Guidance contained in the National Planning Policy Framework indicates that the overall strategic aim is to locate new development in areas that have the lowest risk of flooding (Flood Zone 1). However, it states that applications for changes of use are exempt from the Sequential or Exception tests but proposals still need to demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. As no operational development is proposed within Flood Zone 3, it is not considered necessary apply the Sequential or Exception tests at this time. In the event the application is approved, details of Sustainable Urban Drainage Systems and the location of the proposed Package Treatment Plant will be conditioned. This will be adequate to ensure that the surface water run-off is adequately dealt with so that it does not pose a risk to the properties on Shellards Lane, as highlighted by an objection comment. The proposed chapel, memorial tower, reception building and the building to be converted to an office are all located within Flood Zone 1, which is at a low risk of flooding.

- 5.7 This proposal also includes the diversion of a small watercourse, however the drainage officer is satisfied that the details can be adequately dealt with by condition. The applicant will also need to apply to the Lead Local Flood Authority for permission to divert the stream, and this is covered under separate legislation. The applicant will be reminded of the need to apply for the diversion using an informative on the decision notice.

5.8 Landscape and Visual Amenity

Bristol Memorial Woodlands is located in the Earthcott Vale landscape character area which is described as 'gently undulating shallow vale with low ridges, with land cover of medium to small sized regular or irregular shaped pasture and arable fields, with some enlarged fields to the west.' The M5 is located to the northwest of the site and although moving traffic is both visible and audible it does not have a significant impact on the perception of the area having a remote and rural character, and the area is sparsely populated. The site as existing with its reuse of farm buildings, largely intact hedgerow framework, low key use of the site and visual connection to the wider landscape, combines to ensure that the cemetery is integrated with the surrounding rural character.

- 5.9 The reception and chapel have been designed to be sympathetic with the group of buildings to the south west which were originally part of a tannery business. During the summer months the existing buildings are largely screened in views from the wider countryside, although the roofs are visible from Earthcott Road. The proposed chapel and reception building will be similarly visible from Earthcott Road, with just the roofs showing above the hedgerows, and partially screened by mature trees. The proposed buildings will be seen within the context of the existing buildings and if the roof tiles are carefully chosen to match the tiles on the existing buildings will not result in a significant change to the landscape character of the wider area. It is proposed to remove a number of C category trees and groups, these are not visible in the wider landscape and there is no objection to their removal.

5.10 The memorial building will be 15.5m high and during the summer months should be fairly well screened by the surrounding vegetation. It is being constructed in polished white concrete which could stand out in the landscape during the winter months. It is difficult to assess this impact without accurately locating the viewpoints and showing the proposed building in a photomontage; this information was requested from the applicant but was not forthcoming. It is likely that the tower will have a significant impact on the rural character of the surrounding area to the contrary of policies L1 of the Local Plan and policies CS1 and CS9 of the Core Strategy.

5.11 Heritage Assets

It is unlikely that the tower or the other development proposed will be visible from the grade II listed building to the north-west at Rookery Farm. During the course of the application, the Council's Listed Building officer requested a visual assessment of the memorial tower from a group of important heritage assets in Rudgeway, including the ruins of St Helen's Church (Scheduled Ancient Monument), the Old Church of St Helen (grade II listed), the Old Church Farmhouse (grade II listed) and the Old Church Garden (Local Historic Garden). This information was not forthcoming, however the distance between the heritage assets and the site mean that it is highly unlikely to have an impact on the setting, which Annex 2 of the NPPF defines as the 'surroundings in which a heritage asset is experienced'. As the site and Church Road in Rudgeway are divided by the M5, it is unlikely that tower will be experienced as part of the setting.

5.12 Residential Amenity

This proposal is an improvement on PT16/0276/F from a residential amenity perspective, as the meadow immediately adjacent to Alwih Cottage and Meadow Cottage on Shellards Lane has been left undeveloped, and the car park has been moved away from Shellards Lane to the south. This provides a greater buffer between the residential properties closest to the development. The existing conditions at the site restricting use from 9.30am to 4pm would still be applicable, and so there would be no evening disturbance. Any lighting proposed for the winter months would have to be low level and details would be conditioned in the event the application is approved. Subject to this, there are no issues with regards to residential amenity.

