



**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. 20/18**

**Date to Members: 18/05/2018**

**Member's Deadline: 24/05/2018 (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](mailto: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](mailto: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 18 May 2018

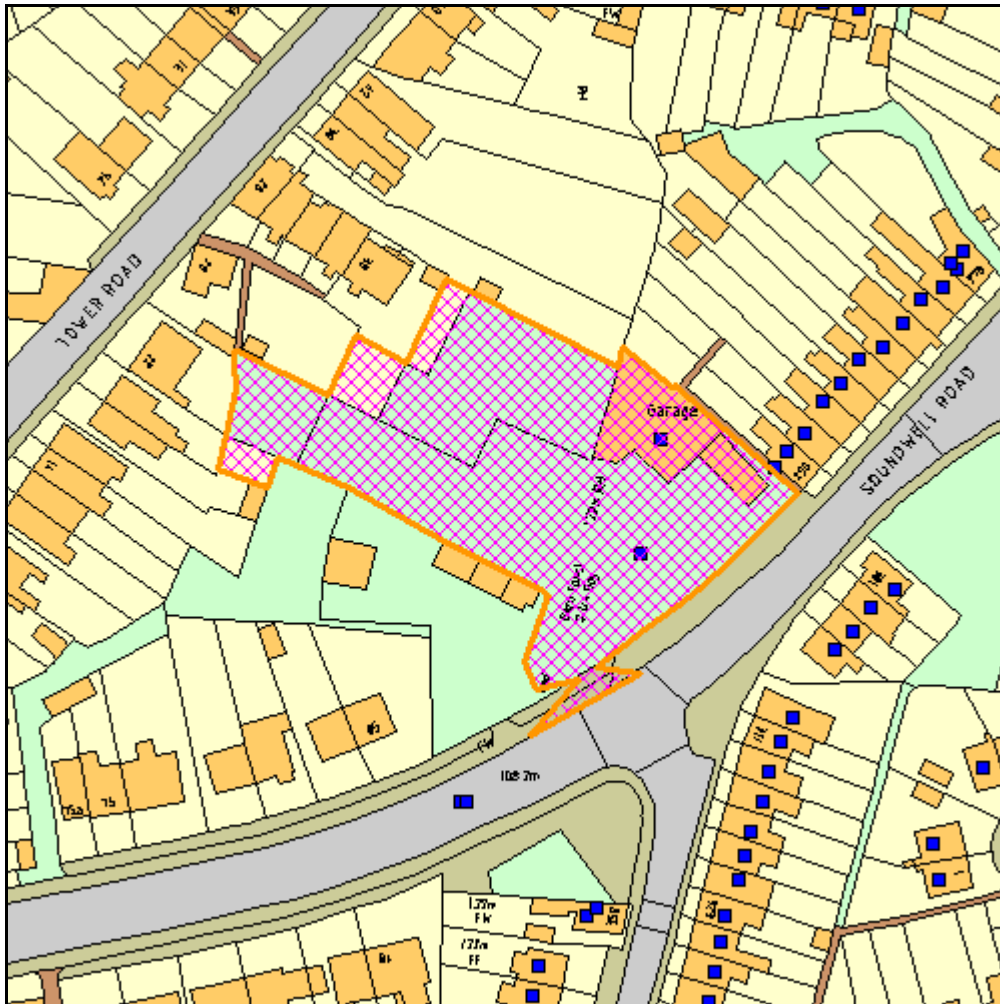
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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/0704/F	Approve with Conditions	Land At 298 Soundwell Road Soundwell South Gloucestershire BS15 1PE	Kings Chase	None
2	PK17/4492/O	Approve with Conditions	Rock View Engine Common Lane Yate South Gloucestershire BS37 7PX	Ladden Brook	Iron Acton Parish Council
3	PK17/5214/F	Approve with Conditions	East Lawn Adjacent To The Old School House Kingswood Foundation Estate Britannia Road Kingswood South Gloucestershire BS15 8DB	Woodstock	None
4	PK17/5701/F	Approve with Conditions	Gladstone Cottage Narrow Lane Staple Hill South Gloucestershire BS16 4SW	Staple Hill	None
5	PK18/0504/F	Approve with Conditions	Land To The Rear Of Holmelea House Tanhouse Lane Yate South Gloucestershire BS37 7LP	Ladden Brook	Iron Acton Parish Council
6	PK18/1031/F	Approve with Conditions	58 Long Croft Yate South Gloucestershire BS37 7YW	Yate North	Yate Town
7	PK18/1089/F	Approve with Conditions	Land Adjacent To 101 High Street Oldland Common South Gloucestershire BS30 9TJ	Oldland	Bitton Parish Council
8	PK18/1272/O	Approve with Conditions	Land At 10 St Helens Drive Wick South Gloucestershire BS30 5PS	Boyd Valley	Wick And Abson Parish Council
9	PK18/1281/O	Approve with Conditions	Land At 37 Brook Road Mangotsfield South Gloucestershire BS16 9DX	Rodway	None
10	PK18/1427/F	Approve with Conditions	77 Kingscote Yate South Gloucestershire BS37 8YE	Dodington	Dodington Parish Council
11	PK18/1589/CLP	Approve with Conditions	6 The Glen Hanham South Gloucestershire BS15 3LD	Hanham	Hanham Abbots Parish Council
12	PK18/1617/F	Approve with Conditions	51 Ludlow Close Willsbridge South Gloucestershire BS30 6EB	Bitton	Oldland Parish Council
13	PK18/1691/CLP	Approve with Conditions	232 Station Road Kingswood South Gloucestershire BS15 4XR	Rodway	None
14	PT16/6676/F	Approve with Conditions	Land At Parklands Solar Farm Over Lane Almondsbury South Gloucestershire BS32 4BW	Almondsbury	Almondsbury Parish Council
15	PT17/5085/F	Approve with Conditions	48 Ellesmere Thornbury South Gloucestershire BS35 2ES	Thornbury South And	Thornbury Town Council
16	PT17/5818/F	Approve with Conditions	Wild Place Blackhorse Hill Easter Compton South Gloucestershire BS10 7TP	Almondsbury	Almondsbury Parish Council
17	PT18/0653/F	Approve with Conditions	Former GB Neuro Building Vantage Park Old Gloucester Road Hambrook South Gloucestershire BS16 1RS	Bradley Stoke South	Bradley Stoke Town Council
18	PT18/0759/F	Approve with Conditions	62 Down Road Winterbourne Down South Gloucestershire BS36 1BZ	Winterbourne	Winterbourne Parish Council

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
19	<b>PT18/1082/CLP</b>	Refusal	Homeland Cottage 111 Marsh Common Road Pilning South Gloucestershire BS35 4JU	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
20	<b>PT18/1403/F</b>	Approve with Conditions	31 Woodside Road Coalpit Heath South Gloucestershire BS36 2QR	Westerleigh	Westerleigh Parish Council

## CIRCULATED SCHEDULE NO. 20/18 -18 MAY 2018

<b>App No.:</b>	PK17/0704/F	<b>Applicant:</b>	Land Venture Properties Ltd
<b>Site:</b>	Land At 298 Soundwell Road Soundwell South Gloucestershire BS15 1PE	<b>Date Reg:</b>	3rd March 2017
<b>Proposal:</b>	Demolition of car sales building and erection of 20no. dwellings with access, landscaping, parking and associated works.	<b>Parish:</b>	None
<b>Map Ref:</b>	364501 174414	<b>Ward:</b>	Kings Chase
<b>Application Category:</b>	Major	<b>Target Date:</b>	30th May 2017



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PK17/0704/F

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

This application previously appeared on Circulated Schedule 11/18 – 16 March 2018. This application has been re-referred to the Schedule to correct an error in the Heads of Terms of the planning obligation. The revised terms are listed below; otherwise, the report remains as previously published.

Originally, this application was been referred to the circulated schedule as: comments of objection have been received which are contrary to the officer recommendation; the grant of planning permission would be subject to a S106 Agreement; and, because this is a cross-boundary application (as the site mostly falls within Bristol City Council, who are acting as the lead authority) and therefore the recommendation is based upon a balanced view taking into consideration both council's development plans.

### **1. THE PROPOSAL**

- 1.1 This planning application seeks permission for the demolition of the existing car sales buildings on the site and the erection of 20 dwellings.
- 1.2 This is not a straight forward application. The site is located within the administrative boundaries of both Bristol City and South Gloucestershire councils. Each council is the local planning authority in its administrative area and therefore a planning application must be made to each local planning authority. The authority in which the majority of the development falls acts as the lead authority – which in this case is Bristol City Council – however, regardless as to how the administrative boundaries are laid out, the application should be assessed as one proposal and considered in its whole. That said, under planning law, the local planning authority is obliged to determine applications against its Development Plan unless material considerations indicate otherwise. Each planning authority should consider the other authority's Development Plans as material planning considerations and a proactive approach taken. This is set out in the body of this report. For record, the frontage of the site is within South Gloucestershire.
- 1.3 In terms of constraints within South Gloucestershire, access is gained from a Class B highway. The site is within the urban area of the East Fringe of Bristol. Presently the site is occupied by a car sales business and a service and repair centre. The site is not safeguarded for economic purposes.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Practice Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS13	Non-Safeguarded Economic Development Sites
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS24	Green Infrastructure, Sport and Recreation Standards
CS29	Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP5	Undesignated Open Spaces
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP22	Unstable Land
PSP37	Internal Space Standards
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007  
 Residential Parking Standard SPD (Adopted) December 2013  
 Affordable Housing and ExtraCare SPD (Adopted) May 2014  
 CIL and S106 SPD (Adopted) March 2015  
 Waste Collection SPD (Adopted) January 2015 (updated March 2017)

2.4 Other Relevant Planning Documentation

Bristol Development Framework: Core Strategy, June 2011  
 Bristol Local Plan: Site Allocations and Development Management Policies, July 2014

**3. RELEVANT PLANNING HISTORY**

3.1 PK16/4204/F Withdrawn 08/02/2017  
 Demolition of car sales building and erection of 14no. dwellings with access, landscaping, parking and associated works.

**4. CONSULTATION RESPONSES**

4.1 Parish/Town Council  
 This area is unparished

## **Internal Consultees**

- 4.2 Arts and Development Officer  
No comment
- 4.3 Ecology Officer  
No objection subject to condition
- 4.4 Economic Development  
No objection. Development would assist in achieving council's wider economic objectives.
- 4.5 Environmental Protection  
No objection. Conditions should cover potential for land contamination and restrict construction hours.
- 4.6 Highway Structures  
Technical informatives suggested
- 4.7 Highways Officer  
Objection on the grounds of inadequate parking. Highway works and waiting restrictions should be secured through an appropriate obligation.
- 4.8 Housing Enabling  
Affordable housing contribution should be sought on this development as it triggers the threshold when considered as a whole.
- 4.9 Landscape Officer  
Protection should be secured for existing trees and a landscaping condition should be attached to any approval.
- 4.10 Lead Local Flood Authority  
Drainage details need to be clarified including the connection with Wessex Water.
- 4.11 Public Open Space  
A public open space contribution should be sought on this development
- 4.12 Urban Design  
The scheme is well considered and makes the efficient use of land. The proposal also seeks to reduce residential carbon dioxide emissions.
- 4.13 Waste Engineer  
Concern over waste collection

## **Statutory / External Consultees**

- 4.14 Avon and Somerset Police  
No objection but design improvements could be made in the interests of crime reduction



- 4.15 The Coal Authority  
Site does not fall into an area of high risk

### **Other Representations**

4.16 Local Residents

20 comments of objection have been received which raise the following points:

- Concern over way information was displayed on websites of different authorities
- Development on what was intended to be a parking area
- Highway safety issues
- Impact of noise, privacy, overshadowing, and overlooking
- Impact on house values
- Impact on nearby properties
- Lack of discussion or notification of other developments with existing residents
- Lack of visitor parking
- Loss of car garage/ existing business
- Object to massing of buildings/ overbearing
- Out of character with area
- Overdevelopment
- Parking issues in locality
- Pressure on local schools and doctors surgeries
- Profit orientated
- Traffic issues
- Updated layout does not address concerns

2 general comments have been received which raise the following points:

- Planning is a pointless process as residents are not listened to
- Poor communication with residents
- Queries raised over technical matters

## **5. ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for the demolition of the existing buildings on the site and its redevelopment for residential purposes.

5.2 Principle of Development

Under policy CS5, new development of this nature is directed to the existing urban area. As the site is within the East Fringe, it is an appropriate location for development of this nature. However, the site is currently in an economic use and therefore, under the provisions of policy CS13, attempts should be made to secure its ongoing economic use.

*Loss of Economic Use*

5.3 Policy CS13 manages development on non-economic development sites, such as this. