



**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. 43/16

Date to Members: 28/10/2016

Member's Deadline: 03/11/2016 (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:

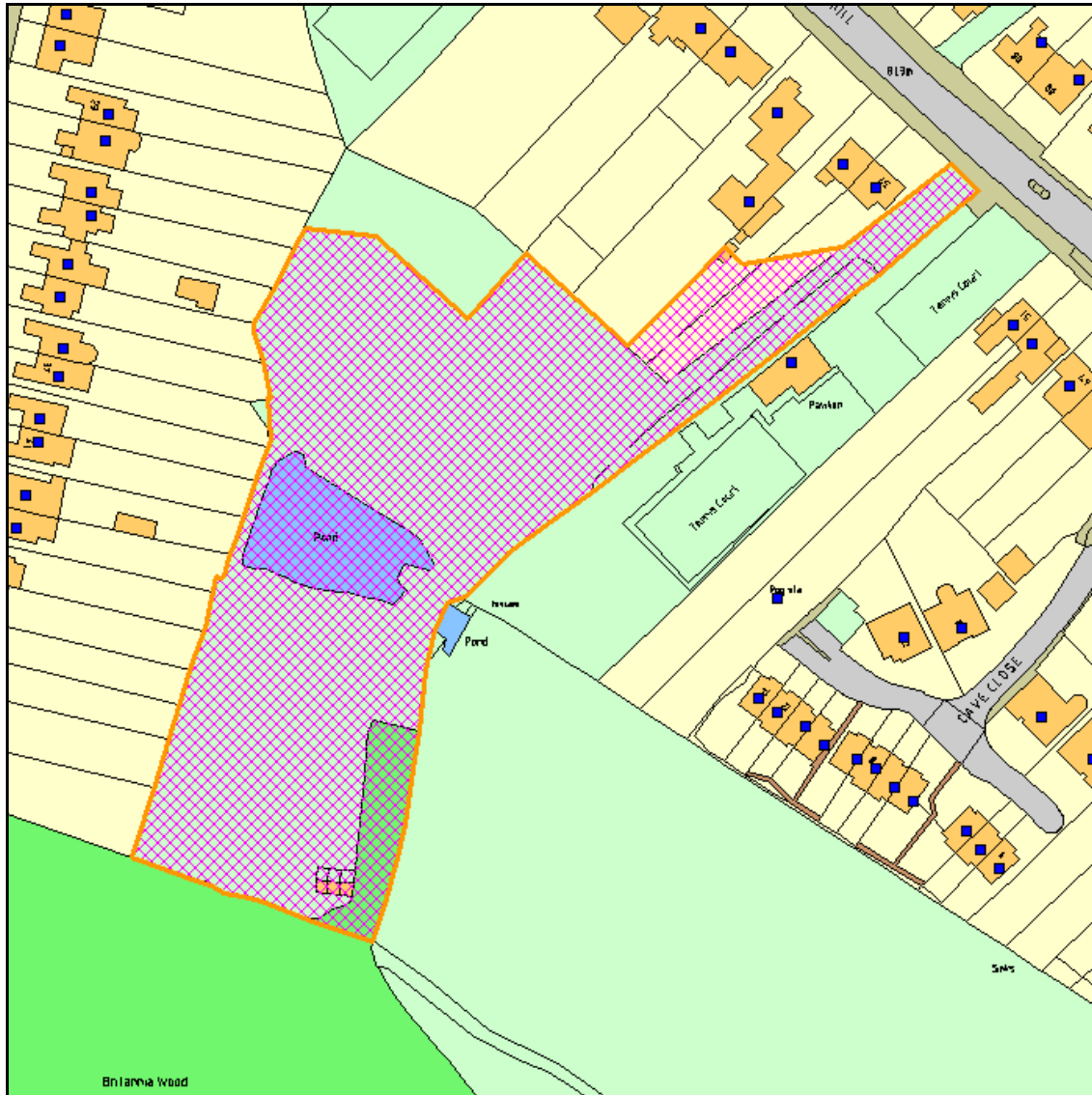
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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 - 28 October 2016

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK16/2577/O	Approve with Conditions	Land To The Rear Of 61-67 Cleeve Hill Downend South Gloucestershire BS16 6HQ	Downend	Downend And Bromley Heath Parish Council
2	PK16/3995/MW	Approve with Conditions	Berwick Farm Berwick Lane Hallen South Gloucestershire	Almondsbury	Almondsbury Parish Council
3	PK16/4160/F	Approve with Conditions	59 Court Farm Road Longwell Green South Gloucestershire BS30 9AD	Longwell Green	Hanham Abbots Parish Council
4	PK16/4731/F	Approve with Conditions	Tennis Court Inn Deanery Road Kingswood South Gloucestershire BS15 9JA	Woodstock	None
5	PK16/4997/F	Approve with Conditions	24 Burley Grove Mangotsfield South Gloucestershire BS16 5QA	Rodway	None
6	PK16/5144/CLP	Approve with Conditions	22 Amberley Way Wickwar South Gloucestershire GL12 8LP	Ladden Brook	Wickwar Parish Council
7	PK16/5293/CLP	Approve with Conditions	52 Ross Close Chipping Sodbury South Gloucestershire BS37 6RS	Chipping	Sodbury Town Council
8	PT16/4266/F	Approve with Conditions	Clareville 5 The Pound Almondsbury South Gloucestershire BS32 4EF	Almondsbury	Almondsbury Parish Council
9	PT16/5176/F	Approve with Conditions	Jacobs Well Featherbed Lane Oldbury On Severn South Gloucestershire BS35 1PP	Severn	Oldbury-on-Severn Parish Council

CIRCULATED SCHEDULE NO. 43/16 – 28 OCTOBER 2016

App No.:	PK16/2577/O	Applicant:	PM Asset Management
Site:	Land To The Rear Of 61-67 Cleeve Hill Downend Bristol South Gloucestershire BS16 6HQ	Date Reg:	20th May 2016
Proposal:	Erection of 12no dwellings (Outline) with layout, scale and access to be determined. All other matters reserved.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364896 177080	Ward:	Downend
Application Category:	Major	Target Date:	18th August 2016



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N.T.S.

PK16/2577/O

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from local residents' and the South Gloucestershire Hawk and Owl Trust, and Avon Badger Group; the concerns raised being contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application site comprises 0.97 hectares of land to the rear of nos. 61-67 Cleeve Hill, Downend; no.67 is a Locally Listed building. The site forms part of the wider land holding of no.67 beyond its back garden to the rear. The land was formerly associated with the Cleeve Hill House Estate but more recently has been used as private residential amenity space for the enjoyment of the former resident of 67 Cleeve Hill.
- 1.2 The site consists of two areas of rank grassland, which slope down toward each other from the backs of the properties in Cleeve Hill and from Britannia Wood to the south. The two sections are separated by a large pond (Players Pond Circa 1736) which is fed by springs located to the east. From the main part of the site a spur runs forward between no.57 Cleeve Hill and the Tennis Club to the east, and it is this spur that is the proposed means of access to the land. Much of the western site boundary lies on top of a low cliff, below which are the residential properties in Overndale Road.
- 1.3 The site has a back-land relationship to the houses on Cleeve Hill and is generally well enclosed by trees and other high boundary vegetation. To the south-east are Dial Lane Allotments. There is a blanket Tree Preservation Order (TPO) on most of the trees within the site.
- 1.4 The application seeks outline consent for the erection of 12no. dwellings, 4no. of which would be affordable housing units. Matters of layout, scale and access are to be determined at the outline stage with appearance and landscaping to be the subject of a subsequent reserved matters application, should outline consent be granted.
- 1.5 The application is supported by the following documents:
 - Design and Access Statement
 - Flood Risk and Drainage Strategy
 - Archaeology Report
 - Historic Environment Assessment
 - Design Principles
 - Planning Statement
 - Transport Statement
 - Speed Data Report
 - Arboricultural Survey Impact Report
 - Preliminary Ecological Appraisal Survey
 - Badger Survey Report

- Badger Method Statement
- Bat Activity Report
- Great Crested Newt Survey Report
- Bat Scoping Survey Report
- Reptile Presence/Absence Survey Report

2. **POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework March 2012

The National Planning Practice Guidance 2014

Planning (Listed Buildings and Conservation Areas) Act 1990

2.2 Development Plans

The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013

CS1 - High Quality Design

CS2 - Green Infrastructure

CS4A – Presumption in Favour of Sustainable Development

CS5 - Location of Development

CS6 - Infrastructure and Developer Contributions

CS8 - Improving Accessibility

CS9 - Managing the Environment and Heritage

CS16 - Housing Density

CS17 - Housing Diversity

CS18 - Affordable Housing

CS23 - Community Infrastructure and Cultural Activity

CS24 - Green Infrastructure, Sport and Recreation Standards

The South Gloucestershire Local Plan (Adopted) 6th January 2006

L1 - Trees and landscape

L7 - Sites of Nature Conservation Interest

L9 - Species Protection

L10 - Historic Parks and Gardens

L11 - Archaeology

L12 - Conservation Areas

L15 - Buildings and Structures Which Make a Significant Contribution to the Character and Distinctiveness of the Locality

H4 - Development in Existing Residential Curtilages, Including Extensions and New Dwellings.

EP2 - Flood Risk and Development

T7 - Cycle Parking

T12 - Highway Safety

LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)

LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)

2.3 Supplementary Planning Guidance

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

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

Affordable Housing SPD Adopted Sept. 2008.

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

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

The South Gloucestershire Landscape Character Assessment (Adopted) Nov 2014

2.4 Emerging Plan

Proposed Submission : Policies, Sites & Places Plan June 2016

PSP1 - Local Distinctiveness

PSP2 - Landscape

PSP3 - Trees and Woodland

PSP5 - Undesignated Open Spaces within Urban Areas and Settlements

PSP6 - Onsite Renewable & Low Carbon Energy

PSP8 - Residential Amenity

PSP11 - Development Related Transport Impact Management

PSP16 - Parking Standards

PSP17 - Heritage Assets and the Historic Environment

PSP19 - Wider Biodiversity

PSP20 - Flood Risk, Surface Water and Watercourses

PSP21 - Environmental Pollution and Impacts

PSP43 - Private Amenity Space Standards

3. **RELEVANT PLANNING HISTORY**

Other than extensions to the existing houses, tree applications and applications relating to the neighbouring tennis club, the key planning history relates to the following:

3.1 K5753 - Erection of 5no. dwellings and garages and alterations to existing access (outline).

Refused 6 June 1988 for the following three reasons:

1. The proposal would result in additional turning traffic on Cleeve Hill (A4174) which would interrupt the free flow of traffic and be detrimental to highway safety.
2. The proposed access is considered unsuitable to serve the development.
3. The grant of planning permission would set an undesirable precedent which would result in a proliferation of private accesses serving land to the rear of properties on the south-west side of Cleeve Hill which would be to the detriment of highway safety.

Appeal T/APP/C0115/A/88/111167/P2 dismissed 5th April 1989 on grounds of:

- Restricted visibility at the access onto Cleeve Hill.
- Inadequacy of the access road as an approach to 5 houses.

- 3.2 PK14/4921/F - Erection of a 60no. bedroom Residential Care Home (Class C2) with access, parking, landscaping and associated works.

Refused 12th June 2015 for the following reasons:

1. By reason of the proposed building's excessive scale combined with its form, massing, siting and loss of garden space to allow for the creation of an area of car parking and new access road, the proposed scheme would adversely affect the setting of a Locally Listed Building i.e. no. 67 Cleeve Hill, Downend. This would be contrary to Policy CS9 of the South Gloucestershire Local Plan Core Strategy and the provisions of the NPPF.
2. By reason of its excessive scale and massing, its design and siting; the proposed building is neither informed by, respects or enhances the character, distinctiveness or amenity of the site and its context which would be contrary to Policy CS1 criterion 1 of The South Gloucestershire Local Plan Core Strategy Adopted 11th Dec. 2013 and saved Policy H4 (A) of The South Gloucestershire Local Plan (Adopted) Jan. 2006.
3. By reason of its excessive scale and its siting; combined with the introduction of car parking and access facilities into a confined site, the proposal fails to conserve or enhance the character, distinctiveness, quality and amenity of the landscape which would be contrary to Policies L1 (C) and CS9 of The South Gloucestershire Local Plan (Adopted) Jan. 2006.
4. The submitted archaeological Desk Based Assessment has identified that there is the potential for important archaeological remains and possible associated burials beneath the development site. In the absence of an appropriate Field Study to include trial trenching to ascertain the presence or otherwise of these remains and if needs be, proposed mitigation; the scheme is considered to be Contrary to Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013, Policy L11 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the provisions of the NPPF.
5. In the absence of a Section106 legal agreement to secure contributions towards community facilities required to service the proposed development, the proposal is contrary to Policies CS6, CS23 and CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Appeal APP/P0119/W/15/3106092 dismissed 9th June 2016 on grounds of:

- Harm to the character and appearance of the area.
- Harm to the setting of the Locally Listed building.

4. CONSULTATION RESPONSES

Following the initial round of consultations carried at the receipt of the application, a Reg.5 letter was served on the applicant to ensure that layout and scale were to be included for determination at the outline stage. A further round of consultations was subsequently carried out. Site notices were posted in both Cleeve Hill and Overndale Road.

4.1 Downend and Bromley Heath Parish Council

Response to the initial consultation:

Insufficient information on website to enable us to make an informed decision. However, as highlighted by the Waste Officer, there is inadequate vehicle access for refuse collection. Also emergency vehicles must have sufficient access.

Response to subsequent consultation:

No objection in principle, provided the following issues are properly addressed:

1. Potential flooding to the rear gardens in Overndale Road, as has previously happened (evidence provided).
2. Concerns of access and egress to the proposed site, noting Cleeve Hill is a busy road, which is a major feeder road to the motorway system.
3. The proposed site is a sensitive area for local wildlife and the environment.
4. Local featured heritage pond must be protected.

4.2 Other Consultees

Waste Engineer

The general arrangement and the extent of private roads described in the supporting documents of the outline planning application does not show sufficient vehicle access for refuse collection. The collection vehicles will not operate over roads that are not adopted without indemnity.

Subsequent response:

The revised layout is welcome, it shows a turning area for large vehicles and as such addresses the earlier concern about access.

Public Art Officer

No comment.

Police Crime Prevention Officer

No objection

Wessex Water

The site will be served by separate systems of drainage constructed to current adoptable standards. The applicant's drainage consultant has undertaken pre-application discussions with Wessex water. If the application is approved, the developer is invited to apply for connections in accordance with standard procedure.

Lead Local Flood Authority

No objection subject to a condition to secure a SUDS Drainage Scheme.

The Environment Agency

No response

Sustainability Officer

No response

Avon Fire and Rescue

No response

Avon Wildlife Trust

No response

South Gloucestershire Hawk and Owl Trust

Object on grounds of loss of habitat for Tawny Owls and other birds and animals.

Historical Environment Officer (Archaeology)

No objection subject to a standard HC11 condition.

Conservation Officer

There is not sufficient basis to object to the proposed scheme on heritage grounds in regard to impact of the development on any upstanding non-designated heritage assets.

I would though reiterate that the proposed development would be harmful to the character and appearance of the local area by reason of its siting, scale and design and so would advise refusal on the basis of CS1 and the design guidance set out within the framework. The need to reinforce local distinctiveness in particular comes to mind.

Revised layout plans have been submitted since these comments were made.

Urban Design Officer

I wholly concur with the conclusion of the Conservation Officer and believe that it provides strong direction as to how the application could be resolved, i.e. by provision of a revised indicative layout that reflects more closely the predominant grain and form of dwellings found around the site.

Revised layout plans have been submitted since these comments were made.

Transportation D.C.

No objection subject to a contribution of £5,000 secured by S106 Agreement, towards a scheme of road safety on Cleeve Hill and conditions relating to parking, garaging, construction of access road and bin storage collection facilities.

Avon Badger Group

Object on the grounds of - concern over the loss of foraging for the badgers that live on the site.

Ecology Officer

There is no ecological objection to this application. Although originally there were several concerns, these have all been addressed, mitigated for and suitable enhancements provided.

Tree Officer

An Arboricultural Method Statement and Tree Retention and Removal Plan should be submitted prior to determination. Details of the proposed access route and engineering solution adjacent to the pond should also be submitted and approved prior to determination.

The requested documents were subsequently submitted to the Tree Officer's satisfaction.

Landscape Officer

No objection subject to a condition requiring a detailed landscape plan to be submitted and approved requiring inter alia, screen planting on the boundary with the allotment and mitigation planting for the fruit trees (G4) and hazel (G6). The condition should clarify that it will not be acceptable to remove G4, G6 or G42, T44 and G43 unless adequate mitigation planting is proposed.

Children and Young People

No response

Housing Enabling

In summary the following affordable housing will be secured by way of a S106 agreement. The four affordable homes shall be built and delivered in accordance with the below affordable housing requirements which will be included within the s106 agreement.

Social Rent

2 x 2 bed houses

1 x 3 bed house

Intermediate (Shared Ownership)

1 x 3 bed house

4.3 New Communities

The requirements arising as a result of the development are:

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Spatial amount provided on site (sq.m.)	Shortfall in provision (sq.m.)	contributions towards off-site provision and/or enhancement	Maintenance contribution
Informal recreational open space	331.20	TBC	TBC	£8,010.27 if not fully provided on site	£14,119.52 if not fully provided on site
Natural and semi natural open space	432	TBC	TBC	£5,789.88 if not fully provided on site	£9,604.83 if not fully provided on site

Outdoor sports facilities	460.80	0	460.80	£22,163.56	£6,708.19
Provision for children and young people	72	0	72	£11,603.91	£12,201.60
Allotments	Adequate existing provision accessible from the proposed development				

Should the site be recommended for approval we will need to use formulae in the S106 as we do not have detail as to how much of each category of POS will be provided and consequently the level of off-site contributions. We will base the formulae on the shortages in each category. For each square metre shortfall of each category there will be a contribution based on the rates below:

	Informal recreational open space	Natural & semi natural urban green space	Outdoor sports facilities	Provision for children & young people
Average provision/enhancement cost per sq.m.	£24.1856	£13.4025	£48.0980	£161.1654
Average 15yrs maintenance cost per sq.m.	£42.6314	£22.2334	£14.5577	£169.4667

Other Representations

4.4 Local Residents

A total of 33no. letters of objection have been received from local residents; the concerns raised are summarised as follows:

- Intrusion into and loss of green land.
- Would add to the traffic congestion on Cleeve Hill.
- Increased noise and light pollution.
- Additional access onto Cleeve Hill would be dangerous on brow of hill and close to junction with Cleeve Park Road.
- The traffic survey is out of date.
- There is a dangerous pedestrian crossing near the access.
- There have been recent accidents on Cleeve Hill.
- The sun blinds drivers at the top of Cleeve Hill.
- There is the opportunity for a pathway linking Cleeve Hill and Croomes Hill.
- Adverse impact on wildlife – birds, bats, badgers, newts, fox and deer.
- Loss of TPO'd Trees.
- Adverse impact on sewage and drainage infrastructure.
- Security issues – access to rear gardens opened up.
- The houses in Overndale Road will be flooded by water from the pond. There should be no soakaways.

- Works will destabilise the cliff causing landslides to gardens of houses in Overndale Road.
- Overlooking and loss of privacy to properties in Overndale Road.
- Overbearing impact and loss of light for properties in Overndale Road.
- There is already public access from Britannia Woods to the side of the Tennis Club.
- Enough new houses already built in the area.
- Additional pressure on schools and services.
- Overdevelopment of the site.
- Access not suitable for waste and delivery vehicles.
- Insufficient information to assess.
- Adverse impact on springs feeding the pond.
- Loss of character – not in-keeping.
- A housing scheme on this site was refused in 1986/7 and an appeal dismissed.
- Poor visibility from access on the brow of Cleeve Hill.
- Would increase on-street parking.
- Historic relationship of site with Cleeve Hill House Estate.
- Loss of garden space 57 & 59 Cleeve Hill.
- Impact on badger setts.
- Inadequate parking provision.
- Traffic in the area has increased in the last 3 years.
- TPO'd trees were cut down at the access in recent past.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para. 14 of the NPPF states that decision takers should approve development proposals that accord with the development plan without delay; where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

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

5-Year Land Supply

- 5.2 The Council's Annual Monitoring Review (AMR) reveals that the Council cannot currently demonstrate a 5-year housing land supply. As there is provision for windfall sites in the calculation, this weighs in favour of the proposal, which would make a positive contribution, to the housing supply within South Gloucestershire; as such para. 14 of the NPPF is therefore engaged.
- 5.3 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only limited weight can currently be given to most of the policies therein.

- 5.4 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants' to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.
- 5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.6 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments.
- 5.7 It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings. The NPPF encourages efficient use of land and paragraph 47 requires the need to 'boost significantly the supply of housing'.
- 5.8 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.
- 5.9 Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.
- 5.10 Policy L5 states that within the existing Urban Areas development will not be permitted where it would adversely affect the contribution that an open area makes to the quality, character, amenity and distinctiveness of the locality. Where a site contributes to local character and distinctiveness the council will seek to negotiate measures to enhance and manage these open areas.

Analysis

- 5.11 Members will be aware that at this stage, South Gloucestershire Council cannot demonstrate that it has a five-year supply of deliverable housing land. As such, Paragraph 14 of the NPPF is the starting point for the consideration of this planning application. In this instance, the NPPF makes a presumption in favour of approving sustainable development provided that the benefits of doing so (such as the provision of new housing towards the 5yr HLS) are not

significantly and demonstrably outweighed by adverse impacts. Notwithstanding this position, the site is located within the urban area associated with Downend where new residential development is acceptable in principle.

- 5.12 On this basis, there is a presumption in favour of approving this application. However, it is necessary to consider the benefit of this proposal against any adverse impacts and weigh these factors in the balance with the benefits. The issues for consideration are discussed as follows:

5.13 Density

Local Plan Policy H2 is not a saved policy; there is no prescribed minimum density requirement for housing development. The NPPF however seeks to make efficient use of land in the Urban Area for housing. The proposed density of the development is 12.37 dph. Although this is a low density, officers consider that given the site constraints and character of the locality, the proposed density of development, makes the most efficient use of the site.

5.14 Scale, Design and Conservation Issues

Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted Dec 2013) only permits new development where good standards of site planning and design are achieved. Criterion 1 of Policy CS1 requires that siting, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.

- 5.15 The site can be regarded as forming part of the remnants of a designed landscape associated with Cleeve Hill House Estate, which was demolished in the early 1930s following the sale of the estate in the late 1920s, which helped facilitate the inter-war suburban expansion of Downend. As noted within the supporting Heritage Environment Assessment (HEA), the site contains a number of surviving parkland features – the pond (Player's Pond), railings, retaining walls and sections of the former carriage drive which used to approach Cleeve House from the west with a tunnel under Cleeve Hill. The curved boundary to the west of the adjacent tennis court is also of interest, having been a feature of all maps produced of this area since the middle of the eighteenth century but this lies outside of the application site.

- 5.16 In considering how the proposed scheme would affect the surrounding non-designated heritage assets identified, officers would concur with the scope of assessment of the submitted HEA and the findings that, there are no above ground designated heritage assets that would be directly affected by the proposed scheme.

- 5.17 The proposed development would affect the setting of the Locally Listed number 67, however due to the local topography, separation distances involved and existing levels of planting it is difficult to conclude that the impact on the setting of this Locally Listed building would be so detrimental that a recommendation of refusal could be justified. A scheme of robust planting along the site's northern boundary could however be sought at reserved matters stage.

- 5.18 The impact on the vestiges of the parkland setting identified above would however be significant. The context to the pond would be lost and the proposal to “reinstate the carriage drive in places” is meaningless in officer view and the opportunity for a more meaningful reinstatement would be lost forever. The consequence of the proposed development would be an intrusion of built form into this historic landscape and subsequent partial loss or erosion of the ability to perceive the relationship the land to the south of Cleeve Hill had, with the former Cleeve House Estate. However, although these features are of local significance individually and collectively and the impact of the proposed development would be harmful, officers do not believe that a reason for refusal could be substantiated in this case due to the low significance the existing features are considered to possess. There is therefore no heritage based objection to the proposed scheme.
- 5.19 In terms of general scale and design terms, officers are mindful that a recent appeal against the refusal of planning permission for a 60 bed Care Home (see 3.2 above) located to the rear and side of no.67 was dismissed, primarily on the grounds of harm to the character and appearance of the area. Both the Council's Listed Buildings & Conservation and Urban Design officers have again raised concerns about the proposal based on this issue.
- 5.20 As identified in the recent appeal, the character of the surrounding context has a prevailing street pattern and plot layout of detached houses in large plots and pairs of semis in smaller, more standardised plots that is considered to be of local interest and worthy of protection. The proposed scheme however fails to respond positively to this local context and appears in contrast as a back-land scheme in comparison. Whilst appearance remains to be determined as a reserved matter, the submitted indicative information shows that an attempt has been made to reflect some of the key architectural features or forms present within the context.
- 5.21 Overall the concern is that in views of the development from the allotments to the rear of Cleeve Hill and in views from Overndale Road, the development by virtue of siting, design and layout would appear incongruous within its context and thus harmful to the character and appearance of the locality. The access adjacent to number 57 would also be visually intrusive and harmful.
- 5.22 Whilst it is acknowledged that the proposal would result in some harm to the character and appearance of the locality, the degree of harm must be considered in the overall planning balance against the benefits of the scheme. Making comparison with the previously refused scheme for the 60 bed Care Home, your officer does not consider that the current proposal would result in such a significant loss of character as the previously proposed Care Home.
- 5.23 The proposed Care Home was in the form of a single, monolithic block, 2/3 storeys in height and rapping around the Locally Listed No.67 Cleeve Hill. Large parts of the building would have been visible within the Cleeve Hill street scene, in stark contrast to the established scale and grain of development in the area.

- 5.24 The housing scheme now proposed would however be predominantly back-land in nature and as such would not be readily visible from Cleeve Hill. Whilst perhaps not meeting modern design standards, a back-land development of modern housing was fairly recently allowed at nearby Cave Close. Furthermore, the current proposal would be well enclosed and screened within the site and this level of screening could be further enhanced by additional planting secured via the landscaping scheme at the reserved matters stage. The proposed houses, arranged as a mix of detached, semi-detached and terraced houses would have nothing like the impact of the previously refused Care Home building. As scale is to be determined at the outline stage, the scale parameters of the respective houses has been submitted (see page 40 of the D&A Statement). The heights of the dwellings vary between 8m – 9.5m which is not considered to be excessive or significantly different from other 2-storey houses within the locality.

Transportation Issues

- 5.25 The application site is located on a parcel of land immediately to the south west of Cleeve Hill and sits behind the rear garden areas associated with nos.57 to 67. The location is a sustainable one, as established in the earlier appeal relating to the Care Home scheme. Vehicular access to the site would be directly onto Cleeve Hill. The new access road would sit to the north of an existing access serving a parking area to the rear of the adjacent tennis club. Officers are now satisfied that adequate visibility splays are achieved from the site entrance onto the public highway.
- 5.26 Some local residents' and the Parish Council have expressed concerns about this proposal. Officers are also aware of the planning history of the site and a previous refusal of planning application no. K5753 (decided in 1988, see para. 3.1 above) also for housing on this site.
- 5.27 Associated with this application, the applicant has submitted a Transportation Statement (TS) and this has been assessed by the Transportation D.C. officer. It is noted that the traffic data including the speed survey as quoted in this TS was taken some 3 years ago; officers therefore consider this data to be out of date. Specific to vehicular speeds on Cleeve Hill, the Council's more recent data shows that vehicular speeds are much higher than those quoted in the applicant's TS. Based on the Council's speed data from Speedvisor, the 85%ile speeds are 39mph (see data from Sept & Oct 2015) and 36mph (see data from Jan & Feb 2016). Additionally, officers' note that the submitted Transportation Statement refers to accident data on Cleeve Hill between the years of 2011 to 2014, yet the document itself is dated 2016. According to the SG Council's records between years 2011 to 2016, there have been eight Personal Injury accidents on Cleeve Hill. Given the out of date information contained within the applicant's TS therefore, the Transportation officer cannot agree with the conclusion of this document.
- 5.28 Whilst officers are prepared to accept that the scale of the proposed development is modest, there are issues that require attention. Of particular concern are the relative high vehicular speeds, together with the number of personal injury accidents recorded along this stretch of road, which leads to the conclusion that appropriate mitigating measures are needed if road safety is to

be maintained. Mitigating measures have now been put forward by the applicant as follows:

- 5.29 As regards the impact of the development traffic – Officers forecast that such development would result in approximately 60 vehicular movements (two-way movements) daily. During both the AM and PM Peak hour, there would likely be 6 to 8 vehicular movements in or out of the site. Right turning traffic into the site access can block the traffic on the main road unless suitable provision is made for this. There is an existing pedestrian island and central hatching (white lining) area outside the proposed new entrance. There is scope to amend the central hatching [road] markings in order to provide some measures for the ‘right-turners’. This would be a benefit to the development as well as to those travelling on the main road.
- 5.30 Given the fact that there will be increased development traffic/turning movements then, it is appropriate to make the changes to the central hatching in order to formalise a right turn lane facility at this location. A scheme of road improvement has been designed by the Council's Traffic Management Department with advice received from the road safety team. This scheme proposes alteration to the white lining [road markings] along Cleeve Hill, which is aimed to contain vehicular speeds and to increase driver's awareness towards those vulnerable road users such as cyclists using the road, thereby maintaining road safety. The highway works as proposed are considered relevant to the proposed development and its impact and are directly outside the application site access, including the nearby junction on Cleeve Hill with Cleeve Park Road. Officers consider that a financial contribution of £5,000 towards these works is justified and this would be secured by S106 Agreement should planning permission be granted.
- 5.31 Access – a shared surface of adequate width is now shown on the submitted revised plans.
- 5.32 Internal site layout –Officers are now satisfied that acceptable off-street parking provision for each house plus suitable turning area for service vehicles would be provided on this site.
- 5.33 Subject to the above contribution, there are no objections on transportation grounds.

Impact on Residential Amenity

- 5.34 The properties most likely to be affected by the proposal are those immediately adjacent to the site i.e. nos. 57-67 Cleeve Hill. Concerns have also been raised by occupiers of the houses opposite the site access on Cleeve Hill and those located in Overndale Road to the west.
- 5.35 The proposed dwellings would be located in an elevated position in relation to the properties in Overndale Road. The rear elevations of the houses in Overndale Road would however be some 46m-52m from the windows in the facing rear elevations of the nearest proposed dwellings, which in turn would only be two-storey and even allowing for the elevated position, there would be no significant loss of privacy due to inter-visibility between these respective

windows. Furthermore, there is an existing tree belt on the boundary of the site with the properties in Overndale Road, which would no doubt provide screening and help to baffle views of the proposed buildings from the Overndale Road direction. The houses in Overndale Road are also considered to be too far away for the proposed dwellings to have an overbearing impact on these properties. The houses in Overndale Road have generous rear gardens and whilst there may be some potential for overlooking of these gardens from the nearest new dwellings, this would also be from an acceptable distance. Furthermore officers consider that some overlooking of neighbouring gardens in urban areas is inevitable if sites in sustainable locations are to be developed in line with government guidelines i.e. to make the most efficient use of land within the urban area.

- 5.36 Similar comments can be made regarding the impact of the proposed dwellings to the north of the site, on the amenities of those occupiers of houses along Cleeve Hill. There are no residential properties to the south and east that would be affected.
- 5.37 There is some potential for vehicles travelling along the proposed access to adversely affect the amenities of no.57, which does have windows in its facing side elevation. None of these windows however, appear to be principle habitable room windows. This situation would be little different from that allowed at nearby Cave Close.
- 5.38 In terms of amenity space, despite the gardens to nos. 57 and 59 being truncated, an adequate amount would be retained to serve these family sized properties located in a sustainable location. As regards the proposed dwellings themselves, they would all be served by private rear gardens of adequate size.
- 5.39 Some concerns have been raised about the possible loss of security for houses on Cleeve Hill by opening up the application site to development. Officers noted during their site visit however that the existing site is overgrown and dark at night, providing an ideal haven for potential criminals. By introducing the proposed housing scheme, there would be a significant increase in passive surveillance of the area and with appropriate boundary treatments, secured at the reserved matters stage, privacy and security should be maintained to a good level.
- 5.40 On balance therefore, any adverse impact of the scheme on residential amenity would not be so significant as to justify refusal of the application.

Landscape and Tree Issues

- 5.41 Policy L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 does not permit proposals that would adversely affect the contribution that an open area makes to the quality, character, amenity and distinctiveness of the locality. The site is heavily vegetated so as an open area the site is not considered to make a significant contribution to the quality, character, amenity or distinctiveness of the locality and having regard to the extent of existing built development around the site, the lack of a PROW through the site and the presence of high belts of trees to the sides and rear, which screen the site from views from the public domain, officers are satisfied that in terms of Policy L5 of

the South Gloucestershire Local Plan (Adopted) 6th January 2006 the proposal is acceptable and would not represent a significant loss of open space.

- 5.42 Both Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Core Strategy Policy CS9 however seek to conserve and enhance the character, distinctiveness, quality and amenity of the landscape. The site is well vegetated and is covered by an Area TPO together with individual TPO's to some trees and in general landscape terms the landscape character and setting of the site does make a significant contribution to the character and distinctiveness of the locality.
- 5.43 Whilst the landscaping of the site remains to be determined at the reserved matters stage, a full Arboricultural Impact Assessment and Method Statement has been submitted to officer satisfaction. Subject to a condition to ensure that development is carried out in full accordance with the contents of the submitted Arboricultural Impact Assessment and Method Statement, plus a condition to secure details of the root bridge beside the pond; the Tree Officer has no objection to the proposal.
- 5.44 There was concern raised that the width of the access road would necessitate the removal of some of the adjacent mound to the south-east which would have resulted in a greater loss of trees than shown on the Tree Retention and Removal Plan. The access drive has since been re-aligned on the revised Site Layout Plan to avoid this.
- 5.46 The amended layout plan still shows the hazel and holly group, G6, being removed to enable the development; these could and should be retained, the hazel could be coppiced to reduce its size and could be maintained as a hedge in the long run. If this mature group is removed, the mitigation planting would be to plant a significant length of mixed native hedge. It is not clear why the mature trees on the boundary with the allotment are being removed. The users of the allotment currently enjoy trees on the boundary, which help to give the allotment a sense of remoteness and tranquillity. Removing these trees would open up the allotment to views of the new housing. The mitigation for the removal of these trees would need to be significant and would include native hedge screen planting and large trees. The fruit trees, G4, are being removed and these would need to be mitigated for with a new area of fruit trees either to the east or south of Plot 1-4.
- 5.47 A landscape condition would therefore need to be attached to any permission requiring a detailed landscape plan to be submitted and approved– notably to include screen planting on the boundary with the allotment and mitigation planting for the fruit trees (G4) and hazel (G6). The condition would clarify that it would not be acceptable to remove G4, G6 or G42, T44 and G43 unless adequate mitigation planting is proposed.
- 5.48 Subject to the above mentioned conditions, there are no landscape or arboricultural objections.

Ecology

- 5.49 The site lies in Downend, approximately 8km from the centre of Bristol. It consists of semi-natural habitats, with several diverse and derelict outbuildings. Residential properties with gardens form the majority of the surroundings, with tennis courts adjacent to the eastern boundary. The site itself is not subject to any nature conservation designations, and there are no statutory sites of conservation interest within 1km, but there are six Sites of Nature Conservation Interest (SNCI) within 1km, with Britannia Wood SNCI lying immediately adjacent to the southern boundary. It is considered that none of these sites will be adversely affected by the proposal; Britannia Wood will be unaffected as tree root protection zones will be implemented.
- 5.50 A Preliminary Ecological Appraisal has been provided (Acorn Ecology Ltd, dated August 2014, updated as further information regarding proposals became known). The northern half of the site was surveyed in 2014, the southern half in 2015. The findings are as follows:-

Habitats

- Semi-natural broadleaved woodland and scattered broad-leaved trees – trees with bat roost potential will be retained;
- Hedgerows around some of site boundary – to be retained;
- Small orchard – to be replaced;
- Dense scrub;
- Semi-improved species-poor grassland – majority of this habitat will be lost;
- A large waterbody (Players Pond) – this will be retained; and
- Five outbuildings, walls, fences and hardstanding.

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

- Bats – all the small built structures were subject to an external (August 2014) and internal (July 2015) bat roost inspection. They were all assessed as having negligible bat roost potential. Suitable bat foraging habitat is present and three activity surveys and 15 nights of static recording were completed. Five species of bat were recorded during the surveys including common pipistrelle, soprano pipistrelle, serotine, noctule and Myotis spp. Levels of bat activity on site were considered to be low with certain busy areas, mostly concentrated on the pond (which would be retained as part of the development). Three trees were assessed as having high bat roost potential (Bat Scoping Survey, Acorn Ecology Ltd, dated April 2016). These are to be retained. Trees and tree groups planned for removal are classified as Category 2 and 3. Suitable mitigation would be supplied in the Ecological Mitigation and Enhancement Plan;

- Great Crested Newts – the pond was subject to a Habitat Suitability Index and found to have poor suitability to support great crested newts. Another pond is situated east of the site, and also assessed as having poor suitability; more ponds are shown on the site plans on the western boundary but these were not surveyed due to access restrictions. Further survey (Great Crested Newt Survey Report, Acorn Ecology Ltd, dated April 2016) using

presence/likely absence survey and eDNA sampling of the large pond (the other pond was not holding water) found no evidence for Great Crested Newts to be present.

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

- Reptiles – there is potential habitat for reptiles on site however, none were found during the survey. Suitable mitigation will be supplied in the Ecological Mitigation and Enhancement Plan;
- Breeding birds – potential in trees and scrub. Suitable mitigation will be supplied in the Ecological Mitigation and Enhancement Plan.

Badger Act 1992

- A badger activity survey was carried out in 2015 (Badger Method Statement, Acorn Ecology Ltd, dated May 2016). There is an active 12-entrance main sett, an active four-entrance annexe sett and an outlier sett, associated with the north-western and south-eastern boundaries. An outlier sett entrance was located in the eastern steep bank during a site visit. Although several mammal trails cross the site, evidence of badger foraging was very low and situated in the north-east. It is assumed that badgers are foraging in Britannia Woods SNCI and the allotments adjacent to site. A larger buffer zone has been created for entrances of the main sett and the outliers in close proximity to the road will be subject to closure under licence. Suitable mitigation will be supplied in the Ecological Mitigation and Enhancement Plan.

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

- The site has potential to support hedgehog, therefore destructive searching and habitat manipulation will ensure their safety during construction.

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

5.51 There is no ecological objection to this application. Although originally there were several concerns, these have all been addressed, mitigated for and suitable enhancements provided. Matters of primary importance include:

- The requisite licence for sett closure, to be obtained from Natural England, of the two outlier setts near the proposed road;
- The provision of sympathetic lighting scheme for bats and the installation of additional roosting opportunities;
- The replacement of the orchard scheduled for removal with at least eight fruit trees; and
- The 20m buffer between the development and Britannia Wood SNCI.

Therefore, should the application be granted Consent, the following Conditions should be attached:

1. An Ecological Mitigation and Enhancement Plan should be produced including ecological mitigation and enhancement details including, but not limited to, those provided within the supporting documents of the application and any correspondence between Acorn Ecology and South Gloucestershire Council. This will include specific plans for habitats (including the orchard and pond), bats, badger, reptiles, birds and hedgehog. The Ecological Mitigation and Enhancement Plan should be submitted to the council for approval in writing prior to the commencement of any development related activity.
2. The lighting scheme for the development should be submitted to the council for approval in writing prior to the commencement of any development related activity. This will ensure the suitability of the lighting scheme for bats that will continue to use the pond for foraging post-development.

Environmental and Drainage Issues

- 5.52 Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this could be adequately mitigated by imposing a condition to limit the hours of construction. The site does not lie within a high risk flood zone. There have been no past mining activities in the immediate area and as such the site is not within a Coal Referral Area. In terms of light pollution, officers are mindful that the existing Tennis Club and until recently the tennis courts to the north, use/used floodlights; the site also lies within the urban area. There is no reason to suppose that the proposed dwellings would be excessively lit. Furthermore, a bat friendly lighting scheme would be secured by condition so the illumination of any lights would more than likely be on the low side.
- 5.53 Saved Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 requires that proposed development ensures that foul and surface water disposal arrangements are acceptable and incorporate sustainable drainage principles. In addition, development should not be permitted where it could increase the risk of flooding. A number of concerns have been raised by local residents concerning drainage issues and past flooding of the neighbouring rear gardens to properties in Overndale Road.
- 5.54 The drainage system proposed to deal with surface water off this site is to discharge at a restricted rate into the existing on-site pond/ordinary watercourse, which then makes its way through a private culvert before connecting into the public surface water system. Concerns have been raised regarding this approach, in particular with regards to the pond and its ability to accommodate further flows as it is fed by springs. As there is a known surface-water flooding issue in the area and not wanting to exacerbate this problem, the Council's Drainage Engineer recommends that further investigations into the pond and section of culverted watercourse to be utilised, should be carried out to determine if there is capacity within the systems. Accepting that surface water discharge will be restricted (officers welcome the approach to limit the discharge rate to Qbar for all events up to and including the 1in100yr +30% for Climate Change event) so as not to increase flood risk elsewhere, officers still believe it would be pertinent to investigate further to make sure that there is no

increase in flood risk through this development and will help to fully understand the issues on site (springs, surface water flooding etc).

- 5.55 It is indicated in the Flood Risk Assessment and Drainage Strategy (Clive Onions, May 2016) that swales and permeable paving may be used on site as part of the surface water drainage system. There are known surface water drainage issues within the area and concerns that the use of infiltration methods are not a viable option for the site and that flood risk would be increased to properties on Overndale Road. Officers therefore require further details of the proposed approach to use a combination of infiltration methods (swales, permeable paving) and would recommend that further investigation is carried out into whether or not the use of infiltration is viable.
- 5.56 Confirmation as to who will manage and maintain the proposed surface water drainage system is also required. The Flood Risk Assessment and Drainage Strategy make reference to offering up the system for adoption to Wessex Water, however, no confirmation of acceptance of this is provided. In addition officers would expect to see that a management and maintenance plan be put in place for the Ordinary Watercourse and Pond that are located within the site area and are proposed to be utilised as part of the drainage system.
- 5.57 Subject to a condition to secure the above via an appropriate SUDS Drainage Scheme, there are no objections on drainage grounds.

Historic Environment (Archaeology)

- 5.58 An Historic Environment Impact Assessment has been submitted with the application; officers find no reason to disagree with the contents. The application does not impact upon the potentially significant asylum site to the northwest and the remaining features have been identified as low significance. As such, officers have no objection to this application. However, as the report also states that archaeological features, even those of low significance, may survive within the development area, a condition for a programme of archaeological work should be applied to any consent granted.

Other Issues

- 5.59 Of the issues raised by local residents that have not been addressed above:
- There was an unauthorised felling of trees on the frontage of the site some time ago. The Tree Officer attended the incident and stopped the work which was being carried out by some builders. The trees were of low quality due to previous works that had been carried out on the trees because of their proximity to power cables. It was not considered to be expedient to progress a prosecution given their low quality.
 - Concerns about unstable banks or retaining walls would be addressed by Building Control which would be the subject of a separate application. This is covered in Building Regs. Approved Document A page 5 para. A2. (b) which states that, "The building shall be constructed so that ground movement caused by :- land-slip or subsidence (other than subsidence arising from shrinkage) in so far as the risk can be reasonably foreseen, will not impair the stability of any part of the building."

Affordable Housing

5.60 The proposal is for 12no. new dwellings only, which is above the Council's threshold for affordable housing provision. Affordable Housing is sought in line with policy CS18 of the Council's adopted Core Strategy Development Plan Document. The Affordable Housing and Extra Care Housing SPD provide further guidance on this policy.

5.61 Affordable housing will be secured by way of a S106 agreement. The four affordable homes would be built and delivered in accordance with the below affordable housing requirements which would be included within the s106 agreement.

The affordable housing heads of terms to include:

- 35% of dwellings to be delivered as affordable housing, as defined by the NPPF.
35% of 12 dwellings will generate a requirement for 4 affordable homes.
- In this instance a tenure split of 73% social rent and 27% intermediate housing is required. The submitted application proposes four social rent homes however in order to meet identified need based on the findings from the SHMA 2015 the following mix is required :
 - **3 social rent homes (plots 10,11,12)**
 - **1 shared ownership home (plot 9)**
- Under the heading of Affordable Housing paragraph 6.49 within the submitted planning statement it states the following regarding the affordable housing provision:
"The mix is currently undefined under the outline application; however the indicative layout includes them as a terrace towards the front of the site. Further detail on this will be will reserved at reserved matters stage"

The following range of affordable unit types shall be provided to meet housing need based upon the findings from the SHMA 2015

Social Rent

Number of Affordable Homes	Type	Min Size m2
2	2 bed 4 person houses	79
1	3 bed 5 person houses 2 storey	93

Intermediate (Shared Ownership)

Number of Affordable Homes	Type	Min Size m2
1	3 bed 5 person houses	93

- There is no requirement for wheelchair accommodation.
- Affordable housing is to be delivered without any public subsidy.
- The Council to refer potential occupants to all first lettings and 75% of subsequent lettings.
- Design and specification criteria: All units to be built in line with the same standards as the market units (if higher) and to include at least Lifetime Homes standard, Part 2 of Secured by Design, and compliance with the RP Design Brief as follows;
 - All rear gardens to be turfed and generally to have 1.8m high close boarded fencing to boundaries and privacy panels;
 - All properties to have vinyl/tiles on floor in all ground floor rooms;
 - Ceiling height tiling to 3 sides of bathroom to be provided;
 - Provide wall mounted shower (either electric or valve and kit);
 - Provide gas and electric points to cooker space (where gas is available);
 - Painted softwood curtain battens to each window (where construction is traditional as opposed to timber frame)
- Delivery is preferred through the Council's list of Approved Registered Providers. The Council works in partnership with Registered Providers to deliver affordable housing to development and management standards. In the event of the developer choosing a Registered Provider from outside the partnership then the same development and management standards will need to be adhered to.
- Phasing: Affordable housing to be built at the same time as the rest of the housing on site in line with agreed triggers as per S.106 agreement. Where the development will proceed over more than one phase, the location, amount, type and tenure of the affordable housing in each phase will need to be set out in an Affordable Housing Masterplan and Schedule. The plan and schedule to be approved prior to submission of the first residential Reserved Matters application.
- The Council will define affordability outputs in the S.106 agreement, without any further information regarding sales values the affordability standards are as follows:
 - social rents to be target rents, set in accordance with the Direction on the Rent Standard 2014
 - shared ownership: no more than 40% of the market value will be payable by the purchaser The annual rent on the equity retained by the RP should be no more than 1.5% of the unsold equity
 - service charges will be capped at £650 (April 2016 base) to ensure that the affordable housing is affordable
- Social rented to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided.
- Any capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.

5.62 New Communities

The proposal is for 12no. new dwellings, which is above the Council's threshold for contributions to Community Services.

The requirements arising as a result of the development are:

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Spatial amount provided on site (sq.m.)	Shortfall in provision (sq.m.)	contributions towards off-site provision and/or enhancement	Maintenance contribution
Informal recreational open space	331.20	TBC	TBC	£8,010.27 if not fully provided on site	£14,119.52 if not fully provided on site
Natural and semi natural open space	432	TBC	TBC	£5,789.88 if not fully provided on site	£9,604.83 if not fully provided on site
Outdoor sports facilities	460.80	0	460.80	£22,163.56	£6,708.19
Provision for children and young people	72	0	72	£11,603.91	£12,201.60
Allotments	Adequate existing provision accessible from the proposed development				

Officers will base the formulae on the shortages in each category. For each square metre shortfall of each category there will be a contribution based on the rates below:

	Informal recreational open space	Natural & semi natural urban green space	Outdoor sports facilities	Provision for children & young people
Average provision/enhancement cost per sq.m.	£24.1856	£13.4025	£48.0980	£161.1654
Average 15yrs maintenance cost per sq.m.	£42.6314	£22.2334	£14.5577	£169.4667

The contributions would be spent on facilities at Lincombe Barn and/or King George V Playing Fields or such other open spaces as may be appropriate.

5.63 CIL Matters

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

5.64 **Planning Obligations**

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

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

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

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

The Planning Balance

- 5.66 The NPPF para. 49, is clear that housing applications should be considered in the context of the presumption in favour of sustainable development. According to the Framework, at paragraph 14, that means that when, as here, there is no five-year housing land supply and relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or specific Framework policies indicate that development should be restricted.
- 5.67 In this case there are some clear benefits to the proposal; in light of the Council's housing land supply situation the provision of 12no. new dwellings must carry significant weight in its favour, as must the provision of 4 units of affordable housing secured through S106. The economic benefits for local house builders and suppliers of building materials and for local services would be a further small benefit to which only moderate weight can be afforded. The proposal lies in a highly sustainable location and makes the most efficient use of the site for housing in the Urban Area which is a further benefit. The residual cumulative transportation impacts of the development, which are not considered to be 'severe' can only be afforded neutral weight in the final balance as this is expected of all developments. Contributions towards the provision and maintenance of public open space also weigh in favour of the application.
- 5.68 Weighed against this would be some loss of existing vegetation and wildlife habitat but this would be adequately mitigated by the Ecological Mitigation and Enhancement scheme secured by condition. Similarly any loss of trees would be mitigated by new planting secured by a landscape condition and at the

reserved matters stage. Any adverse impact on the setting of the Locally Listed building no.67 Cleeve Hill is so insignificant as to carry little or no weight against the proposal. The introduction of a housing scheme into this site would undoubtedly result in some harm due to loss of character to the area, this however is not considered to be so great as to significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework as a whole or specific Framework policies.

- 5.69 On balance therefore officers consider that in their judgement, the proposal is sustainable development, that should be granted planning permission without delay.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 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.

7. RECOMMENDATION

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

- (i) A financial contribution of £5,000.00p toward the implementation of traffic management and road safety measures including the necessary amending of the existing road markings on Cleeve Hill in accordance with the details shown in principle on the plan no. T304-664-001.
- (ii) The provision of on-site affordable housing as follows:

Social Rent – to be delivered without public subsidy:

2 x 2 bed 4 person houses, minimum size 79 sq.m – Plots 10 & 11
1 x 3 bed 5 person house 2-storey, minimum size 93 sq.m – Plot 12

Intermediate (shared Ownership) – to be delivered without public subsidy.

1 x 3 bed 5 person house 2-storey, minimum size 93 sq.m. Plot 9.

- (iii) A financial contribution of £22,163.56p towards the provision and/or enhancement, and £6,708.19p towards the maintenance of; off-site outdoor sports facilities at Lincombe Barn and/or King George V Playing Fields or such other open spaces as may be appropriate.
- (iv) A financial contribution of £11,603.91p towards the provision and/or enhancement, and £12,201.60p towards the maintenance of; the provision of off-site open space for children and young people facilities at Lincombe Barn and/or King George V Playing Fields or such other open spaces as may be appropriate.
- (v) If not fully provided on site - A maximum financial contribution of £5,789.88p towards the provision and/or enhancement, and £9,604.83p towards the maintenance of; natural and semi-natural open space facilities at Lincombe Barn and/or King George V Playing Fields or such other open spaces as may be appropriate. Subject to the details approved at the reserved matters stage and if needs be, the formula outlined at para. 4.3 above.
- (vi) If not fully provided on site - A maximum financial contribution of £8,010.27p towards the provision and/or enhancement, and £14,119.52p towards the maintenance of; off-site informal recreational open space facilities at Lincombe Barn and/or King George V Playing Fields or such other open spaces as may be appropriate. Subject to the details approved at the reserved matters stage and if needs be, the formula outlined at para. 4.3 above.

The reasons for this Agreement are:

- (i) In the interests of highway safety on Cleeve Hill in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.
- (ii) To provide affordable housing on the site in accordance with Policy CS18 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the Affordable Housing and Extra Care Housing SPD (Adopted) Sept. 2008.
- (iii) To provide policy compliant levels of off-site outdoor sports facilities for the residents of the development and to ensure its maintenance costs are met for the prescribed period by the development and not the local authority and to accord with Policy CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th December 2013.
- (iv) To provide policy compliant levels of off-site open space for children and young people for the residents of the development and to ensure its maintenance costs are met for the prescribed period by the development and not the local authority and to accord with Policy CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th December 2013.
- (v) To provide policy compliant levels of off-site natural and semi-natural open space for the residents of the development and to

ensure its maintenance costs are met for the prescribed period by the development and not the local authority and to accord with Policy CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th December 2013.

- (vi) To provide policy compliant levels of off-site informal recreational open space for the residents of the development and to ensure its maintenance costs are met for the prescribed period by the development and not the local authority and to accord with Policy CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th December 2013.

- (2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.

7.2 Should the agreement not be completed within 6 months of the date of the committee resolution, that delegated authority be given to the Director of Environment and Community Services to refuse the application.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

5. The development hereby approved shall be completed in full accordance with the details shown on the plans listed as follows:

Topographical Site Survey Drawing No. 1103 received 10th May 2016

Site Layout Plan Drawing No. BRS.6385_01 Rev G received 24th Oct. 2016

Site Location Plan Drawing No. BRS.6385_03 Rev A received 10th May 2016

Land Use Plan Drawing No. BRS.6385_08 Rev A received 03rd Oct. 2016

Vertical and Horizontal Visibility Splays Drawing No. SW162219-VS-001 Rev A received 26th August 2016.

Proposed Lining Improvements Cleeve Hill Drawing No. T304-664-001

Design and Access Statement BRS.6385_02B received 18th Oct. 2016

Reason

For the avoidance of doubt.

6. 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 minimise disturbance to neighbouring properties and to accord with the provisions of the NPPF.

7. Prior to the first occupation of any of the houses hereby approved, the car parking facilities shall be implemented in accordance with the approved Site Layout Plan Drawing No. BRS.6385_01 Rev G and maintained as such thereafter.

Reason

To ensure adequate on-site parking provision in the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policy CS8 of The South Gloucestershire Local Plan Core Strategy Adopted 11th Dec. 2013 and to accord with The South Gloucestershire Residential Parking Standards (SPD) Adopted.

8. Details of refuse bin storage and collection areas and secure cycle parking facilities shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the bin storage and collection areas and cycle parking facilities shall be implemented in full accordance with the details so approved prior to the first occupation of the dwellings hereby approved.

Reason

To ensure adequate bin storage and collection facilities and cycle parking facilities, in the interests of highway safety and to promote sustainable forms of transport; to accord with Policies T12 and T7 respectively of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the Waste Collection: guidance for new developments SPD Adopted Jan. 2015..

9. Prior to the commencement of the development hereby approved and notwithstanding the landscape details already submitted, a scheme of landscaping, which shall include details of all existing trees and hedgerows on and adjacent to the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting) plus a 5-year maintenance schedule, boundary treatments and areas of hard-surfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

(For the avoidance of doubt, the detailed landscape plan to be submitted and approved should include inter alia, screen planting on the boundary with the allotment and mitigation planting for the fruit trees (G4) and hazel (G6). It will not be acceptable to remove G4, G6 or G42, T44 and G43 unless adequate mitigation planting is proposed).

Reason

To ensure the satisfactory appearance of the development and to protect the landscape character in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013 and the provisions of the NPPF. This is a prior to commencement condition to ensure that those trees/hedgerows to be retained are adequately protected for the whole duration of the development.

10. A bat-friendly lighting scheme shall be drawn up and agreed with the Council in writing. All works are to be carried out in accordance with said scheme and prior to the first occupation of the dwellings hereby approved.

Reason

In the interests of protected species and to accord with Policy L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013. (This will ensure the suitability of the lighting scheme for bats that will continue to use the pond for foraging post-development).

11. Prior to the commencement of the development hereby approved, an Ecological Mitigation and Enhancement Plan shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved plan. (For the avoidance of doubt, the Ecological Mitigation and Enhancement Plan should include ecological mitigation and enhancement details including, but not limited to, those provided within the supporting documents of the application and any correspondence between Acorn Ecology and

South Gloucestershire Council. This will include specific plans for habitats (including the orchard and pond), bats, badger, reptiles, birds and hedgehog).

Reason

In the interests of protected species and to accord with Policy L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013. This is a prior to commencement condition to ensure that adequate wildlife habitat will be retained.

12. Prior to the relevant part of the works hereby approved, samples or details of the proposed external facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in full accordance with the samples or details so approved.

Reason

To ensure a satisfactory appearance of the development to maintain the character of the location and to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy Adopted 11th Dec. 2013 and the provisions of the NPPF.

13. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved SUDS scheme.

Reason

To ensure that adequate drainage is provided in accordance with Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy Adopted 11th Dec. 2013 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

14. 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 is to be carried out in accordance with the attached brief.

Reason

In order to ensure the adequate protection of archaeological remains, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy L11 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the National Planning Policy Framework. This is a prior to commencement condition to ensure that archaeological remains are not destroyed by the works.

15. The internal access road (serving the new development) shall be constructed to the Council's adoptable standards with auto-track details for service vehicles to be submitted and agreed in writing at the detail design stage.

Reason

To ensure adequate access in the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policy CS8 of The South Gloucestershire Local Plan Core Strategy Adopted 11th Dec. 2013.

16. All garages are to be constructed on the site, shall have minimum internal dimensions of 3m (wide) by 6m (long). All garages are to be used/maintained for the purpose of garaging of private motor vehicles.

Reason

To ensure the dwellings are served by adequate garaging facilities , in the interests of highway safety to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the South Gloucestershire Residential Parking Standards SPD (Adopted)..

17. The houses hereby approved shall be constructed in accordance with the scale parameters listed on page 40 of the submitted Design & Access Statement received 18th Oct 2016.

Reason

For the avoidance of doubt and to ensure a satisfactory appearance of the development to maintain the character of the location and to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy Adopted 11th Dec. 2013 and the provisions of the NPPF.

18. The development hereby approved shall be carried in full accordance with recommendations of the Arboricultural Impact Assessment and Method Statement by Barton Hyett Ref P.1852 dated 21 Oct. 2016.

Reason

To ensure the satisfactory appearance of the development and to protect the landscape character in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013 and the provisions of the NPPF.

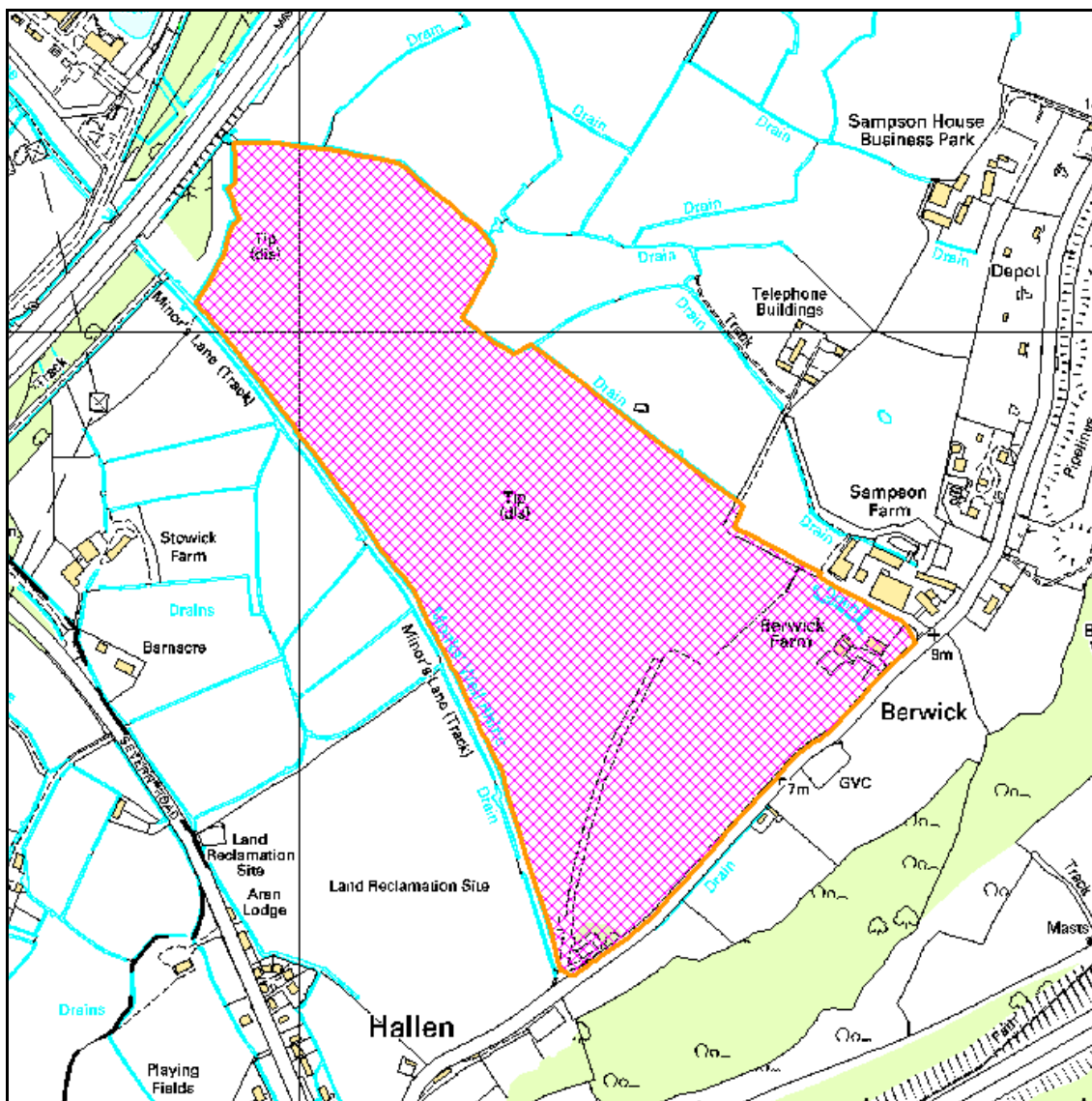
19. Prior to the commencement of the development hereby approved, full details of the proposed root bridge beside Players Pond shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the details so approved.

Reason

To ensure the satisfactory appearance of the development and to protect the landscape character in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013 and the provisions of the NPPF. This is a prior to commencement condition to ensure that those trees/hedgerows affected will be retained and are adequately protected for the whole duration of the development.

CIRCULATED SCHEDULE NO. 43/16 – 28 OCTOBER 2016

App No.:	PK16/3995/MW	Applicant:	Suez Recycling And Recovery UK Ltd
Site:	Berwick Farm Berwick Lane Hallen South Gloucestershire BS10 7RS	Date Reg:	7th July 2016
Proposal:	Variation of condition no. 1 attached to planning permission PT14/3206/MW to extend the length of time of permission and condition no. 9 to vary approved plans, relating to restoration contours.	Parish:	Almondsbury Parish Council
Map Ref:	355649 180647	Ward:	Almondsbury
Application	Minerals and Waste	Target	4th October 2016
Category:		Date:	



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100023410, 2015.

N.T.S.

PK16/3995/MW

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as a result of representations received to the consultation process.

1. THE PROPOSAL

- 1.1 The application is for the variation of condition 1 attached to planning permission PT14/3206/MW to extend the length of time of permission. In addition, and further to application ref. PT15/2630/NMA, which was non-material amendment to PT14/3206/MW to add a condition (condition 9) listing the approved plans, the application also seeks to vary the condition listing approved plans, by adding a further plan which amends certain restoration contours within the site. PT14/3206/MW was for the variation of condition 1 attached to planning permission PT09/5578/MW to extend the length of time of permission. (PT09/5578/MW was for the restoration of the existing landfill site through capping and importation of inert material and a change of the approved afteruse from golf course to agricultural pasture). Condition 1 of PT14/3206/MW required that the restoration development should be completed on or before the 31st December 2015 and subsequent on-site restoration operations be completed by 30th June 2016. The permission was approved on the 23rd January 2015. The applicants seek to extend the time period by an additional 2 years.
- 1.2 The proposal relates to the existing landfill located at Berwick Farm, situated off Berwick Lane, Hallen. The site is located approximately 0.5km north east of the centre of the village of Hallen. The site is roughly rectangular in shape and comprises 25ha of land most of which is either operational landfill or disturbed land. The boundary of the site is well defined by existing physical features, Berwick Lane to the south, a track named Minor's Lane and the Monks Well Rhine to the west and the M49 to the north. To the east boundary the site adjoins agricultural land. The site is located within the Green Belt.
- 1.3 The nearest properties to the landfill to the immediate east are Berwick Farm (a derelict property on the edge of the application site itself), Sampsons Farm and Severn House, approximately 90 and 220 metres from the landfill respectively. To the north east are the Telephone Buildings, approximately 160 metres away, beyond which is the Sampson Business Park. To the west the nearest properties start around 220 metres from the edge of the landfill whilst south west towards Hallen, the nearest properties are around 250 metres along Berwick Lane. Access to the site is off Berwick Lane through the site entrance located at the southern corner of the site. A public right of way comprising a footpath runs along the southeastern boundary of the site from the site entrance to the eastern corner of the site.
- 1.4 In addition to land use planning requirements and the satisfactory restoration and capping of waste sites the requirement for restoration is also necessary in terms of ongoing environmental and pollution control.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy for Waste

2.2 South Gloucestershire Minerals and Waste Local Plan

Policy 6	Landscape Protection
Policy 20	Water Resources
Policy 21	Drainage
Policy 22	Residential/Local Amenities
Policy 24	Traffic Impact
Policy 28	Restoration
Policy 29	Standard of Restoration

2.3 West of England Joint Waste Core Strategy (Adopted) March 2011

Policy 8	Landfill, Landraise, Engineering and Other Operations (Principles)
Policy 9	Landfill, Landraise, Engineering and Other Operations (Details)
Policy 11	Planning Designations
Policy 12	General Considerations

3. RELEVANT PLANNING HISTORY

- 3.1 In 1982 a submission was made to determine whether a proposed agricultural improvement scheme, including deposit of waste materials, required planning permission. It was resolved that planning permission was not required. Tipping commenced in 1983. In 1989 an application for planning permission was submitted to reprofile the partially completed site to contours incorporating minimum slopes of 1 in 20, consistent with current landfill practice at that time. The application was refused in 1990. The applicants subsequently appealed and consent was granted in 1992. In 1993 an application (P93/1765) for planning permission was submitted to amend the restoration profile to facilitate restoration of the site to a golf course. This was granted on 20 November 1995. Planning application ref. PT01/1071/RVC sought to extend the time limit for the completion of landfilling and restoration of the site. This was granted on 2 April 2003 for a further four years from that date. (i.e. tipping to be completed by 2007, and the site fully restored within a further year.)
- 3.2 Application ref. PT04/1415/F sought permission for the amendment of the approved working details and restoration profile to incorporate additional landfill capacity that removal of pipelines across the site would provide. This application was refused by the Council on 8th June 2005. The decision was subsequently appealed and allowed on 4th October 2006. The site operators and the site itself were subsequently acquired by SITA. Since that time SITA had made a commercial decision not to implement the appeal decision and the formal timescale for implementation has now expired.
- 3.3 PT09/5578/MW – Restoration of landfill site through capping and importation of inert material to achieve amended finished contours and change approved afteruse from golf course to agricultural pasture. Approved 17th August 2010.

- 3.4 PT14/3206/MW - Variation of condition 1 attached to planning permission PT09/5578/MW to extend the length of time of permission. Approved 23rd January 2015
- 3.5 PT15/2630/NMA – Non Material Amendment to PT14/3206/MW for an additional condition listing the previously approved plans. No objection. 7th July 2015

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No comments received

Sustainable Transportation

We note that this planning application seeks to vary a condition (ref 1) placed on the permission granted for a landfill site at Berwick Farm in Berwick Lane, Hallen (ref PT14/3206/MW). We understand that variation of this condition will enable the period for the restoration of this site to be further extended. We have no objection to this application as it is unlikely to materially change the travel demands associated with this location. Moreover, we understand that it is not proposed to change the sites parking or access arrangements. Consequently, we have no comments about this application

Lead Local Flood Authority

No Objection in relation to Condition 1, however until details of the surface water management plan are submitted, we are unable to comment on Condition 9 in relation to amending the contours.

Highways Drainage

No comment

Landscape

I confirm that there is no landscape objection to the proposed extension of time. However the previous conditions on the 2003 approval should still apply.

Other Consultees:

Local Residents

Two letters of objection have been received, summarised as follows:

- The site should have been completed by now, in accordance with previous consents
- The HGV's speed along Severn Road and Berwick Lane
- Mud from the site is deposited on the highway
- To resolve the mud on the road issues a road sweeper is used, this creates noise, dust and damage to highway issues, as well as and safety issues associated its use, mud should not be leaving the site
- The site causes dust issues raising concerns over local health issues
- There is an impact upon local wildlife
- The proposals will mean continued disturbance and noise and amenity impact
- The village has had to put up with the site for too long
- The site should have been completed and the disruption ceased

- All materials required for the site should have been brought onto the site prior to the application ceasing.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

As the site history section above demonstrates, the principle of the site for use as a landfill has been established and ongoing for a number of years. This principle was extended in 2006 when, on appeal, additional tipping opportunity that had been identified by the operators through the potential removal of pipelines that crossed the site, was subsequently approved. The proposed after use of the site at that time remained as a golf course and therefore restoration proposals, planting, contours and aftercare and management were designed for such use. The tipping capacity and life of the site as a landfill was to be increased as well as the final contours and landform amended as the removal of oil pipelines across the site provided greater void space for tipping. The site operators and the site itself were subsequently acquired by SITA. Since that time SITA had made a commercial decision not to implement the approval under the appeal decision. Instead it was sought to amend the timescale in which the existing site could be restored, and change the permitted after use of the site from golf course to agricultural. Due to the complexity of the surface water drainage scheme for the site as well as a limited availability of suitable materials, the restoration works are yet to be completed and it is therefore required to extend the permitted timescales to allow this to take place. These proposals essentially therefore seek to extend the time in which to implement the necessary restoration requirements in order to restore the existing land raised area, and return the land to, upon completion, to agricultural pasture.

5.2 Landfilling activities themselves have ceased and any remaining importation of materials would be for the effective capping and restoration of the site. Policy 9 of the West of England Joint Waste Core Strategy (Adopted) March 2011 and Policies 28 and 29 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002 require effective restoration of such sites. A restoration scheme has been approved for the site under previous consents. An additional plan is also sought to be added to the added condition of approved plans, that would vary the restoration contours in a certain sector within the site. Operations to import restoration materials would be spread within the extended timescale. It is considered that due to market conditions which appear to have limited demand for inert material for landfilling/restoration purposes, and the complexity of the ongoing drainage requirements, that the applicants have been unable to restore the site fully within the limited timescales. The site would continue to import inert restoration material as per the existing planning permission to achieve the consented contour levels.

5.3 This application seeks additional time in which to complete the approved restoration. Restoration of the site is therefore a necessary requirement both in terms of land use requirements as well through the Environment Agency licensing regime associated with the effective capping and containment of the landfilled site and therefore in principle considered acceptable, subject to detailed development control considerations.

As per Government guidance, and where there dual controls across a site, planning permissions should not duplicate pollution control requirements that would be achieved from other legislation.

5.4 Green Belt

The site is located on the edge of the Green Belt. As illustrated above the principle of the site as a land raising scheme in the Green Belt has been established by previous decisions. Upon cessation of landfilling it would be expected that the site would be restored in accordance with an approved scheme and the site returned into the wider landscape. Due to non-implementation and lapses in time restrictions set on previous consents, the need for a further application exists. However the principle of restoring the site and , in this instance returning it to agriculture, would not be considered to conflict with the requirements of Green Belt policy and would in fact benefit this area of Green Belt in terms of securing a restoration that would improve the sites impact upon openness and visual amenity.

5.5 Visual Amenity

The context of the site as land raised area has been established in ongoing operations and previous consents resulting in its undulating appearance. This application seeks to restore the land on the basis of what has been placed on site under previous consents. With the necessary cap and cover laid across the site as part of the restoration scheme the site. The proposed variation to restoration plans would see a reduction in height and required restoration material over a part of the landfill, within the site, otherwise the restoration landform would follow the existing pattern of the landfilling across the site. There are no in principle landscape objections to the proposals and restoration to agriculture use is visually acceptable, the changes to contouring proposed are not considered to raise , in their own right, significant or material issues of landscape impact or concern, and are considered acceptable. A scheme providing further, more specific detail in the form of a landscape plan, should be requested through condition, to address location and detail of plant mixes, maintenance, protective fencing and details of any open water or wetland area. An aftercare scheme can also be requested to address a 5 year period for effective management of the site.

5.6 Ecology

The site lies within the floodplain of the Severn Estuary. The Severn Estuary itself, in recognition of its nationally and internationally important wildlife, is subject to a range of statutory and non-statutory nature conservation designations and is a Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) candidate Special Area of Conservation (cSAC) and is also a Natura 2000 (N2K) site. The application site itself however does not lie directly in an area of any designations. However, given its proximity to this area, and given the land available and potential opportunity it creates, the site does provide for the potential to allow for the creation of additional wildfowl habitat. This is considered particular relevant on such areas surrounding the estuary to help avoid issues arising from developments within Severnside, linked to the historic ICI consents and to provide additional habitat for the wildfowl associated with it and off-set the potential loss of habitats in that area.

Such habitat could include a series of shallow scrapes to provide an area where water may at times accumulate and allow a natural accumulation of invertebrates and therefore a feeding habitat. On this basis the applicants have confirmed this would be acceptable. In accordance with previous requirements for the site, details of this should be secured by a condition, which could be linked to the landscape management plan above, as well as be subject to the subsequent aftercare requirements.

5.7 Local Amenity

The site is required to be restored to a suitable standard after use as a landfill and this principle is evident through the various planning decisions over the history of the site that provide for various restoration requirements. Under the terms of an earlier Inspectors appeal decision, it was considered acceptable for the site to open up new areas and continue landfilling until 2016 prior to final restoration. The current proposal is for extension to the restoration period only which it is considered would enable full completion including restoration within similar timescales. It is considered therefore that whilst HGV movements and site activity continue, this would be at a lesser scale and duration than that previously approved and it would be with a view to beneficially completing the site. Furthermore the types of material going into the site would be clean, uncontaminated restoration materials as opposed to the general waste accepted by the site as a landfill, with the potential to generate greater amenity and environmental concerns. Under the terms of this variation requirement less restoration material would also be required, thereby further reducing the importation requirements and HGV movements associated with it. It is considered that there remains a requirement for the satisfactory completion of restoration of the previously approved landfill and the extension of time and variation of the plans the subject of this application is necessary, reasonable and acceptable.

- 5.8 A five year aftercare period would follow the completion of restoration works, through which an aftercare plan can be secured through condition. Landfill gas will continue to be collected from the site for electricity generation as long as sufficient landfill gas is being generated. The operators would retain responsibility and management of the landfill thereafter until such a time as the Environment Agency were satisfied that the pollution control permit for the site could be surrendered. The specific issue of HGV's is discussed in more detail below.

5.9 Highways.

It is not considered that the proposals materially change the travel demands associated with this location. It is also not proposed to change the sites parking or access arrangements. There are no highways objections to the proposals. Compliance with speed restrictions is not a planning matter and levels of any debris on the highway are ultimately a highways issue where on site measures are not preventing materials from being deposited on the highway, however notwithstanding this, wheel wash facilities exist at the site, as approved under condition of the previous consent and will remain.

5.10 Drainage

The continued operation of the restoration scheme will not lead to an increase in flood risk on or in the vicinity of the site. There are no objections from either the Highways Drainage Team or the Environment Agency on this basis, subject to conditions, and in this respect it is recommended that further detailed surface water management and maintenance schemes are required through condition in accordance with previous requirements on the site.

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 site as a landfill already exists and the requirement for restoration therefore also exists. Previous consents that enable the restoration of the site have lapsed and so the need for a further planning permission to enable the required restoration also exists. The proposals would involve restoration materials only and would enable the completion of the site over a lesser timescale than the earlier planning consent for the site which also permitted further landfilling. The application is on this basis considered to be in accordance with Policy 9 of the West of England Joint Waste Core Strategy (Adopted) March 2011. In addition to this, whilst the site is located within the Green Belt as the proposals seek to restore an existing landfill site the application is not in conflict with Green Belt policy. Existing access would be used. It would not be expected that traffic flows at proposed levels would have any greater impact on the highway network than uses approved through previous planning applications and transport impacts are likely to lessen as restoration approaches completion. It is not considered that the proposals would increase upon any amenity impact and in fact would reduce any potential impact when compared to previously approved schemes. In terms of visual amenity the proposals would enable the satisfactory restoration of a landfill site and integrate the site within the surrounding area. Once restored the site will offer additional ecological benefits to the area through the creation of additional habitat and for estuarine wildfowl associated with the nearby Severn estuary. Additional drainage safeguards would be required through condition. The proposals are therefore in accordance with Policies 11 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

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

7. **RECOMMENDATION**

7.1 That planning permission is granted subject to conditions. Conditions will reflect those previously granted under planning permission references PT09/5578/MW and PT14/3206/MW except where they have been discharged or are no longer relevant to the development.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following plans and details:
 - Drawing No. CRM.011.010.D.001 - Site Location Plan (Drawing 1)
 - Drawing No. CRM.011.010.D.002 - Site Context Plan (Drawing 2)
 - Drawing No. CRM.011.010.D.003 - Restoration After use Masterplan (Drawing 3)
 - Drawing No. CRM.011.010.D.004 - Plan Showing the Difference Between the Pre-Settlement Restoration Contours and Post-Settlement Restoration Contours (Drawing 4)
 - Drawing No. CRM.011.010.D.005 - Long Section A-A (Drawing 5).
 - and Drawing No. 5382.OTH.D01 - Proposed Capping Area with Cross Sections

Reason

To ensure satisfactory restoration of the site, to accord with the approved plans and details and in accordance with Policies 28 and 29 of the South Gloucestershire Minerals and Waste Local Plan Adopted May 2002 and Policies 11 and 12 of the West of England Joint Waste Core Strategy Adopted March 2011.

2. The importation of materials the subject of this permission shall be completed on or before the 31st December 2015. Subsequent on-site restoration operations shall be completed on or before the 30th June 2016. The Council shall be notified in writing upon the completion of works.

Reason

In the interests of local amenity and to ensure a satisfactory restoration of the site within a defined timescale, and to accord with Policies 11 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2012 and Policies 6, 9, 22, 24, 28 and 29 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002.

3. A survey of levels shall be submitted annually to the the Local Planning Authority, the first one being submitted within 12 months from the date of this permission. A final survey shall be submitted to the Local Planning Authority upon the completion of restoration works.

Reason

In the interests of monitoring the levels of the site, the satisfactory restoration of the site and visual amenity, and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

4. Within two months from the date of this permission a Landscape and Ecological Management plan shall be submitted to the Local Planning Authority for written approval. Such a plan shall include provision of wetland habitat (grazed wet grassland utilising a series of 'scrapes'), details on the intended grazing regime, tree and shrub planting location and mixes to reflect the tree and shrub composition of the woodland/hedgerows within the vicinity, the seed mix for the restored grassland and a scheme for the protection of trees and hedgerows. The details of the plan shall be

implemented as approved within 6 months of the completion of the restoration contours. The Council shall be notified in writing upon the completion of such implementation.

Reason

In the interests of the visual amenity of the area and the provision of ecological habitat and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Approved) March 2011.

5. Within two months from the date of this permission an aftercare scheme for the restored site shall be submitted to the Council for written approval. Such a scheme shall provide for a five year plan for the aftercare and management of the site. The period shall commence upon the completion of the implementation of the landscape and ecology works required under condition 3 above. The scheme shall include the provision for an annual report on the aftercare of the restored site and provide details of measures undertaken over the previous year and aftercare measures proposed for the forthcoming year.

Reason

In the interests of the visual amenity and ecological benefit of the site and in the interests of the satisfactory restoration and aftercare of the site, in accordance with Policy 9 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

6. Within two months from the date of this permission a scheme for the provision and implementation of surface water run-off limitation shall be submitted to the Local Planning Authority for written approval. Upon such written approval the scheme shall thereafter be implemented in accordance with the approved programme and details at all times.

Reason

To prevent any increased risk of flooding and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

7. Within two months from the date of this permission a full operation and maintenance strategy for surface water drainage shall be submitted to the Local Planning Authority for written approval. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme.

Reason

To ensure that the works provide the necessary mitigation against flooding for the lifetime of the existing and proposed development and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

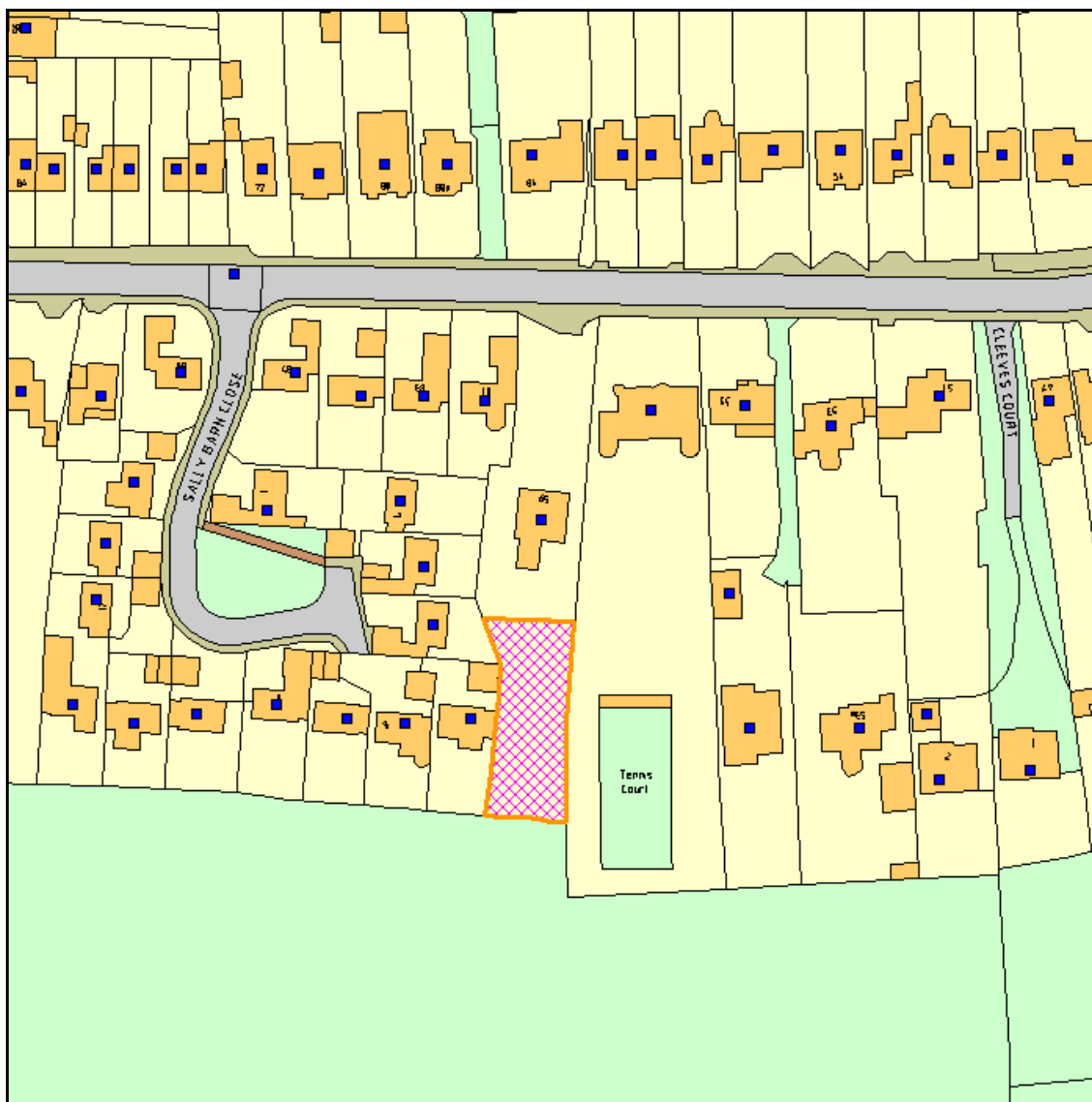
8. No plant or machinery shall be operated, no operations carried out and no lorries shall enter or leave the site outside of the times of 07.30 to 17.00 Monday to Friday and 08.00 to 13.00 Saturdays and at no times on Sundays or Bank Holidays.

Reason

In the interests of local amenity and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

CIRCULATED SCHEDULE NO. 43/16 – 28 OCTOBER 2016

App No.:	PK16/4160/F	Applicant:	Mr R Harvey
Site:	59 Court Farm Road Longwell Green South Gloucestershire BS30 9AD	Date Reg:	18th July 2016
Proposal:	Erection of 1no. detached dwelling, detached double garage, access and associated works.	Parish:	Hanham Abbots Parish Council
Map Ref:	365544 170571	Ward:	Longwell Green
Application Category:	Minor	Target Date:	7th September 2016



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PK16/4160/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as there are objections received contrary to the officer recommendation to approve the proposed development.

1. THE PROPOSAL

- 1.1 The site is located within the Bristol East Fringe Urban Area associated with Longwell Green. The southern boundary of the site sits adjacent to the Green Belt. For the avoidance of doubt, this application does not propose to introduce development into Green Belt designated land.
- 1.2 The site is currently occupied by a detached house and integral garage, with substantial front and rear gardens. Access to the site is from Court Farm Road. The proposed development would introduce a new dwelling and detached garage into the rear garden of the existing property with drive way access to the east side of the existing dwelling. A shared driveway would continue to the existing access onto Court Farm Road to the north of the existing dwelling.
- 1.3 The proposed access includes an off street passing bay at the access to the site, independent off street parking and turning facilities for the existing and proposed dwellings and off street bin collection storage.

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
CS16 Housing Density
CS29 Communities of the East Fringe of Bristol Urban Area

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

T12 Transportation Development Control Policy for New Development.

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP37 Internal Space and Accessibility Standards for Dwellings
PSP43 Private Amenity Space Standards

- 2.4 Supplementary Planning Guidance
South Gloucestershire Design Checklist (August 2007)
South Gloucestershire Residential Parking Standards (December 2013)
Waste Collection: Guidance for New Developments (January 2015)

3. **RELEVANT PLANNING HISTORY**

- 3.1 None

4. **CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish/Town Council
Wish to make no comment

- 4.2 Highway Authority

Initial Comments

Concern that the proposed development would result in a sub-standard access caused by inadequate visibility splays onto Court Farm Road, and; the proposal lacks sufficient footway space and fails to make adequate provision for access of service/delivery vehicles and emergency vehicles. Further concern is raised as to the lack of adequate off-street turning and parking facilities. As such, there is overall concern that the development would be detrimental to highway safety. The Highway Authority have suggested amendments to address this as follows;

Required further information to demonstrate changes to the proposed development in respect of improvements to the width of the access road to as to allow sufficient space for two vehicles to pass and emergency vehicles, and;

Provide additional off street turning space to accommodate service vehicle and auto-track information superimposed on an accurate topographical survey.

Provide adequate turning and parking space for the existing dwelling

Entrance to maintain sufficient visibility over wall/fences

Revised Comments

Revised plans were received to address the concerns raised initially. The Highway Authority has confirmed that the revised proposals adequately address the issues raised and the proposed development is now acceptable in highway safety terms.

- 4.3 Lead Local Flood Authority
No objection
- 4.4 Archaeology Officer
No objection
- 4.5 Environmental Protection Officer
No objection is raised in principle.

The Environmental Protection Officer sets out that due to the nature of previous land uses associated with the site, there is a risk of ground contamination being present. Accordingly, specific ground contamination investigation conditions are requested together with conditions controlling remediation in the event that contamination is found on the site.

- 4.6 Highway Structures
Wish to make no comment

Other Representations

- 4.7 Local Residents
Three sets of comments have been received. One set is made in objection whilst two sets make general comments in respect of the application. The comments are summarised as follows;

Objection Comments

The proposed development does not comply with national and local planning policy in design terms. The development would have an unacceptable impact upon the closest neighbour because it does not respect or add to overall quality due to its siting, position, scale height and mass in relation to its immediate locality.

The proposed development would result in an unacceptable noise impact in respect of the nearest neighbour; and, this is increased by the introduction of bi-folding doors directly adjacent to neighbouring properties. Noise impacts would be increased by the enclosed nature of the existing neighbouring garden and the position of the proposed dwelling.

The proposed dwelling would result in an overbearing impact on the occupants of the adjoining property and would create an unacceptable sense of enclosure.

The proposed dwelling would result in the loss of daylight into rooms within the adjacent dwelling.

The proposed balcony would exacerbate detrimental overlooking impact.

The proposed development would have a major impact on amenity and significant harm to the standard of living, quality of life, well-being and privacy of the occupants of the adjacent dwelling.

The proposed development does not comply with 'manual for streets. Given the nature of the proposed driveway concern is raised regarding access and fire safety.

The objector's comments also provide alternative development proposal in order to overcome the concerns raised; and suggests conditions to be attached in the event that planning permission is granted

General Comments

Boundaries should be agreed with the occupiers of 57 Court Farm Road.

Any removal of or works to trees owned by the occupiers at 59 Court Farm Road should be discussed (with the occupiers of 57 Court Farm Road) ahead of those tree works being carried out.

New fencing or means of separation of the site during the development is to be positioned within the property at 59 Court Farm Road.

The distance between the proposed garage and the adjacent dwelling together with the provision of adequate security fencing is questioned.

5. ANALYSIS OF PROPOSAL

5.1 The application details new residential development within the Bristol East Fringe Urban Area.

5.2 Principle of Development

At this time the South Gloucestershire Authority Monitoring Report (AMR) indicates that South Gloucestershire Council cannot demonstrate that it has a 5 year supply of deliverable housing land. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph goes on to suggest that if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date. This stance applies equally to policies that restrict the development of housing in favour of other forms of development. Accordingly, paragraph 49 of the National Planning Policy Framework is engaged.

5.3 In respect of this planning application, policies CS5 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 is relevant. The policy sets out that most new development will take place within the urban areas associated with the East and North Fringes of Bristol. The redevelopment of this site in general is consistent with this policy position

5.4 Paragraph 14 of the National Planning Policy Framework makes a presumption in favour of sustainable development, and sets out that proposals for development 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 National Planning Policy Framework.

5.5 On this basis, this application for new housing must be assessed in the context of paragraph 14 of the National Planning Policy Framework. Essentially, there is a presumption in favour of granting planning permission for this development unless any identified adverse impacts resulting from such an approval would *significantly and demonstrably* out-weigh the benefits. The impacts of the development proposal are assessed below.

5.6 Green Belt Considerations

The site is located within the Urban Area but it is adjacent to the Green Belt. Land to the south of the site is open and within the Green Belt. The nature of development in this location is such that residential properties and associated buildings are built right up to the edge of the settlement boundary forming a well defined development line along this edge. The position of the proposed building is such that it would not project beyond this building line and would be consistent with this character. On this basis, officers consider that there is no material impact upon the openness of the adjacent Green Belt or the purpose of including the land within it.

5.7 Housing Density

The nature of development around this location is relatively low density, achieving around 12 dwellings per hectare to immediately to the east. This is higher to the north and to the west, modern development associated with Sally Barn Close is in the region of 25 dwellings per hectare.

- 5.8 The existing site density (across the whole site with one dwelling on it) is approximately 5 dwellings per hectare. The proposed development would increase this to 10 dwellings per hectare. The density of the development proposed on the application site (enclosed in the red line and excluding the land to be retained for the existing dwelling) is in the region of 12 dwellings per hectare.

- 5.9 This level of density is low, however it is consistent with the general character of the surrounding area and is therefor acceptable.

5.10 Design and Visual Impact

The existing site is made up of a substantial rear garden associated with the existing dwelling. The site is enclosed to the west by existing modern housing development associated with Sally Barn Close and to the east by residential curtilage associated with 57 Court Farm Road. The southern boundary of the site is enclosed by open fields. In general terms, development to the east and west includes new tandem form of development with large dwellings constructed within the former rear gardens of earlier dwellings.

- 5.11 The site and its surrounding context is predominantly residential in nature made up of a mix of detached and semi detached dwellings constructed in the latter half of the 20th Century and early 21st Century. A limited number of older buildings are evident amongst more modern development. The residential plots are generally spacious in nature, many of which have been infilled with further residential development. There is no predominant architectural style with many of the buildings being individually in appearance. Standard designs have evolved to become more individual as occupiers have extended and altered dwellings over time.

- 5.12 In this instance, officers consider that the context of the site includes tandem form development such that the proposed development would not be out of character with the wider context.

- 5.13 The proposed dwelling is of a modern and simple design with well balanced proportions, and fenestration. It is 8.2 metres deep by 10.2 metres wide and 7.8 metres high to its ridge and approximately 5 metres to its eaves. The proposed dwelling is positioned so that its rear elevation is roughly aligned with the adjacent dwelling to the west and would be constructed in modern materials made up of multi-red facing brick, brown concrete tiles and white window and architectural detailing. Officers consider that the simple design of the dwelling is reflective of the area in general and in visual terms is acceptable.
- 5.14 It is noted that a local resident has expressed concern about the design of the dwelling, commenting that it is higher and larger in foot print than the adjacent dwelling, and is poorly positioned. During the site visit, officer were able to view the visual relationship of the proposal with the adjacent dwellings on Sally Barn Close. Whilst officers acknowledge that the proposed building is larger than the adjacent dwelling, the general locality contains a wide range of housing styles and sizes. It is not considered that the proposed dwelling is such that it would be inconsistent with the general character of the locality. Furthermore, the dwelling is not of such a scale that it would over dominate the locality. On this basis, officers consider that the proposed development is acceptable in terms of visual character. Similarly, the proposed garage is modest and simple in form and would be located close to a similar sized garage associated with the adjacent dwelling to the west. Again, officers are satisfied that this is acceptable in visual character terms.
- 5.15 Residential Amenity
Objection has been made in respect of the impact of the development upon the amenity of the occupants of the adjacent dwelling to the west. In particular, concern is raised that the scale of the building is such that it would result in an overbearing impact to the detriment of the privacy and amenity. Concern is raised in relation to the position of the north elevation of the dwelling in that it would be further north than the same elevation of the adjacent dwelling therefor resulting in a loss of light levels to its north facing windows.
- 5.16 The adjacent dwelling is such that it has an almost direct north-south relationship. The proposed development would be arranged on the same basis and in particular, the southerly elevation of the proposed dwelling is aligned with the same elevation of the adjacent dwelling. During the site visit, officers noted that the adjacent dwelling includes a garage building immediately to the north within its curtilage. The application site is enclosed along its west boundary by strong boundary treatment (effectively filling the gap between the adjacent house and its garage), whilst a further garage associated with the dwelling further west is positioned forward of the north elevation of the adjacent dwelling. It is acknowledged that the existing situation is such that the north elevation of the adjacent dwelling is already enclosed (and to some extent, surrounded by) existing development. The proposed dwelling will stand approximately 2 metres beyond the north elevation of the adjacent dwelling with approximately $\frac{3}{4}$ metre separation to the single storey extension associated with the adjacent dwelling. Whilst officers acknowledge that there will be some additional shadowing impact during the morning periods, the level of this impact is significantly reduced given that the north elevation of the adjacent dwelling is already enclosed by existing development.

Accordingly, officers consider that the impact of the proposed development in this respect is limited and not such that the proposed development should be refused on those grounds.

- 5.17 Further concern is expressed with the proposed introduction of a proposed balcony to the majority the southern elevation of the new dwelling. It is acknowledged that a balcony has been added of the southern elevation of the adjacent dwelling. This relationship would allow some intervisibility between the balconies as proposed. However, to resolve this issue it is possible to install a privacy screen to the western side of the balcony so preventing a direct view from the proposed dwelling into the adjacent property to the west. An appropriately worded condition is suggested in the event that the application is approved.
- 5.18 Concern is also raised with the proposal to utilise bi-folding doors on the southern elevation of the proposed dwelling. This concern is directed at the perception that bi-folding doors will allow more noise to generate from the proposed dwelling, so impacting upon the amenity of the occupants of the adjoining dwellings. It is not considered that the provision of bi-folding doors would result in any material difference in noise terms that standard door types.
- 5.19 The site is located in a residential area and is currently in use as a residential garden. Whilst it is acknowledged that the introduction of an additional dwelling would likely result in an intensification of residential activity, such activity is not unusual in a sub-urban location such as this. It is not considered that the additional noise generated by normal residential activities associated with the proposed dwelling would have a material impact over the existing situation. Where anti-social noise levels become apparent, this is a matter appropriately addressed through Environmental Health Legislation and is not a matter for planning legislation to address.
- 5.20 Similarly, the proposed development would likely generate additional vehicular movements where there are currently none. Whilst this will generate some additional noise as a result of movements, given the scale of the development (a single dwelling) this impact is likely to be very minimal and as such would not result in an unacceptable impact. It is noted that the proposed garage, parking and turning area for the proposed dwelling would be effectively separated from the adjacent dwelling to the west by an existing garage and the proposed garage for the new dwelling so reducing this impact further at this point.
- 5.21 Having regards to the above, subject to the suggested condition, officers consider that the impact of the proposed development in residential amenity terms is acceptable.
- 5.22 Land Contamination
The Environmental Health Officer has identified that the use of land adjacent to this application site (as a quarry and landfill site) may have resulted in contamination of the application site. Whilst it is acknowledged that the likely presence of contaminants is low it is not unsurmountable that appropriate remediation is achievable should containments be found.

- 5.23 In order to ensure that no contaminants are present and if necessary, appropriate mitigation is carried out a planning condition can be applied in the event that this application is approved. This condition must be a pre-commencement condition in order to prevent the requirement for unnecessary abortive and remedial works.
- 5.24 Subject to the planning condition, officers are satisfied that the development is acceptable in this regard.
- 5.25 Transport and Highway Safety
Objection has been received in relation to the nature of the access to the proposed development. In particular concern has been raised regarding the access for a fire-engine.
- 5.26 During the course of this application, amendments to the layout of the proposed access have been received from the applicant, following discussions with the Highway Authority. This has resulted in a design that would adequately cater for access for a fire-engine and other emergency vehicles. It has also provided sufficient access for light service vehicles (such as a transit van) and sufficient space for two vehicles to pass within the site. Sufficient turning facilities are also provided within the site so as to allow domestic and light service vehicles to access and egress in a forward gear. The proposed development provides sufficient parking facilities consistent with the South Gloucestershire Council Residential Parking Standards SPD; and this is for the proposed dwelling and the existing dwelling.
- 5.27 Accordingly, subject to the provisions of the above measures, the proposed development is acceptable in highway safety terms. Appropriately worded conditions can be applied in the event of the approval of this application to secure the measures.
- 5.28 Other Matters
Fire Engine Access. It is noted that objectors have raised concern in relation to the access for fire service vehicles in an emergency and that the 'Manual for Street' offers guidance regarding distances from the highway in that regard. In this instance, the Highway Authority is satisfied that the development provides sufficient access for emergency vehicles. The matter of fire protection, prevention and escape is specifically controlled through the Building Regulation Legislation and new development must comply with those regulations in all respects. Accordingly, the Building Regulation Legislation is the appropriate area for the provision of fire safety measures. In planning terms, officers are satisfied that adequate provision can be provided and on this basis, there is no justification for refusal of this application on those grounds.
- 5.29 *Planning Conditions.* An objector has suggested some conditions in the event that the application is approved. The Local Planning Authority will apply conditions where it is necessary. Such conditions must comply with the 'six tests' as set out in the National Planning Policy Framework, namely;

Necessary,
Relevant to Planning and to the development to be permitted

Enforceable
Precise
and reasonable in all other respects.

Planning conditions should comply with the 'six tests' in full.

- 5.30 The objector has suggested the prohibition of further development to the front or rear of the proposed dwelling. In certain circumstances, the Local Planning Authority can impose conditions restricting permitted development rights afforded to dwellings under the General Permitted Development Order. It is generally accepted in planning practice that the imposition of such a condition should only be used in exceptional circumstance. In this instance, the resulting circumstances would not be exceptional as the development would provide a new residential dwelling in a sub-urban environment. It is likely that any development of greater scale than a single storey extension will required express planning consent in its own right. Officer consider that given the relationship of the proposed dwelling and the adjacent dwelling, a single storey extension is not likely to have further unacceptable impacts. Accordingly, officer find that the imposition of such a condition is not necessary and therefore does not meet the 'six tests'. The condition should not be applied.
- 5.31 A condition is also suggested that would preclude the use of 'pile driven foundations' in order to prevent potential damage to the adjacent dwelling. Damage to adjacent properties during the construction phase is a civil matter between the parties involved. Planning Legislation cannot address civil matters and cannot control the type of foundations to be used as part of development (this is a Building Regulations matter). Accordingly this condition is not necessary, relevant or reasonable and fails to comply with the 'six tests'. The condition should not be imposed.
- 5.32 A condition is also suggested that would preclude the use of 'bi-fold' doors. This is in relation to residential amenity. For the reasons set out in this report, the condition is not necessary or reasonable and fails to comply with the 'six tests'. The condition should not be imposed.
- 5.33 A condition is also suggested that requires the use of 'cloaked verges' to fit in with the surrounding area. Officers have considered the design of the dwelling and find that it is acceptable. The use of specific types of verges in this location is not essential given the variable types of buildings apparent. Again, the condition is not necessary or reasonable and fails to comply with the 'six tests'. The condition should not be imposed.
- 5.34 A condition is suggested controlling the hours of working during construction. The use of this condition by the Local Planning Authority is standard practice. However the times suggested by the objector differ from the hours of working considered acceptable and reasonable by the Local Planning Authority in this respect. A condition controlling the hours of working can be applied in the event that the application is approved.

5.35 The Planning Balance

As set out in this report, there is a presumption in favour of approving this proposal unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The benefit of approving this application is that it would provide one additional dwelling in the context of the failure by South Gloucestershire Council to provide a 5 year supply of deliverable housing land. This is a small contribution. Nonetheless, officers have not found that there would be significant adverse impact. Accordingly, there is no identifiable reason why this development should otherwise be refused and as such the officer recommendation is one of approval.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That Planning Permission is approved subject to the following conditions

Contact Officer: Simon Penketh
Tel. No. 01454 863433

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. Land Contamination

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

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

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

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

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

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

Reason

In order to ensure that the risk of ground contamination has been investigated and if necessary removed in the interests of the health and safety of the occupants of the development; and to accord with Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013.

3. The on site parking, turning, passing facilities, and bin collection facilities (as shown on drawing number 03'b') shall be provided prior to the first occupation of the development hereby approved. Thereafter the development shall be retained as such.

Reason

In the interests of highway safety and amenity and to accord with Policy CS8 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and saved policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The visibility splays (as shown on drawing number 03'b') shall be provided prior to the first occupation of the development hereby approved. Thereafter the visibility splays shall be retained without obstruction.

Reason

In the interests of highway safety and amenity and to accord with Policy CS8 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and saved policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Notwithstanding the approved details, no balcony shall be installed to the approved dwelling until details demonstrating the method of including privacy screening to east and west side of the balcony has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be retained as such.

Reason

In order to protect the privacy and amenity of the occupants of the adjacent residential properties and to accord with Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013.

6. The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on 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

In the interests of the residential amenity of the occupants of nearby dwellings and to accord with Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013

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

Drawing Number 01
Drawing Number 02
Drawing Number 04

as received by the Local Planning Authority on 7th July 2016

Drawing Number 03b
Drawing Number 05a

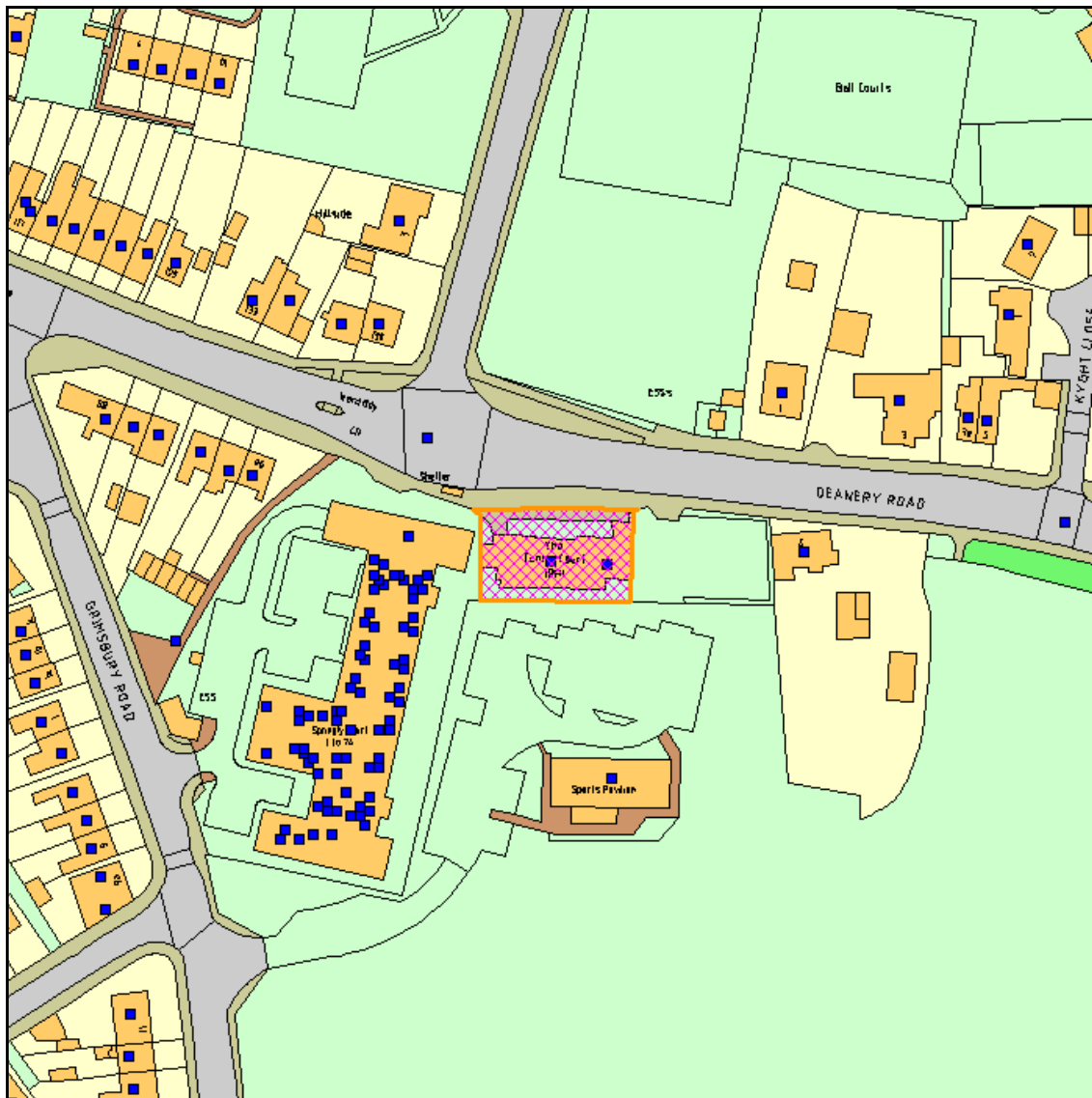
as received by the Local Planning Authority on 6th September 2016

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 43/16 – 28 OCTOBER 2016

App No.:	PK16/4731/F	Applicant:	GFC Property Ltd
Site:	Tennis Court Inn Deanery Road Kingswood South Gloucestershire BS15 9JA	Date Reg:	15th August 2016
Proposal:	Partial demolition of ancillary buildings. Conversion of public house to form 4 no. self contained flats with access, parking, landscaping and associated works.	Parish:	None
Map Ref:	366299 173584	Ward:	Woodstock
Application Category:	Minor	Target Date:	6th October 2016



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PK16/4731/F

REASONS FOR REFERRING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of letters of objection from 2no. local residents; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to the Tennis Court Inn, which is a long established public house. The Pub building, which is two-storey and Locally Listed, is a detached building of pennant sandstone and clay tile construction; it occupies a prominent position on the Southern side of Deanery Road on the approach to Kingswood from the Avon Ring Road. The main pub car park lies to the east but this has recently been the subject of a planning permission PK16/4272/F for two houses. At the western end of the site is a garage associated with the pub, most recently in temporary use as an ironing service. The proposed flats, in common with the aforementioned two dwellings, would access the site via the established access off Deanery Road.
- 1.2 It is proposed to demolish some ancillary buildings on the site and convert the remaining public house to form 4no. self-contained, 2 bedroom flats with ancillary parking. Apart from cycle storage facilities, no new built form is proposed.
- 1.3 The application is supported by the following documents:
 - Design and Access Statement
 - Statement of Significance of the Heritage Asset
 - Viability Report
 - Marketing Report

2. POLICY CONTEXT

National Guidance

The National Planning Policy Framework (NPPF) 27th March 2012
National Planning Practice Guidance (NPPG) 2015

Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1	Landscape Protection and Enhancement
L9	Species Protection
H5	Residential Conversions, Houses in Multiple Occupation and Re-Use of Buildings for Residential Purposes.
L11	Archaeology
L15	Buildings and Structures Which Make a Significant Contribution to the Character and Distinctiveness of the Locality
EP2	Flood Risk and Development
T7	Cycle Parking
T12	Transportation Development Control Policy for New Development
RT11	Retention of Local Shops, Parades, Village Shops and Public Houses

South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS23	Community Infrastructure and Cultural Activity
CS29	East Fringe Urban Area

Emerging Plans

The Proposed Submission Policies Sites and Places Plan June 2016

PSP1	- Local Distinctiveness
PSP2	- Landscape
PSP8	- Residential Amenity
PSP16	- Parking Standards
PSP17	- Wider Biodiversity
PSP20	- Flood Risk, Surface Water and Watercourse Management
PSP34	- Public Houses

Supplementary Planning Guidance

The South Gloucestershire Design Checklist (SPD)
Trees on Development Sites (SPG) Adopted Nov 2005
The South Gloucestershire Council Residential Parking Standards (Adopted) 2014
Waste Collection : Guidance for New Developments SPD Adopted Jan. 2015
The Local List (SPD) Adopted Feb. 2008

3. RELEVANT PLANNING HISTORY

- 3.1 P96/4510 - Erection of single-storey rear extensions and alterations to front porch.
Approved 29 Nov 1996
- 3.2 PK10/2923/F - Change of use from mixed use restaurant (Class A3) and Public House (Class A4) to mixed use Restaurant (Class A3), Public House (Class A4) and Takeaway (Class A5) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Approved 17 Dec. 2010
- 3.3 PK15/2642/O - Demolition of existing public house and erection of 14no. self-contained flats (Outline) with access and layout to be determined. All other matters reserved.
Withdrawn 17 July 2015
- 3.4 Adjacent Site i.e. Pub Car Park
PK16/4272/F - Erection of 2no. detached dwellings with associated works.
Approved 14th Oct. 2016

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
Not a parished area

4.2 Other Consultees

The Listed Buildings and Conservation Officer
No objection

Transportation D.C.
No objection subject to a planning condition to provide and maintain car parking and turning area on site in accordance with submitted plan.

The Coal Authority
No objection subject to standard informative.

Highways 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.

Lead Local Flood Authority
No objection

Other Representations

4.3 Local Residents
Letters of objection have been received from 2no. local residents; the concerned raised are as follows:

- The pub has provided a social outlet to locals for a number of years.
- The building has historic value.
- Loss of pub.
- The Tennis Court Inn is the only Public House in the vicinity.
- Loss of historic building.
- The Tennis Court would make a wonderful Carvery/Restaurant.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para. 14 of the NPPF states that decision takers should approve development proposals that accord with the development plan without delay; where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

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

5-Year Land Supply

- 5.2 The Council's Annual Monitoring Review (AMR) reveals that the Council cannot currently demonstrate a 5-year housing land supply. As there is provision for windfall sites in the calculation, this weighs in favour of the proposal, which would make a positive contribution, to the housing supply within South Gloucestershire; as such para. 14 of the NPPF is therefore engaged.
- 5.3 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only limited weight can currently be given to most of the policies therein.
- 5.4 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants' to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that, Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.
- 5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.6 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households; as evidenced by local needs assessments and strategic housing market assessments.
- 5.7 It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings'. The NPPF encourages efficient use of land and paragraph 47 requires the need to 'boost significantly the supply of housing'.
- 5.8 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.

- 5.9 Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.
- 5.10 Saved Policy L15 of The South Gloucestershire Local Plan seeks to retain Locally Listed buildings or to mitigate any loss. Saved Policy H5 permits the conversion of non-residential buildings in urban areas to residential use subject to criteria discussed below.
- 5.11 Members will be aware that at this stage, South Gloucestershire Council cannot demonstrate that it has a five-year supply of deliverable housing land. As such, Paragraph 14 of the NPPF is the starting point for the consideration of this planning application. In this instance, the NPPF makes a presumption in favour of approving sustainable development provided that the benefits of doing so (such as the provision of new housing towards the 5yr HLS) are not significantly and demonstrably outweighed by adverse impacts. Notwithstanding this position, the site is located within the urban area associated with Kingswood/Warmley where new residential development is acceptable in principle.
- 5.12 On this basis, there is a presumption in favour of approving this application. However, it is necessary to consider the benefit of this proposal against any adverse impact such as the loss of a community facility and weigh these factors in the balance with the benefits. The issues for consideration are discussed as follows:

Analysis

- 5.13 The site lies within the urban area and is a previously developed site. As such there is a presumption in favour of sustainable development which makes efficient use of such sites for residential development. The key issue here is the potential loss of the existing local pub use, which is listed under Core Strategy Policy CS23 as a Community Asset. The NPPF para. 70 seeks to “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day to day needs”. It is however important to note that an application to list the Tennis Court Inn as an Asset of Community Value was turned down in 2015 on the grounds that not enough substantive evidence of community use was provided and this inevitably weighs heavily in favour of the proposal.
- 5.14 Policy CS23 seeks to retain community infrastructure unless it can be demonstrated that:
- The use has ceased and there is no longer a demand; or
 - The facility is no longer fit for purpose; and
 - Suitable alternative provision is available within easy walking distance to the required standard.

Similarly Local Plan Policy RT11 only permits the change of use of existing public houses which serve the local community where:

- There are satisfactory alternative facilities available in the locality; or
 - It can be demonstrated that the premises would be incapable of supporting a public house use.
- 5.15 Having viewed the property officers are not of the opinion that it is no longer fit for purpose, as the building appeared to be of sound construction. There is therefore need for the proposal to meet the other two criteria of CS23 and one of the criteria of RT11.
- 5.16 A Marketing Report has been submitted, which demonstrates that the pub use of the building ceased about a year ago, since when the building has been empty and subject to vandalism. The pub has been for sale since 2011 and held by a holding company when it was purchased by Four County Inns Ltd. in mid 2012. It is noted that Four County Inns Ltd. and the landlord at that time successfully operate pubs elsewhere. Since then there has been a series of tenants all of which failed to make the business a going concern. This is supported by the submitted viability information and confidential accounting figures. The building and car park were eventually sold at auction as two separate lots in June 2016. The use of the site as a public house has now ceased and there appears to be no prospect of it being used again as a pub. The site was even offered to Moles Brewery of Bath and Cascade Drinks of Melksham at no initial rent, but both declined the offer. The Marketing Report also makes it clear that other employment uses for the site are also not viable and not supported by market interest.
- 5.17 The lack of demand for the Tennis Court Inn to operate as a pub has been established over time and it is noted that only 2no. local residents have objected to the loss of the pub. The local provision of public houses is considered sufficient for the existing local demand. Policy CS23 sets a distance of 800 metres as being reasonable to access other facilities .

Alternative Facilities

- 5.18 There is one public house and a social club within 800 metres of the Tennis Court that are currently in operation. The nearest is Warmley Social Club, on the opposite side of the Avon Ring Road. The next nearest pub is the Flowerpot Inn on Hill Street. This is a long-established pub, situated approximately half-way between Kingswood Town Centre and the Avon Ring Road.
- 5.19 Also within 800 metres of the Tennis Court is the Anchor Made for Ever, to the north on New Cheltenham Road. This premises is currently closed and for sale which further reflects the viability problems for pubs in this part of Kingswood.
- 5.20 Just beyond the 800m threshold, but not much further, lie two more pubs, the Old Plough in Weston's Way and the Midland Spinner in Warmley. In addition to this competition, the sale of cheap beer and spirits by supermarkets and off-licences has made pubs less viable in general. In close proximity to the Tennis Court are the Tesco convenience store in Warmley and a Sainsbury's convenience store at the top of Hill Street.

- 5.21 The size of the building has worked against its success solely as a public house, but has led to opportunities for an enhanced food offer, but two attempts to operate the site as a pub/thai restaurant have failed. Whilst the loss of a long established pub is always regrettable, officers, having considered all of the submitted information must conclude that, the criteria attached to both Policies CS23 and RT11 are met and the loss of the community facility is justified in this case.

Design and Heritage Issues

- 5.22 The Tennis Court Inn is a Locally Listed Building and as such is a non-designated heritage asset. This building has been the subject of a number of proposals for redevelopment, most of which involved its demolition, so in principle, any scheme that seeks to retain this non-designated heritage asset, is welcomed.
- 5.23 It is considered that the significance of this building is derived from its principal and public elevation and the contribution its scale, form, massing, architectural and aesthetic appearance makes to the character and identity of the locality. Subsequently if the proposed conversion results in the integrity of the principal elevation and the aesthetic character of the whole, being debased, then the merits of retaining the building would be undermined.
- 5.24 In looking at the proposed elevations, no external alterations are to be undertaken to the front elevation. The existing single-storey wings to either side elevation are being demolished, but this is not considered to be contentious as they are both limited in scale and interest. To the rear an existing opening is being reopened but overall the external alterations to facilitate the conversion appear to be limited. The proposed conversion would therefore ensure that the contribution the Tennis Court Inn makes to the character and distinctiveness of the locality is preserved.
- 5.25 Internally the conversion would result in a dramatic change in character as the large open public bars are subdivided. Although regrettable, it is difficult to envisage how this could be avoided without resulting in a scheme that is impractical or unviable. The application is supported by a Statement of Significance which demonstrates that the only internal features that remain will be retained in-situ.
- 5.26 In design and heritage terms, officers have no objection in principle as the proposed conversion would not result in any significant external alterations and so the relationship the building has with its context would be preserved. It can also be noted that the proposal would result in a sustainable use for the building, which should safeguard its future.

Landscape Character

- 5.27 The location is suburban in character and there are no real landscape features of note within the site other than some low traditional boundary walls, all of which would be retained. There is no special architectural vernacular or local distinctiveness that needs to be adhered to. Nevertheless, Policy CS1 only permits development where the highest possible standards of design and site planning are achieved.

Criterion 1 of CS1 requires development proposals to demonstrate that siting, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.

- 5.28 The proposed layout would appear to be a logical one that conforms to the grain of development on Deanery Road and provides a high quality scheme that would enhance the street scene in this location. Furthermore there would be opportunities to enhance the landscaping of the site as shown on the submitted Planning Layout Plan; this can be secured by condition.

Environmental Issues

- 5.29 The site lies in Flood Zone 1 and is not prone to flooding. It is proposed to utilise the existing drainage system and dispose of foul waste via the mains sewer; there are no objections on drainage grounds. The site is likely to have been undermined in the past for coal but in this case, given that the proposal is for conversion only, the Coal Authority did not require a Coal Mining Risk Assessment but rather addressed the situation by requesting an appropriate informative. Given the scale of demolition proposed, a Waste Management Audit would not be required.

Transportation Issues

- 5.30 In terms of traffic generation, it is considered that the use of the building as proposed by four flats, would result in less than the maximum generated by the public house use and as such it is considered acceptable.
- 5.31 In respect of parking and according to the SG Council's Residential Parking Standards SPD, the parking requirement for 2-bed dwellings/flats is 1.5 spaces each. With 4no x 2-bed flats on the site therefore, the total parking requirement for this development is 6 spaces. The layout plan submitted with the application shows 6 spaces on site and this meets the Council's parking standards – as such there is no highway objection to this application on parking grounds. Furthermore adequate bin and cycle storage facilities and an appropriately located bin collection point would be incorporated within the scheme, all of which could be secured by condition.
- 5.32 Vehicular access to the site would remain the same. At its entrance with the public highway, the width of the access is sufficient to allow two vehicles to pass one another and there is sufficient manoeuvring space on site to allow vehicles to safely enter and leave the site access in forward gear. Visibility from the site access on to the public highway is considered acceptable. It is concluded therefore that the access is safe.
- 5.33 The location is a highly sustainable one, being on a main bus route with a bus stop right outside the site. The Bristol/Bath Cycle way lies nearby and the location is well served by shops, services, schools and leisure opportunities.

- 5.34 In view of all the above mentioned therefore, there is no highway objection to this application, subject to a planning condition to provide and maintain the car parking and turning areas, and bin and cycle storage facilities on site in accordance with submitted layout plan and prior to the first occupation of any of the flats.

Impact on Residential Amenity

- 5.35 Although a playing field lies to the rear of the site, the location is essentially suburban in character, with residential properties dominating the street scene. The building however does lend itself very well to the development proposed. There would be little opportunity for loss of privacy from overlooking of neighbouring property as all views out would be limited to existing windows. The design ensures that a minimum of 11m is maintained between habitable room windows and blank elevations and 21m between facing habitable room windows. The primary windows would face front and rear, overlooking the road and the playing fields respectively. Adequate areas of private amenity space would be provided and the proposed room sizes would meet the DCLG guidance on Technical Housing Standards. The respective garden areas would be sub-divided by 1.8m close board fences to maintain privacy. There would therefore be no significant adverse impact on residential amenity.

5.36 Affordable Housing

The proposal is for 4no. new dwellings only, which is below the Council's threshold for affordable housing provision.

5.37 Community Services

The proposal is for 4no. new dwellings only, which is below the Council's threshold (10) for contributions to Community Services.

Community Infrastructure Levy (CIL)

- 5.38 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. The introduction of CIL charging commenced on 1st August 2015. In the event that a decision to approve this application is issued the scheme would be liable to CIL charging.

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 NPPF para. 49, is clear that housing applications should be considered in the context of the presumption in favour of sustainable development. According to the Framework, at paragraph 14, that means that when, as here, there is no five-year housing land supply and relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or specific Framework policies indicate that development should be restricted.

- 6.3 In this case there are some clear benefits to the proposal; in light of the Council's housing land supply situation the provision of 4no. new dwellings must carry weight in its favour, albeit that 4no. flats would only represent a modest contribution to the 5-year housing supply. The economic benefits for local house builders and suppliers of building materials and for local services would be a further small benefit to which only moderate weight can be afforded. The proposal lies in a highly sustainable location and makes the most efficient use of the site for housing in the Urban Area which is a further benefit. The proposal involves the re-use of an otherwise unoccupied building and provides an acceptable alternative use that retains the historical fabric of the non-designated heritage asset; this can be afforded significant weight. The residual cumulative transportation impacts of the development, which are not considered to be 'severe' can only be afforded neutral weight in the final balance as this is expected of all developments.
- 6.4 Weighed against this would be the loss for ever of this community facility, however this is considered to be negated by the fact that an application to make the pub an Asset of Community Value was turned down in 2015. There is therefore nothing to significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework as a whole or specific Framework policies.
- 6.5 On balance therefore officers consider that in their judgement, the proposal is sustainable development that should be granted planning permission without delay.
- 6.6 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission be GRANTED subject to the conditions listed below.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. Prior to the first occupation of the new dwellings hereby approved, the off street vehicular and cycle parking facilities, turning areas and bin store and collection point, shall be provided in accordance with the approved plans and maintained for such purposes thereafter.

Reason

To ensure the satisfactory provision of car, cycle parking and bin storage facilities in the interest of highway safety and the amenity of the area, and to accord with Policies CS1 and CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy T7 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013 and Waste Collection : guidance for new developments SPD (Adopted) Jan. 2015.

3. Prior to the first occupation of the development hereby approved, visibility splays of 2.4 metres by 43 metres from the site access onto the public highway shall be positioned, and maintained thereafter, ensuring no boundary wall, fence or vegetation impedes visibility above a height of 0.6 metres from ground level.

Reason

In the interests of highway safety and to accord with Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th December 2013 and Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

4. The hours of working on site during the period of demolition/conversion 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 and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to neighbouring properties and to accord with the provisions of the NPPF.

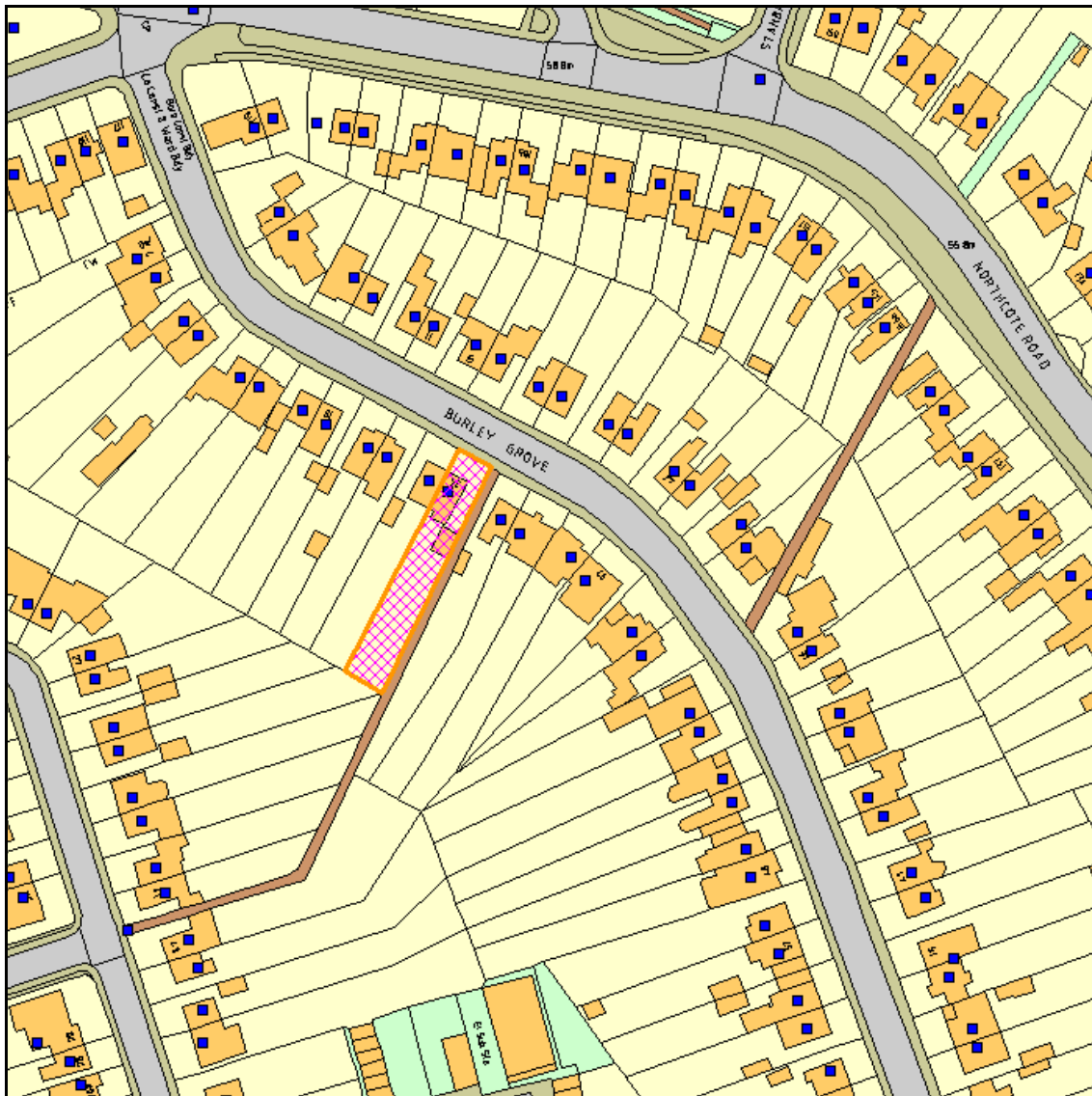
5. All hard and soft landscape works and boundary treatments shall be carried out in accordance with the approved details shown on the approved Planning Layout Plan Drawing No. PL01. The works shall be carried out prior to the first occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy L1 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 43/16 – 28 OCTOBER 2016

App No.:	PK16/4997/F	Applicant:	Mr Oliver West
Site:	24 Burley Grove Mangotsfield Bristol South Gloucestershire BS16 5QA	Date Reg:	5th September 2016
Proposal:	Demolition of existing detached garage. Erection of a two storey side extension and a single storey side/rear extension to form store and additional living accommodation.	Parish:	None
Map Ref:	365763 176590	Ward:	Rodway
Application Category:	Householder	Target Date:	27th October 2016



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100023410, 2015. N.T.S. PK16/4997/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The planning application has been referred to the Council's Circulated Schedule procedure due to an objection received from a neighbouring resident.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the demolition of existing detached garage and erection of a two storey side extension and single storey side/ rear to form a store and provide additional living accommodation at 24 Burley Grove in Mangotsfield.
- 1.2 The host dwelling is a two-storey semi-detached dwelling within the established residential area of Mangotsfield. The character of the area surrounding the applicant site consisted of semi-detached properties, a number of which have either two-storey or first floor side extensions.
- 1.3 Following the comments raised by a neighbouring resident regarding the location of the sewer, consultation comments were sought from Wessex Water and the Lead Local Flood Authority.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

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

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Standards

2.3 Supplementary Planning Guidance

Design Checklist Supplementary Planning Document (adopted) August 2007

Residential Parking Standards Supplementary Planning Document (adopted) December 2013

3. **RELEVANT PLANNING HISTORY**

3.1 No relevant planning history.

4. **CONSULTATION RESPONSES**

4.1 Town/ Parish Council
Area is unparished

4.2 Sustainable Transport
Following a revised block plan being submitted showing three off street parking spaces within the residential curtilage there are no transportation objections to the proposal. The applicant will however need to contact the Council's Streetcare Department in order to obtain the specification for dropping the kerb.

4.3 Public Rights of Way
The proposal is unlikely to affect the right of way (footpath MA 6) which runs down the lane to the south east of the property.

4.4 Open Spaces Society
No comments received.

4.5 Lead Local Flood Authority
No objection subject to an informative being added to the decision notice regarding the public sewer location.

4.6 Wessex Water
It is recommended that the applicant contacts Wessex Water Sewer Protection Team as it appears the proposed development will affect existing public sewers.

Other Representations

4.7 Local Residents
One letter of objection has been received from a local resident their comments are summarised below:

- *The proposed side extension will be above a working public sewer, Wessex Water would want the public sewer moved before any building work can start. I don't want to live next door to sewer re-sitting works- that would be unpleasant.*
- *The proposal is for a large extension that will alter the original appearance and size of the two bedroom house which was originally built here. The changes will bring a sense of enclosure to my house and leave the occupant with a feeling of being hemmed in.*
- *Whilst there is a narrow footpath separating us, the large two storey wall is within very close proximity. The overall impact of the extension will be dominant and overbearing.*
- *I would prefer the application to be (ideally) withdrawn or otherwise rejected.*

5. ANALYSIS OF PROPOSAL

- 5.1 The application seeks planning permission for the demolition of the existing detached garage and the erection of a two storey side and single storey side/rear extension to form a store and additional living accommodation at a property in Mangotsfield.
- 5.2 Principle of Development
Both Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) and emerging Policy PSP38 of the PSP Plan (June 2016) are supportive of development within the residential curtilage of existing dwellings providing there are no negative effects on residential amenity, transport and visual amenity. Additionally, Policy CS1 of the Core Strategy exists to make sure developments enhance and respect the character, distinctiveness and amenity of the site and its context. The proposal shall be determined against the analysis below.
- 5.3 Design and Visual Amenity
The applicant site is a two-storey semi-detached property in Mangotsfield. There is an existing small area of hardstanding at the front of the dwelling suitable for one vehicle, there is also a single storey detached garage. The application seeks full planning permission for the demolition of the existing garage and the erection of a two storey side and single storey side/ rear extension to form a store and additional living accommodation. The character of the area consists of two-storey semi-detached properties with hipped roofs, there are other examples of similarly extended dwellings along Burley Grove.
- 5.4 The proposed two storey side extension will be located on the eastern elevation and will be subservient to the original dwelling with the ridge line 0.25 metres lower than the existing. The proposed two storey side extension will continue the hipped roof style at the front of the property. At the rear the ridge line of the two storey rear extension will be lower and will be 1.2 metres lower than the original roofline.
- 5.5 The proposed single storey side/ rear extension will have a monopitched roof with a maximum height of 3.8 metres. The proposal will have a length of 4.4 metres and a width of 3.7 metres. Whilst the proposed single storey side/ rear is not considered to be of the highest possible standards of design it is considered that the proposal will not be vastly visible from the streetscene and will have a limited impact on the character of the property and surrounding area.
- 5.6 The proposed extension will have materials to match those used within the existing dwelling, with double roman roof tiles, rendered elevations and UPVC windows and doors.
- 5.7 Overall, it is considered that the proposal respects the character of the site and the wider context as well as being of an appropriate scale and proportion with the original dwelling and surrounding properties. Whilst an objection comment has highlighted that the proposal will alter the appearance of the house that was originally built here the proposal is not considered to be detrimental to the

character of the area, particularly as there are other examples of similar works within the area. Accordingly, it is considered that the proposal satisfies policy CS1 of the adopted Core Strategy as well as emerging policy PSP1 of the PSP Plan.

5.8 Residential Amenity

Saved policy H4 of the adopted Local Plan and emerging policy PSP8 of the PSP Plan aims to ensure that residential development within established residential curtilage does not prejudice the residential amenity of any neighbouring occupier.

- 5.9 The applicant site is a two-storey semi-detached property situated on the residential road of Burley Grove. The application site has 1.8 metre timber fences to the west of the site separating the host dwelling from no. 22. To the east of the site there are boundary treatments of a 2 metre hedge, this separated the property from the public footpath that runs along the site and also no. 26.

- 5.10 The proposed two storey side extension will have one window in the first floor eastern side elevation window, whilst this is in a similar location to an existing window officers noted during site visit that no. 26 have a window in a similar location; to ensure the privacy of both the occupier and neighbour is protected it is considered appropriate to condition that the window is obscured glaze. The proposed new windows on the front elevation are not considered to be overlooking towards neighbouring residents. The new first floor rear window is not considered to result in significant overlooking in comparison to the existing situation.

- 5.11 Concern has been raised regarding the proposed two storey side and single storey side/ rear extensions and the overbearing impact it will have on no. 26. The proposed extension is not considered to be adversely overbearing on the neighbouring dwelling, with a minimum distance of approximately 2 metres between the extension and the boundary of no.26.

- 5.12 Overall the proposal would not result in any adverse impacts on the residential amenity of neighbouring occupiers or future occupiers. As such the proposal is considered acceptable in terms of saved policy H4 of the Local Plan (adopted) 2006 and the emerging Policy PSP8 of the PSP Plan (June 2016).

5.13 Transport and Parking

The proposal includes the demolition of the existing garage and the increase in bedrooms to four. South Gloucestershire's Residential Parking Standards Supplementary Planning Document (adopted) December 2013 states that the minimum parking requirement for a four bed dwelling is two off street parking spaces. Following a revised plan being submitted showing that three off street parking spaces can be provided within the residential curtilage there are no transportation objections to the proposal.

5.14 Other Matters

An objection comment has been received by a neighbouring resident regarding the location of the extension and the public sewer. This is not a planning consideration and the applicant will be advised using an informative on the decision notice to contact Wessex Water prior to commencement.

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 is **APPROVED** with the following conditions.

Contact Officer: Fiona Martin
Tel. No. 01454 865119

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 glazing on the first floor east elevation shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason

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

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

Reason

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

4. The off-street parking facilities (for all vehicles, including cycles) shown on the plan (02 A) hereby approved shall be provided before the extension 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.

CIRCULATED SCHEDULE NO. 43/16 – 28 OCTOBER 2016

App No.:	PK16/5144/CLP	Applicant:	Mr & Mrs Kingswood
Site:	22 Amberley Way Wickwar Wotton Under Edge South Gloucestershire GL12 8LP	Date Reg:	13th September 2016
Proposal:	Certificate of lawfulness for the proposed erection of a single storey rear extension and front porch	Parish:	Wickwar Parish Council
Map Ref:	372571 187797	Ward:	Ladden Brook
Application Category:	Certificate of lawfulness	Target Date:	7th November 2016



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PK16/5144/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension and the erection of a single storey front porch at 22 Amberley Way, Wickwar, Wotton-Under-Edge would be lawful development. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (As Amended) 1990 section 192
Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)
- 2.2 The submission is not a full planning application this the Adopted Development Plan is not of relevance to the determination of this application; the decision rests on the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming the proposed development is lawful against the GPDO.

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/5145/F – Pending Consideration - Erection of two storey and single storey rear extension to form additional living accommodation. Erection of front porch
- 3.2 P86/1339 – Approval – 05/06/1986 – Erection of 92 houses and construction of associated roads and footpaths; provision of open space (in accordance with revised details received by the council on 7TH may and 3RD june 1986.)

4. CONSULTATION RESPONSES

- 4.1 Wickwar Parish Council
No Comment Received
- 4.2 Other Consultees
None Received

Other Representations

4.3 Local Residents

2 representations received objecting to the proposal – would impose on the closest window and would project 45 cms past the rear elevation of the neighbouring property whilst being out of keeping with the original dwelling. A second comment was received from the same objector stating that due to the highway to the rear the proposal would also be unlawful. It should be noted that in the proposal fronting a highway only impacts side extensions. The second representation indicated that due to the lower elevation on the other side of the boundary the proposal would be significantly taller and a flat roof was suggested.

This application for a certificate of lawfulness is an evidential test to establish whether the proposed development is lawful according to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1 Class A and there is no consideration of planning merit. If the facts presented indicate the proposal accords with the aforementioned Class, the Local Planning Authority must grant a certificate confirming the proposed development is lawful. As a result any objection comments should not impact the outcome of the decision.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to the householders under Schedule 2, Part 1 Classes A and D of the GPDO (2015).

5.3 The proposed development consists of a single storey extension to the rear of the property and a front porch. These developments would fall within Schedule 2, Part 1 Classes A and D of the GPDO (2015), which allows for the enlargement, improvement or other alterations of dwellinghouse, and the erection of a porch provided it meets the criteria detailed below:

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

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

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

- (b) As result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**

The total area of the ground covered by the buildings (other than the original dwellinghouse) would be less than 50% of the total area of the properties curtilage.

- (c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**

The height of the extension would not exceed the height of the existing dwellinghouse.

- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**

The height of the eaves of the rear extension would not exceed the height of the eaves to the existing dwellinghouse.

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—**
(i) forms the principal elevation of the original dwellinghouse;
or
(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

The extension does not project beyond a wall which forms the principle elevation nor does it form a side elevation of the original dwellinghouse which fronts a highway.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**
(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;

The development does not extend beyond the rear wall of the original dwellinghouse by more than 4 metres nor does it exceed 4 metres in height.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
- (ii) exceed 4 metres in height;

Not applicable.

- (h) The enlarged part of the dwellinghouse would have more than a single storey and—
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
 - (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;

The extension proposed is a single storey.

- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

The extension would be within 2 metres of the boundary, and the height of the eaves is below 3 metres.

- (j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
 - (i) exceed 4 metres in height,
 - (ii) have more than a single storey, or
 - (iii) have a width greater than half the width of the original dwellinghouse;

The proposal does not extend beyond the side elevation of the dwellinghouse.

- (k) It would consist of or include—
 - (i) the construction or provision of a verandah, balcony or raised platform,
 - (ii) the installation, alteration or replacement of a microwave antenna,
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (iv) an alteration to any part of the roof of the dwellinghouse.

The proposal does not include any of the above.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

The application site does not fall on article 2(3) land.

A.3 Development is permitted by Class A subject to the following conditions—

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

The proposed plans indicate that the proposal will be finished with render, windows and roof tiles to match existing. The proposed materials would therefore have a similar appearance to the materials in the host dwelling.

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

Not Applicable.

- (c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Not Applicable.

D. The erection or construction of a porch outside any external door of a dwellinghouse:

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

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

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

- (a) the ground area (measured externally) would exceed 3 square metres;

The floor area of the proposal (measured externally) would be 3 square metres.

- (b) any part of the structure would be more than 3 metres above ground level; or**

The porch would not be more than 3 metres above ground level

- (c) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway**

The proposal would be more than 2 metres from the boundary with the highway.

6. RECOMMENDATION

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

Evidence has been provided to demonstrate that the proposed extension and porch would be allowed as it is considered to fall within the permitted rights afforded to householders under Part 1, Classes A and D of the Town and Country Planning (General Permitted Development) Order 2015.

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CIRCULATED SCHEDULE NO. 43/16 – 28 OCTOBER 2016

App No.:	PK16/5293/CLP	Applicant:	Mr And Mrs Bradbrook
Site:	52 Ross Close Chipping Sodbury Bristol South Gloucestershire BS37 6RS	Date Reg:	29th September 2016
Proposal:	Application for the certificate of lawfulness for the proposed erection of a single storey rear extension.	Parish:	Sodbury Town Council
Map Ref:	372817 182408	Ward:	Chipping Sodbury
Application Category:	Certificate of Lawfulness	Target Date:	22nd November 2016



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PK16/5293/CLP

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed single storey rear extension to 52 Ross Close, Chipping Sodbury would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/0461/F Erection of first floor side extension to form additional living accommodation.

Approved: 22.04.2010
- 3.2 P97/1382 Erection of 21 dwellings with associated garages, driveways, footpaths, roads and landscaped areas.
Revision of plots 253-273

Approved: 13.01.1997

This application restricted the permitted development rights at this property under condition 11:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no fences, gates, walls, or other means of enclosure shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, other than in accordance with any details shown on the approved plans.

4. CONSULTATION RESPONSES

4.1 Councillor
No comment received

4.2 Sodbury Town Council
No Objection

Other Representations

4.3 Local Residents
No Comments Received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Site and Block Plans (16086-CLD01)
Existing Plans and Elevations (16086-CLD02)
Existing Rear Elevation (16086-CLD03)
Proposed and Rear Elevations (16086-CLD04)
Proposed Elevations (16086-CLD05)
(All received by the Local Authority 21st September 2016).

6. ANALYSIS OF PROPOSAL

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

6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO (2015).

6.3 The proposed development consists of a single story extension to the rear of property. This development would fall within Schedule 2, Part 1, Class A, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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

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

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

- (b) As result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**

The total area of ground covered by buildings (other than the original dwellinghouse) would be less than 50% of the total area of the curtilage.

- (c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**

The height of the rear extension would not exceed the height of the roof of the existing dwellinghouse.

- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**

The height of the eaves of the rear extension would not exceed the height of the roof of the existing dwellinghouse.

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—**

- (i) forms the principal elevation of the original dwellinghouse; or**
- (ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

The extension does not extend beyond a wall which fronts a highway or the principal elevation of the original dwellinghouse.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
- (ii) exceed 4 metres in height;**

The proposal does not extend beyond the rear wall of the original dwellinghouse by more than 4 metres, or exceed 4 metres in height.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
- (ii) exceed 4 metres in height;

Not applicable.

- (h) The enlarged part of the dwellinghouse would have more than a single storey and—
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
 - (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;

The extension would be single storey.

- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

The extension would be within 2 metres of the boundary, however the eaves would not exceed 3 metres in height.

- (j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
 - (i) exceed 4 metres in height,
 - (ii) have more than a single storey, or
 - (iii) have a width greater than half the width of the original dwellinghouse; or

The proposal does not extend beyond a side wall of the original dwellinghouse.

- (k) It would consist of or include—
 - (i) the construction or provision of a verandah, balcony or raised platform,
 - (ii) the installation, alteration or replacement of a microwave antenna,
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (iv) an alteration to any part of the roof of the dwellinghouse.

The development would not include any of the above.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

The application site does not fall on article 2(3) land.

A.3 Development is permitted by Class A subject to the following conditions—

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

The proposed plans indicate that the proposal will be finished with reconstituted stone, tiles, soldier course brickwork and PVC doors to match existing. The proposed materials would therefore match the host dwelling.

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

Not applicable.

- (c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Not applicable.

7. RECOMMENDATION

- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

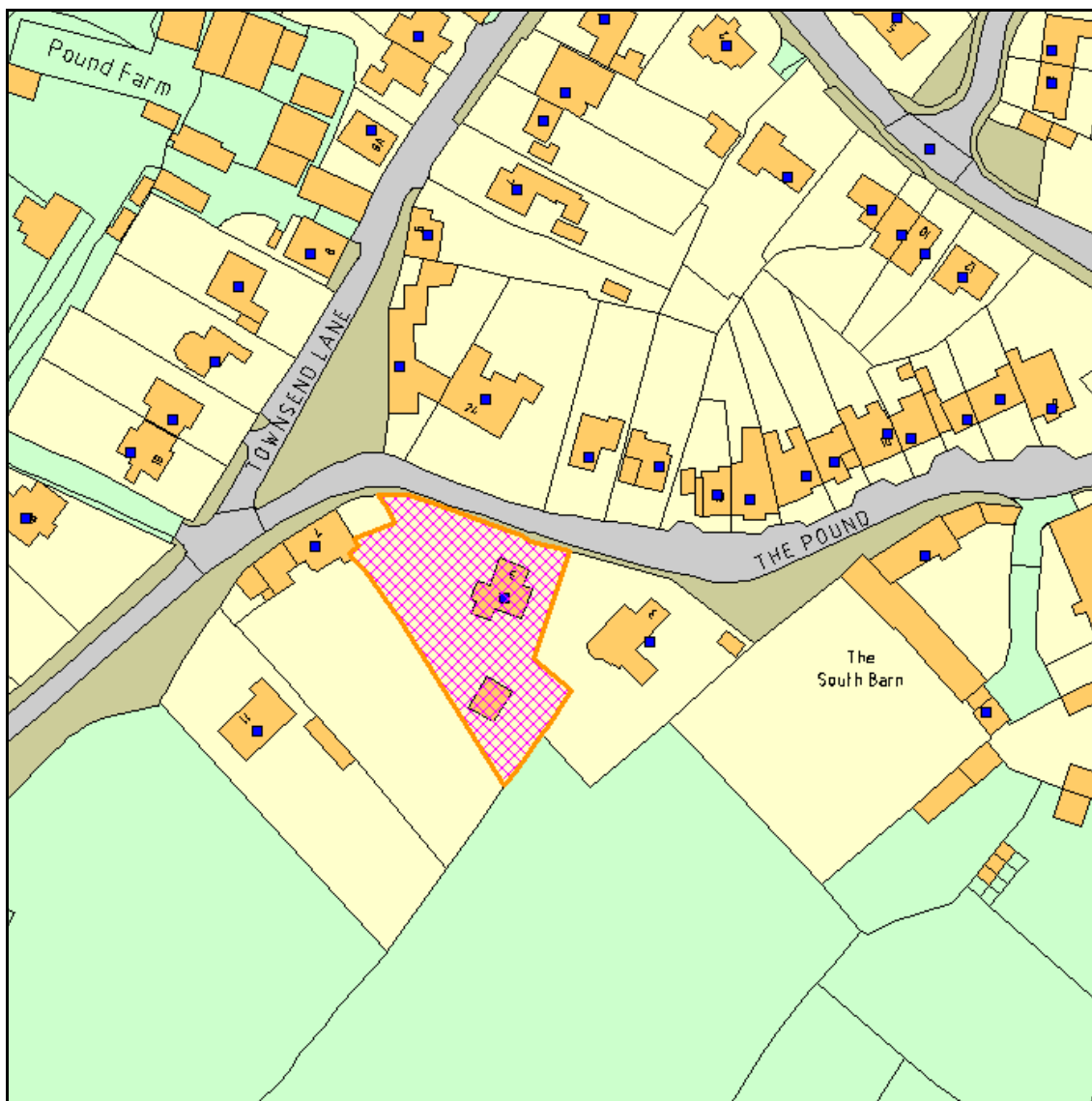
Contact Officer: Patrick Jackson
Tel. No. 01454 863034

REASON

Evidence has been provided to demonstrate that the proposed extension would be allowed as it is considered to fall within the permitted rights afforded to householders under Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

CIRCULATED SCHEDULE NO. 43/16 – 28 OCTOBER 2016

App No.:	PT16/4266/F	Applicant:	Mr And Mrs Stephen Taylor
Site:	Clareville 5 The Pound Almondsbury South Gloucestershire BS32 4EF	Date Reg:	25th July 2016
Proposal:	Demolition of side wing of existing building, raising of roofline and erection of rear and side extensions to form additional living accommodation. Construction of rear balcony.	Parish:	Almondsbury Parish Council
Map Ref:	360113 184117	Ward:	Almondsbury
Application Category:	Householder	Target Date:	14th September 2016



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REASON FOR REFERRING TO CIRCULATED SCHEDULE

This report is referred to the Circulated Schedule given that an objection has been received that is contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to demolish the side wing of the existing dwelling, raise the roofline and erect a rear and side extension to form additional living accommodation at Clareville, 5 The Pound, Almondsbury.
- 1.2 A rear balcony is also proposed to be constructed.
- 1.3 The application site is within the Lower Almondsbury Conservation area, and is situated directly opposite a grade II listed building known as 'Old Pound.'
- 1.4 The settlement of Almondsbury is washed over by the Bristol/Bath Green Belt. Amendments were received during the course of the application to reduce the height of the rear gable, and to correct some discrepancies within the plans. A period of re-consultation was not deemed necessary.

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 (SGLP) (Adopted) 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
L11 Archaeology
L12 Conservation Areas
L13 Listed Buildings

South Gloucestershire Local Plan Core Strategy (Adopted) 2013

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

South Gloucestershire Policies Sites and Places Development Plan Document (Submission Draft) June 2016

PSP1 Location Distinctiveness
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP16 Parking Standards
PSP38 Extensions within Residential Curtilages
PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Documents
South Gloucestershire Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Development in the Green Belt SPD (Adopted) June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 There is no recent planning history at the site.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
Objection – design is out of local character within the conservation area. Bungalow is sympathetic to local area but a house would be intrusive to neighbours.

4.2 Other Consultees

Listed Building and Conservation

In summary, the rear gable with the balcony is too tall and back heavy, materials must be in keeping, clay tiles preferred, there are discrepancies between the plans and glazed feature in east elevation could be prominent if hedge were to be removed, could this be scaled down?

Note: these comments are prior to amendments being submitted by the applicant.

Archaeology

No objection.

Sustainable Transport

No objection.

Other Representations

- 4.3 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and in accordance with policy CS1 of the Core Strategy, and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation.
- 5.2 Policy CS9 seeks to protect and manage South Gloucestershire's environment and its resources in a sustainable way and new development will be expected to, among others, ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance; conserve and enhance

the natural environment and conserve and enhance the character, quality, distinctiveness and amenity of the landscape. Due to the position within the Conservation area and opposite a listed building, policies L12 and L13 of the Local Plan are also relevant.

5.3 *Green Belt*

Almondsbury is washed over by the Bristol/Bath Green Belt, despite the location being within the settlement boundary. The National Planning Policy Framework (2012) allows for limited extensions to buildings within the Green Belt providing that they do not result in disproportionate additions over and above the size of the original building (the volume of the dwelling at construction or its volume on July 1st 1948). The South Gloucestershire 'Development within the Green Belt SPD' states that an addition resulting in a volume increase of between 30%- 50% will be subject to careful consideration and assessment. Any proposed development over and above 50% or more of the original dwelling would be considered in excess of any reasonable definition of 'limited extension'. Whether an addition is considered disproportionate or not, depends on the individual circumstances and what type of addition is proposed.

- 5.4 It appears that, since the erection of the original dwelling, a double garage has been built following permission granted in 1981. This double garage coupled with the increase in volume proposed as part of this application, would form a cumulative volume increase since the dwelling was erected (or as it stood in 1948). Officers have calculated this increase to be approximately 42% over and above the size of the original dwelling. In this instance, the site is washed over by the Green Belt and is not considered to be within the open countryside, and so it is considered that the impact on openness will be minimal. The development is acceptable in Green Belt terms.

5.5 Design and Impact on Heritage

It is considered that the existing bungalow makes no particular contribution to the character or appearance of the conservation area or the setting of the listed building opposite, so there is no in principle objection to the extensive alterations to its appearance proposed here. The location of the site on higher ground that the highway means that easterly views to the site can be obtained from The Pound and in tandem with views of the church spire. Views to the centre of the village are also available along Townsend Lane at the entrance to the Conservation Area, where currently the bungalow can be seen sitting comfortably between the properties either side and this view is considered to make a positive contribution to the character of the village.

- 5.6 The development proposes to maintain the form of the bungalow whilst increasing the scale by raising the ridge height to create a two storey dwelling, and extending to the side and rear to form an ancillary wing to the west. The plans originally submitted were rather 'back heavy' with the tall rear gable incorporating a balcony, however the plans have now been amended to show a reduction in the height of the rear element of the building, which will now be less prominent in views across the Conservation Area.

The east facing, glazed feature gable has now been reduced in height to address discrepancies between the elevations, and this has reduced its prominence within the street scene also.

- 5.7 In terms of materials, the character of the area is mixed and there are modern and traditional buildings lining the Pound, so a contemporary approach is acceptable but materials will need to harmonise with the fabric and colour of the surrounding buildings in order to comfortably sit within the context of the Conservation Area. A concrete tile is shown on the plans, however a clay tile would weather to a natural variation in colour, which is more appropriate given the surrounding heritage assets. This will be conditioned on the decision notice, along with details of the render proposed. Subject to this, the development is considered to accord with policies CS1 and CS9 of the Core Strategy (Adopted) December 2013, and policy L12 and L13 of the Local Plan (Adopted) January 2006.

5.8 Residential Amenity

The only neighbouring dwelling close enough to be affected by the development is located to the east, and is separated by a significant boundary treatment in the form of a hedge. The raised ridge height of the building is an adequate distance away from the neighbours and is not considered to be overbearing, and the only east facing windows are at ground floor level. This is with the exception of the glazed feature gable which serves a hallway and staircase, neither of which are considered to be principal rooms which lead to any significant overlooking. The south facing balcony is enclosed by the gable roofline which prevents any overlooking either side, and provides only views to the open countryside to the south. Clareville is situated within a large plot, and so even with the increased footprint of the development there is adequate private amenity space available for present and future occupiers. The development is considered to accord with policy H4 of the Local Plan (Adopted) January 2006.

5.9 Transport

Including the guest room/study, four bedrooms are proposed and this requires two off-street parking spaces to accord with the Residential Parking Standards SPD. There is adequate space for parking on the existing driveway and within the garage and so the development is considered acceptable in transportation terms.

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).

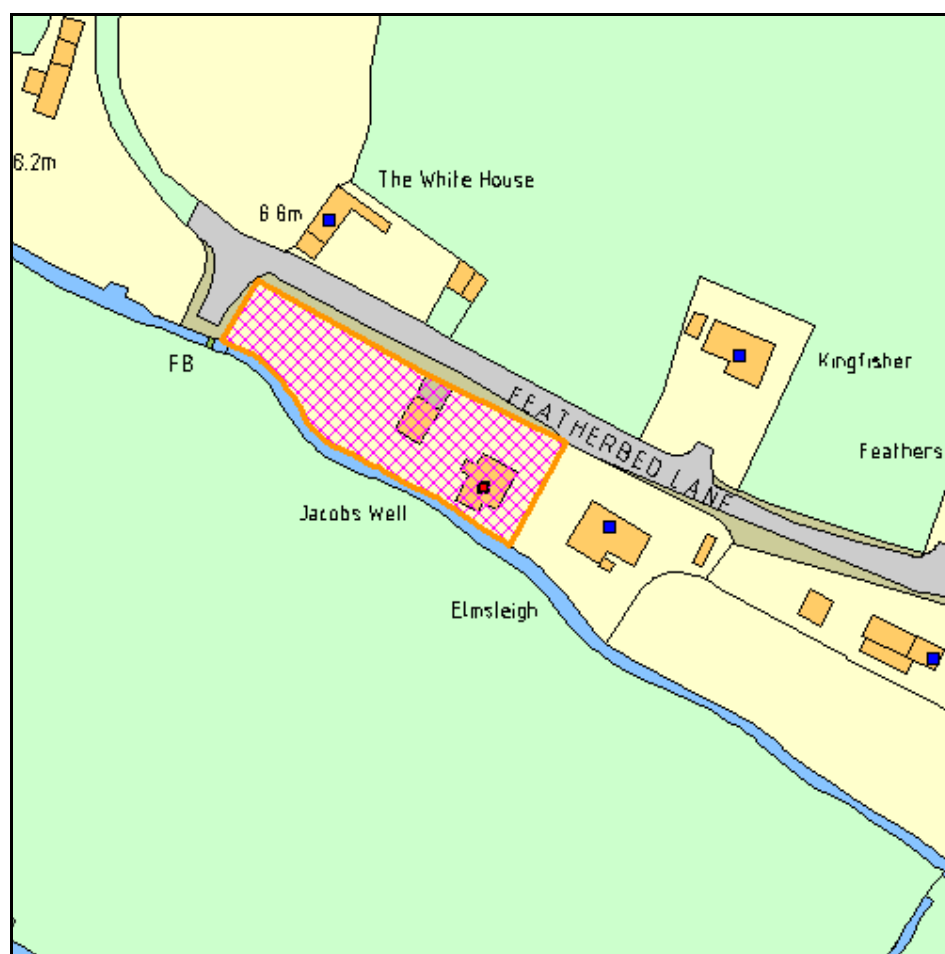
2. Notwithstanding the submitted plans and prior to the commencement of development, samples of the roofing and the external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved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

Reason

To ensure a satisfactory standard of external appearance in the Lower Almondsbury Conservation Area, and to accord with and Policy CS9 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. 43/16 – 28 OCTOBER 2016

App No.:	PT16/5176/F	Applicant:	Mr Chris Jennings
Site:	Jacobs Well Featherbed Lane Oldbury On Severn South Gloucestershire BS35 1PP	Date Reg:	23rd September 2016
Proposal:	Alterations to raise the roofline and erection of extensions, including a balcony, to form additional living accommodation. Erection of front porch.	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	360799 192582	Ward:	Severn
Application Category:	Householder	Target Date:	16th November 2016



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100023410, 2015.

N.T.S.

PT16/5176/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The planning application has been referred to the Council's Circulated Schedule procedure due to an objection received from a neighbouring resident.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the alterations to the roof line and the erection of a single storey rear extension with a balcony and a front porch to provide additional living accommodation at Jacobs Well in Oldbury On Severn.
- 1.2 The host dwelling is a detached 1.5 storey property. The property has a cat slide roof and a rear dormer window. The front of the house is considered to be the south-east elevation.
- 1.3 The property is located within a defined settlement boundary. The site is also located within the inner and middle nuclear zones and within flood zones 2 and 3.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

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

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
EP2 Flood Risk and Development
L11 Archaeology

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP16 Parking Standards
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Standards

- 2.3 Supplementary Planning Guidance
Design Checklist Supplementary Planning Document (adopted) August 2007
Residential Parking Standards Supplementary Planning Document (adopted)
December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P98/1563 Erection of garden chalet for use incidental to dwelling house.
Approval Full Planning 17.06.1998
- 3.2 P87/1115 Erection of single storey rear extension to form porch.
Approval Full Planning 04.03.1987
- 3.3 P84/1795 Installation of dormer window in rear elevation
Approval Full Planning 18.07.1984
- 3.4 N2074 Alterations and extensions to dwelling to form porch, entrance hall, bathroom, toilet and enlarged living room. Erection of double garage, construction of a cesspit and formation of vehicular access.
Approved with Conditions 13.11.1975

4. CONSULTATION RESPONSES

- 4.1 Oldbury-on-Severn Parish Council
No comments received.
- 4.2 Lead Local Flood Authority
No objection subject to submitting a flood mitigation form and the development complying with this form. The Lead Local Flood Authority updated their comments on 21st October 2016 following the submission of a flood mitigation form.
- 4.3 The Archaeology Officer
The site lies within an area of archaeological potential, close to the scheduled monument of Oldbury Fort and the medieval village, therefore it is recommended that an archaeological watching brief is undertaken during all ground works.
- 4.4 Horizon Nuclear Power
No comments received.
- 4.5 Magnox
No comments received.
- 4.6 Office for Nuclear Regulation (ONR)
Following consultation with the emergency planners within South Gloucestershire Council they have provided adequate assurance that the proposed development can be accommodated within their off-site emergency planning arrangement.

The proposed development does not present a significant external hazard to the safety of the nuclear site, therefore, the Office for Nuclear Regulation has no objection to this development.

4.7 Public Rights of Way

PROW have no objection to the proposal as it is unlikely to affect the right of way (footpath OOS51) which abuts the west boundary of the property and land.

4.8 Open Spaces Society

No comments received.

Other Representations

4.9 Local Residents

One letter of objection has been received from a neighbouring resident, the following points have been raised:

- *The proposed roof raise will make the existing roof line significantly higher than it is at present.*
- *The proposed roof raise will have an overbearing impact on our property due to its close proximity and excessive height.*
- *The proposal will alter the character of the existing cottage and will be out of keeping with the rest of the cottages on Featherbed Lane.*
- *The proposed rood design is incongruent and is a total contrast to the surrounding properties.*
- *If the proposed design is permitted overlooking windows may be added at a later date which would result in a loss of privacy.*
- *The significant extension of Jacobs Well will impact on the already tenuous sewage system in the village.*

5. ANALYSIS OF PROPOSAL

5.1 The application seeks permission for the alterations to raise the roofline and the erection of a single storey rear extension with a balcony and front porch at Jacobs Well which is a detached 1.5 storey property located within the village of Oldbury On Severn.

5.2 Principle of Development

Both Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) and emerging Policy PSP38 of the PSP Plan (June 2016) are supportive of development within the residential curtilage of existing dwellings providing there are no negative effects on residential amenity, transport and visual amenity. Additionally, Policy CS1 of the Core Strategy exists to make sure developments enhance and respect the character, distinctiveness and amenity of the site and its context. The proposal shall be determined against the analysis below.

5.3 Design and Visual Amenity

The application site is a detached dwelling in Oldbury On Severn. The dwelling has a pitched catslide roof with solar panels on the front (south-east) elevation.

The proposal consists of three components, the alterations to the existing roofline, erection of extensions including a balcony, and the erection of a front porch.

Alterations to the roofline

- 5.4 The proposed alterations to the roofline will result in the roofline increasing in height by 1.8 metres resulting in a total height of 7.2 metres. The height of the two chimneys will also be increased in correlation with the roof raise. Both the materials for the roof raise and the chimney will match those used within the original dwelling.
- 5.5 The proposed alterations to the roofline will allow the property to have three modest sized bedrooms, a bathroom and ensuite on the first floor. The plans submitted show there will be a number of new openings as a result of the roof raise, these are mainly located on the north-western elevation. The new openings include French doors which open onto the terraced balcony area.
- 5.6 An objection has been received from a neighbouring resident suggesting that the proposed roof raise will be detrimental to the character of the area as it will be significantly higher than it is at present. There are a mix of dwellings on Featherbed Lane, the proposed alterations to the roofline are not considered to adversely impact the character of the area.

Single storey rear extension with balcony

- 5.7 This element of the proposal will form a study area, w.c and utility. The extension will extend beyond the existing rear elevation by 2.5 metres, the extension will span the width of the existing property (8 metres). The proposed extension will have two roof styles, the majority will be a monopitch lean to style roof, with a small area being a flat roof this is to allow for the balcony to be located above it. The total height of the lean to part will be 3.3 metres. With the total height of the flat roof being 2.4 metres.
- 5.8 Submitted plans show the development would see the introduction of additional windows, and also the replacement of existing windows. This element of the proposal is considered to be of an appropriate design. The materials proposed will match those used within the original dwelling. The balcony will also include a metal balustrade with a timber handrail to ensure the safety of occupiers. The proposed single storey rear extension with the balcony is a modest addition and is considered to be in keeping with the host dwelling.

Front porch

- 5.9 The proposed front porch will be located on the south-eastern with new opening in both side elevations. The porch will have a pitched gable roof with a total height of 3 metres. The porch will extend beyond the existing front elevation by 1.2 metres and have a width of 2.5 metres.

Cumulative

- 5.10 Cumulatively the proposal seeks a number of additions, the additions proposed are considered to be of an appropriate scale with relation to the host dwelling and surrounding area. The property is located on a modest plot of land and the additions are in proportion with the existing dwelling. The proposed materials will match those used within the existing property. Accordingly, the proposal is considered to comply with Policy CS1 of the Core Strategy (Adopted) December 2013 and emerging Policy PSP1 of the PSP Plan (June 2006).
- 5.11 Residential Amenity
Saved policy H4 of the adopted Local Plan states that proposals for development within existing residential curtilages will only be permitted where they would not prejudice the amenity of nearby occupiers.
- 5.12 Jacob's Well is a detached 1.5 storey dwelling. The dwelling is located within Oldbury On Severn. The boundary treatments at the site consist of 1.8 metre fences. The properties on Featherbed Lane have large curtilages and are located some distance from one another.
- 5.13 An objection comment has been received from a neighbouring resident regarding the roof raise having an overbearing impact on their property. It is noted that the host dwelling is located over 10 metres away from the objectors property. The objector is also concerned that the roof raise may result it windows being added at a later date which would result in a loss of privacy, whilst a condition could be added preventing the installation of new windows it is not deemed necessary as the objector has a large area of private amenity space to the south-east of their dwelling.
- 5.14 The new openings within the proposed development will not be overlooking towards any neighbouring resident as they are either within the side or rear elevations. As a result the proposal is not considered to adversely impact the privacy of surrounding occupiers. Furthermore, the proposed development is not considered to affect the private amenity space available at Jacobs Well as there is a large rear garden available.
- 5.15 Overall, the proposed development is considered to be acceptable with regards to residential amenity and is considered to comply with saved Policy H4 of the Local Plan (2006) and emerging Policy PSP8 of the PSP Plan (June 2016).
- 5.16 Highways
As a result of the development the dwelling will have three bedrooms, for this a minimum of two parking spaces is required to accord with South Gloucestershire's Residential Parking Standard. There is a detached single storey garage and an area of hardstanding within the residential curtilage of the property. Accordingly, it is considered that there is sufficient parking at the site.

5.17 Archaeology Issues

The site lies within an area of archaeological potential close to the scheduled monument of Oldbury Fort and the medieval village, therefore, it is recommended that an archaeological watching brief is undertaken during all ground works. A condition will be implemented to ensure this.

5.18 Flood Risk

The application site is located within Flood Zone 3. Upon request the applicant has submitted a flood mitigation form. The Council's drainage and flood risk officer has considered the details and has no objection. A condition will be implemented to ensure the flood risk mitigation measures are implemented accordingly.

5.19 Nuclear

The application site is located within the inner and middle nuclear zones. The Office for Nuclear Regulation has no objection to this development as it does not present a significant external hazard to the safety of the nuclear site.

5.20 Other Issues

An objection comment has been raised regarding the extension having an impact on the already tenuous sewage system in the village. This is not a planning consideration and is covered by building regulations.

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 is **APPROVED** with the following conditions.

Contact Officer: Fiona Martin
Tel. No. 01454 865119

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 proposed development must accord with the agreed flood risk mitigation measures agreed to within the 'Flood Risk Assessment' as received by the Local Planning Authority on 21st October 2016.

Reason

To minimise the effect of any flooding which may occur and to comply with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

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

Reason

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