5.13 Environmental Impacts

There are no known contamination issues at the site, and it is unlikely that the development will cause any contamination. As previously discussed with regards to residential amenity, noise and light pollution will be naturally mitigated by the nature of the use of the site and the restricted opening hours, as well as any lighting being required to be agreed prior to commencement.

5.14 Ecology

An ecological report has been provided, which highlights opportunities for mitigation and enhancement at the site. In the event the application is approved, conditions requiring the submission of an Ecological Mitigation and Enhancement plan to the LPA for written approval and in accordance with the recommendations on page 7 of the report will be attached to the decision notice. Potential for reptiles at the site has been identified, so a condition

requiring a reptile presence survey will also be conditioned, and subject to this the proposal is acceptable in terms of policy L9 of the Local Plan.

5.15 Transport

The increase in parking provision proposed is significant (82 more spaces) however it is unlikely that these spaces will be occupied on a regular basis and will not coincide with highway network peak times. There are adequate visibility splays onto Earthcott Road, and as such there would not be a significant impact on the existing highway. Passing places on the access track will be conditioned in the event that application is approved.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **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 That planning permission is **REFUSED** for the reasons on the decision notice.

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

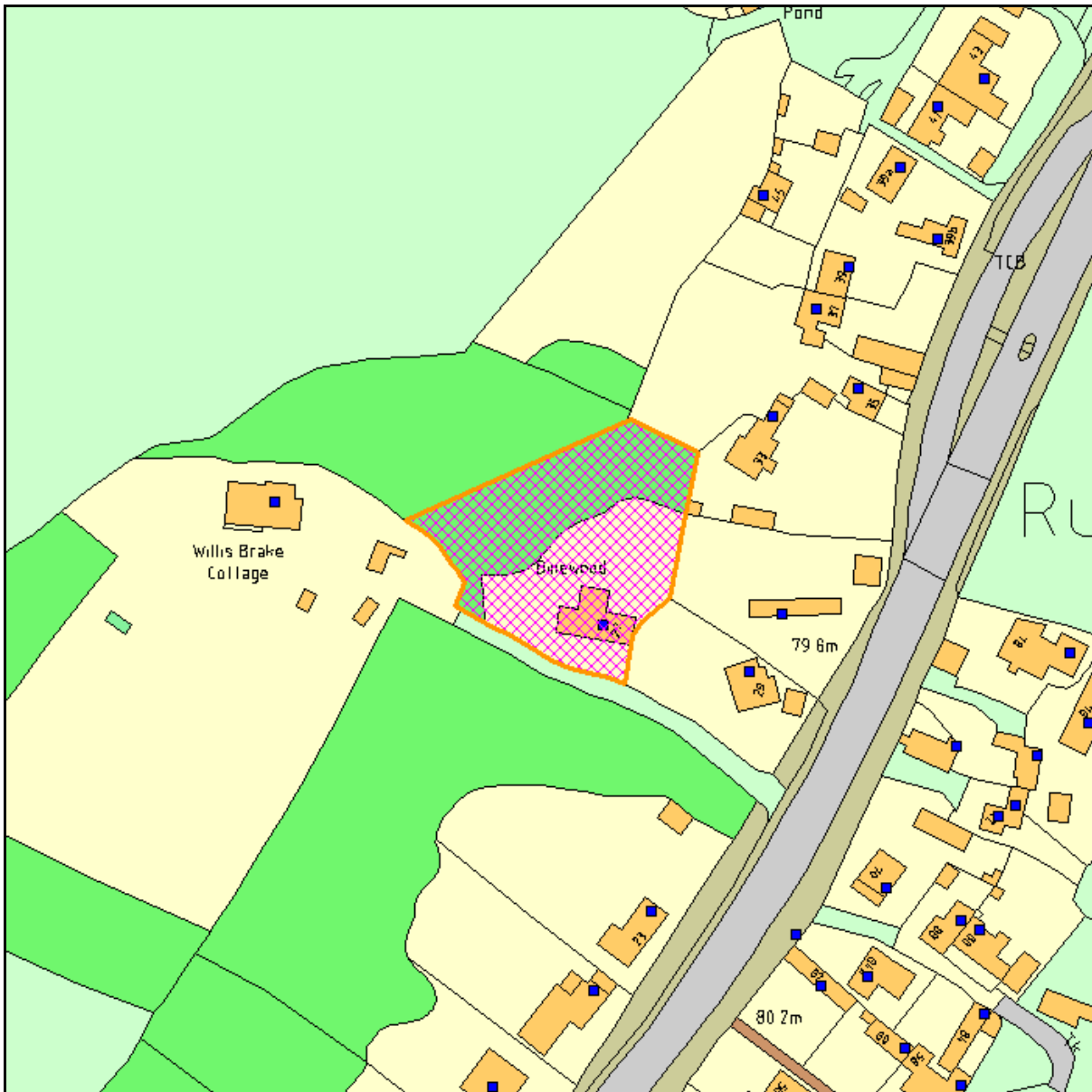
REFUSAL REASONS

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. Furthermore, the proposal is harmful to the openness of the Green Belt. The proposal is therefore contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.
2. The proposed development, if approved, would represent a non-essential and disproportionate development within the open countryside, the requirements for which could practically be met by existing buildings on site, and is therefore contrary to policy S4 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The memorial tower would, if approved, be incongruous within the landscape during the winter months due to its height and white concrete finish. This would have a harmful impact on the rural character of the surrounding area to the contrary of

policies L1 of the Local Plan (Adopted) January 2006 and policies CS1 and CS9 of the Core Strategy (adopted) December 2013.

CIRCULATED SCHEDULE NO. 50/16 – 15 DECEMBER 2016

App No.:	PT16/5523/F	Applicant:	Mrs V Wilmot
Site:	Willis House 27 Gloucester Road Rudgeway South Gloucestershire BS35 3SF	Date Reg:	11th November 2016
Proposal:	Erection of two storey detached building to form garage and accommodation ancillary to main dwelling	Parish:	Alveston Parish Council
Map Ref:	362532 186599	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	2nd January 2017



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PT16/5523/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following an objection which is contrary to the recommendation detailed in this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a two-storey outbuilding to provide a garage and accommodation ancillary to the main dwelling, consisting of a kitchen, bathroom, lounge and bedroom with an en-suite, within the residential curtilage of Willis House, 27 Gloucester Road, Rudgeway.
- 1.2 The development was previously approved in 2007 under application reference PT07/0632/F, with an extension of time being approved in 2010 under application reference PT09/5903/EXT, although neither development was implemented. The only difference between the development previously approved and this application is that the garage has been made smaller to facilitate changing the workshop into a bedroom.
- 1.3 The application site occupies a large curtilage that slopes significantly in a north-westerly direction. The site lies within the settlement boundary of Rudgeway and is also within the Green Belt.

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
CS5	Location of Development
CS8	Accessibility
CS34	Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12	Transportation Development Control Policy for New Development

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Green Belt
PSP16	Parking Standards
PSP43	Private Amenity Standards

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT09/5903/EXT Approve with conditions 14/01/2010
Erection of two storey building to form double garage and ancillary accommodation
This planning permission has now lapsed.
- 3.2 PT07/0632/F Approve with conditions 23/03/2007
Erection of two storey building to form double garage and ancillary accommodation
This planning permission has now lapsed.
- 3.3 PT06/0351/F Approve with conditions 24/02/2006
Erection of single storey extension to form extended kitchen
- 3.4 P88/2949 Approve with conditions 02/11/1988
Erection of side extension at first floor level to provide additional bedroom accommodation
- 3.5 P88/1150 Approval 09/03/1988
Demolition of existing substandard cottage and erection of a replacement dwelling

4. **CONSULTATION RESPONSES**

- 4.1 Alveston Parish Council
Objection – this is clearly development on the Green Belt.
- 4.2 Other Consultees
- Sustainable Transport
No objection.
- Archaeology
The proposal lies within an area of archaeological potential and conditions are recommended.

Other Representations

- 4.3 Local Residents
None received.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
In assessing applications for development within existing residential curtilages, policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is

particularly relevant. Such development is permitted provided it respects the massing, scale, overall design and character of the existing property and street scene and would not prejudice amenities of nearby occupiers, highway safety or the retention of adequate private amenity space. Policy CS1 of the Core Strategy requires that high quality design is sought.

- 5.2 The most recent granting of planning permission under PT09/5903/EXT considered the principle of development to be acceptable. Since this decision was made, the Core Strategy was adopted in 2013 and the National Planning Policy Framework in 2012. Paragraph 89 of the NPPF states that new buildings in the Green Belt are not acceptable with the exception of proportionate extensions to existing buildings. An extension less than a 30% volume increase over and above the original dwelling is considered to be acceptable, with extensions of between 30%-50% being considered appropriate subject to a careful assessment of the impact on the openness of the Green Belt. These percentages of what can be considered a 'proportionate addition' are taken from the Development in the Green Belt SPD, which is NPPF compliant in this regard and was adopted policy when the previous application was approved in 2010. Therefore, whilst no volume calculations of the original house have been provided for assessment, it is unlikely that an objection on the grounds that the ancillary accommodation proposed is disproportionate could be sustained, as the SPD pre-dates the previously granted permission.

5.3 *Impact on the Openness of the Green Belt*

The design of the proposal makes use of the steeply sloping ground by setting the development into the hillside. The difference in land levels ensures that the building is readily assimilated into its surroundings with much of the ground floor concealed, and the elevations will be shielded to the north, west and north-east by trees and other vegetation to be retained. It is not considered that the proposal will have a harmful impact on openness.

5.4 Design and Visual Amenity

As previously mentioned, the building appears to be single storey from the east and north due to the topography of the site, reducing much of its bulk. It has a mono-pitch roof and the use of materials such as external cedar cladding and sedum roof assist in integrating the building into the landscape. The design is identical to that previously approved, and whilst PT07/0632/F and PT09/5903/EXT were approved under design policy D1 of the Local Plan, the intentions of ensuring a high quality design which reflects the scale and character of its context are considered to have been carried across to policy CS1 of the Core Strategy. There is no objection from a design perspective, and details and/or samples of the materials shall be conditioned on the decision notice.

5.5 Annex Test

By definition an annex must be ancillary to the main dwellinghouse and should have some form of physical and functional reliance upon it. In this case the proposed annex does contain elements associated with living accommodation i.e. a bedroom, a living space, a kitchen and a bathroom. It does not have access to private amenity space which it shares with the main dwelling, and there is a clear link between the two in the form of steps down to the annex

from the main house. It is therefore overall, considered to meet the criteria of an annex. However, as it is possible to be used as an independent unit given the bedroom and kitchen facilities, it is usual for a condition to be attached to the decision notice stating that the use of the annex must be incidental to the main dwelling and that it cannot be used independently of that dwelling. This condition will appear on the decision notice in the event the application is approved.

5.6 Residential Amenity

There is a significant landscape buffer between the proposed annex and any adjoining neighbours, so overlooking is not possible from the small terrace, and whilst on much higher ground than the neighbour to the west, the significant distance prevents the building from appearing overbearing. Windows provide adequate lighting to living space and the occupier of the annex would have access to the main garden. The development is considering acceptable in terms of policy H4 of the Local Plan.

5.7 Vegetation

The footprint of the proposed unit appears to have been cleared and only small, low quality vegetation will be affected. The larger trees sited around the edge of the curtilage will be retained as demonstrated on the site plan.

5.8 Transport

Amendments to the internal layout to provide a small bedroom in the annex compared to the previously approved development means that the garage proposed is no longer a sufficient length to be considered a parking space, however there is sufficient room to the front of the proposed annex for the parking of 1 no. vehicle. The parking for the main house is to be retained, so there are no transportation objections.

5.9 Archaeology

The area is considered to have archaeological potential, and although the location of the proposed building has some hardstanding, it is possible that archaeological remains could have been preserved beneath this. The Archaeology officer recommends that an archaeological watching brief is undertaken during all ground works. This was not considered necessary as part of the previous permission under the same archaeological policy, policy L11 of the Local Plan, and so it would be unreasonable to apply it in this instance.

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. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Willis House, 27 Gloucester Road, Rudgeway.

Reason

The application has been assessed as ancillary accommodation and the use as an independent dwelling would require further consideration by the Local Planning Authority, in order to accord with policy H4 and T12 of the Local Plan (Adopted) January 2006 and policy CS1 of the Core Strategy (Adopted) December 2013.

3. The access shown on the plans hereby approved and area for parking immediately to the south of the building shall be retained as parking for one vehicle, and thereafter retained for such a purpose. The access/parking area shall be constructed of a bound surface and shall remain so at all times.

Reason

In the interests of highway safety, and to accord with policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

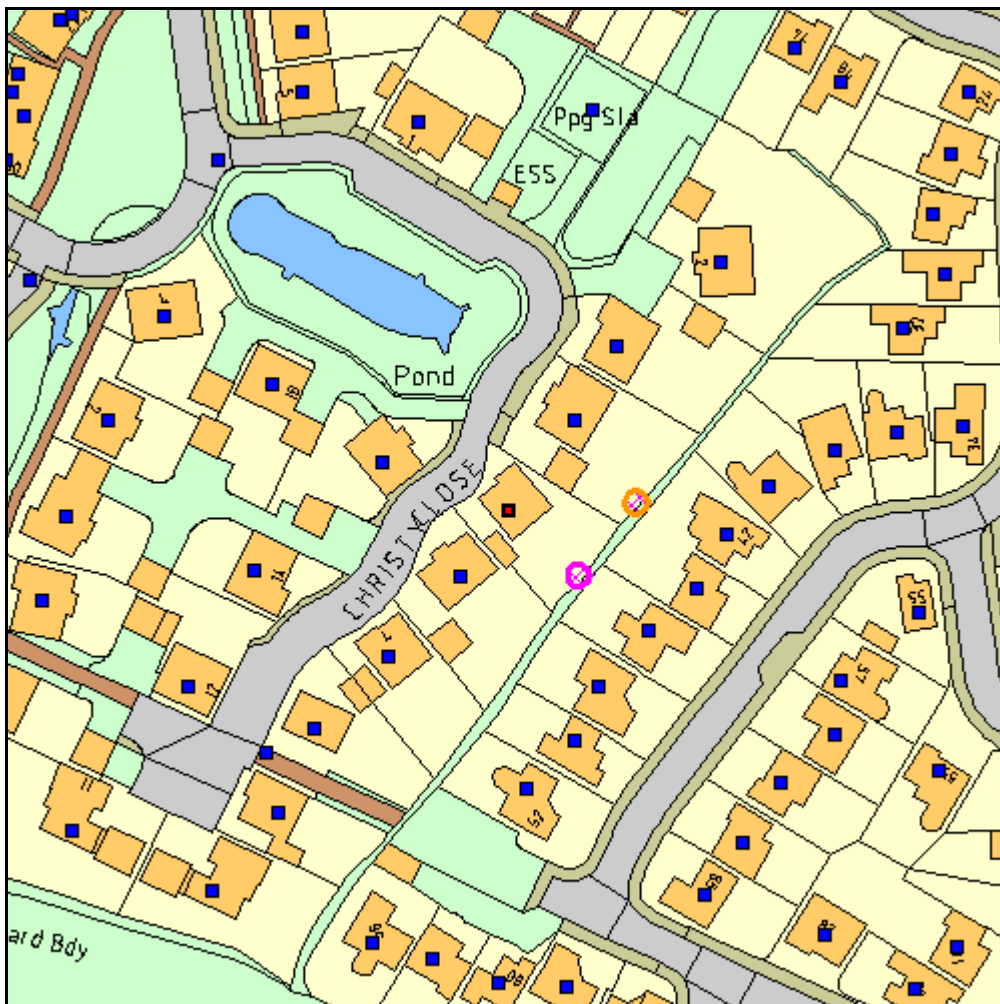
4. Prior to the commencement of development details and/or samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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.

CIRCULATED SCHEDULE NO. 50/16 – 15 DECEMBER 2016

App No.:	PT16/6214/TRE	Applicant:	Mr Robert Kirkpatrick
Site:	5 Christy Close Frampton Cotterell South Gloucestershire BS36 2FS	Date Reg:	14th November 2016
Proposal:	Works to 1no Oak (T1) to prune overhanging branches by up to 3 metres to live lateral branching and 1no Oak (T2) to prune overhanging branches by up to 2.5 metres to live lateral branching. Covered by SGTPO 01/10 dated 13 July 2010.	Parish:	Frampton Cotterell Parish Council
Map Ref:	366751 180726	Ward:	Frampton Cotterell
Application Category:		Target Date:	6th January 2017



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PT16/6214/TRE

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE/COMMITTEE

Comments of objection have been received which are contrary to the officer's recommendations. Therefore this application is being referred to the circulated schedule.

1. THE PROPOSAL

- 1.1 Works to 1no Oak (T1) to prune overhanging branches by up to 3 metres to live lateral branching and 1no Oak (T2) to prune overhanging branches by up to 2.5 metres to live lateral branching. Covered by SGTP0 01/10 dated 13 July 2010.

2. POLICY CONTEXT

2.1 National Guidance

- i. The Town and Country Planning Act 1990
- ii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
No objections

Other Representations

4.2 Local Residents

A letter of objection has been received from a local resident. The reasons are summarised below:

1. No reasons for pruning were given
2. Section 8 was not completed
3. The pruning will have a high impact on visual amenity and nesting birds
4. The tree is a possible bat roost.
5. The pruning could have a detrimental effect on the health of the tree
6. The works would contravene Policy L1 of SGC's Local Plan

5. ANALYSIS OF PROPOSAL

- 5.1 Works to 1no Oak (T1) to prune overhanging branches by up to 3 metres to live lateral branching and 1no Oak (T2) to prune overhanging branches by up to 2.5 metres to live lateral branching. Covered by SGTP0 01/10 dated 13 July 2010.

5.2 Principle of Development

The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.

5.3 Consideration of Proposal

The 2 trees stand in the rear gardens of adjacent houses in St Saviour's Rise. They are early-mature to mature oak trees with no evidence of past pruning.

5.4 The trees contribute to the local landscape although only the tops are visible from the public highway. The proposal is to reduce lateral overhanging branches and so the trees contribution to the landscape will remain unchanged.

5.5 A lateral reduction of up to 3m and up to 2.5m respectively is not considered to be detrimental to the health of the tree if natural target pruning is undertaken. This is a condition of the permissions, requiring pruning to be in accordance with BS3998:2010.

5.6 To address the points raised by the objector I submit my responses below:

1. The reason is stated in section 7 which is to reduce the significant overhang to the gardens. The trees stand to the south of the gardens and so will significantly shade them.
2. Section 8 was completed. The 'no' boxes were ticked.
3. See section 5.4 above. Disturbance of nesting birds is a criminal offence and it is the tree surgeons responsibility to ensure no birds are disturbed during the pruning works.
4. This is not relevant to the giving or not of planning permission. The responsibility again lies with the tree surgeons to ensure that no roosting bats are affected.
5. See section 5.5 above
6. See section 5.4 above

6. RECOMMENDATION

6.1 That permission is GRANTED subject to conditions detailed in the decision notice.

Contact Officer: Phil Dye
Tel. No. 01454 865859

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

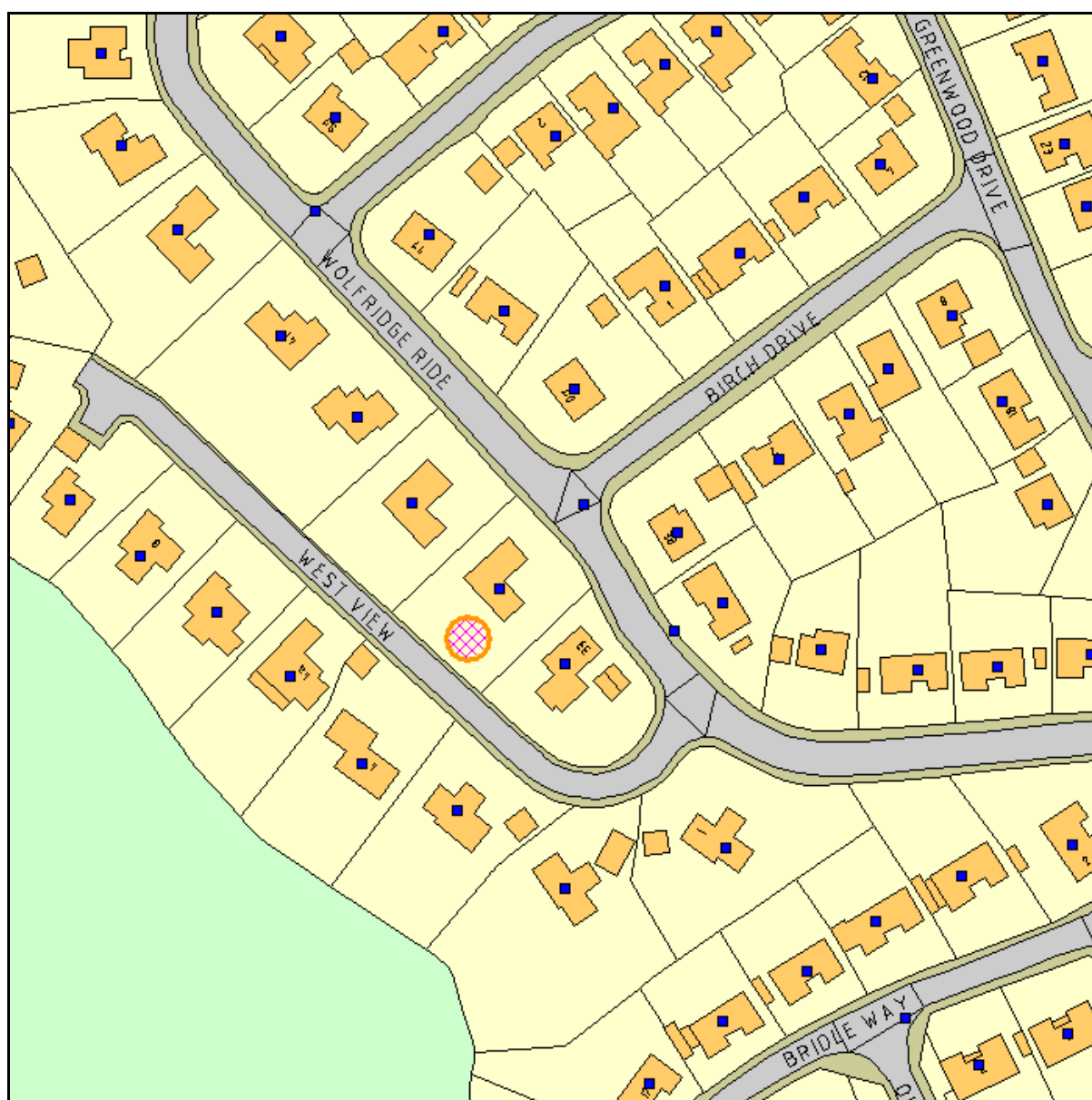
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

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

CIRCULATED SCHEDULE NO. 50/16 – 15 DECEMBER 2016

App No.:	PT16/6244/TRE	Applicant:	Stephen Bennett Bennetts Garden Services
Site:	35 Wolfridge Ride Alveston Bristol South Gloucestershire BS35 3RL	Date Reg:	16th November 2016
Proposal:	Works to fell 1no Beech tree covered by South Gloucestershire Tree Preservation Order 37 dated 13 January 1971.	Parish:	Alveston Parish Council
Map Ref:	362843 187782	Ward:	Thornbury South And Alveston
Application Category:	Works to trees	Target Date:	9th January 2017



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PT16/6244/TRE

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

Comments of objection have been received which are contrary to the officer's recommendations. Therefore this application is being referred to the circulated schedule.

1. THE PROPOSAL

- 1.1 Works to fell 1no Beech tree covered by South Gloucestershire Tree Preservation Order 37 dated 13 January 1971.

2. POLICY CONTEXT

2.1 National Guidance

- i. The Town and Country Planning Act 1990
- ii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/0769/TRE, Site Address: 35 Wolfridge Ride, Decision: COND, Date of Decision: 10-MAY-2011, Proposal: Works to crown lift to a maximum of 3 metres 1 no. beech tree and pollard back to old points 1 no. Ash tree covered by Tree Preservation Order TPO 37 (Wolfridge Wood) Tree Preservation Order dated 13 January 1971., CIL Liable:
- 3.2 PT09/0648/TRE, Site Address: 35 Wolfridge Ride, Decision: WITHDN, Date of Decision: 01-JUN-2009, Proposal: Works to reduce crown by 30% of 1 no. beech tree covered by TPO 37 (Wolfridge Wood, Alveston) dated 13/01/1971., CIL Liable:
- 3.3 PT15/0329/TRE, Site Address: 35 Wolfridge Ride, Decision: COND, Date of Decision: 24-FEB-2015, Proposal: Works to fell 1no. Ash Tree covered by Tree Preservation Order TPO37 dated 13 January 1971, CIL Liable:
- 3.4 PT14/0186/TRE, Site Address: 35 Wolfridge Ride, Decision: COND, Date of Decision: 12-MAR-2014, Proposal: Works to remove 1no. Ash tree covered by Tree Preservation Order TPO30 dated 13 January 1971, CIL Liable
- 3.5 PT12/3757/TRE, Site Address: 35 Wolfridge Ride, Decision: COND, Date of Decision: 11-JAN-2013, Proposal: Works to 1no. Beech tree to reduce crown by 30% covered by Tree Preservation Order TPO37 dated 13 January 1971, CIL Liable:
- 3.6 PT16/1959/TRE, Site Address: 35 Wolfridge Ride, Decision: COND, Date of Decision: 27-MAY-2016, Proposal: Works to fell 1no. beech tree covered by a Tree Preservation Order TPO dated 13 January 1971, CIL Liable:

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council

Objection received. The Parish Council object to the tree's removal and suggest it is pollarded instead.

Other Representations

4.2 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 Works to fell 1no Beech tree covered by South Gloucestershire Tree Preservation Order 37 dated 13 January 1971.

5.2 Principle of Development

The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.

5.3 Consideration of Proposal

The tree is multi-stemmed with one large stem having been removed or failing at some point. Extensive decay is present at this point which compromises the stability of the remaining stems.

5.4 The parish council have suggested this tree be pollarded as an alternative to removal. Given the maturity of the tree, pollarding is likely to be detrimental to the health and the amenity it provides.

5.5 Under TPO legislation a replacement tree will be required which shall be afforded the same protection as the tree to be removed.

6. RECOMMENDATION

6.1 That permission is GRANTED subject to conditions detailed in the decision notice

Contact Officer: Phil Dye
Tel. No. 01454 865859

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

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

2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

3. A replacement tree, the species, size and location of which is to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

Reason

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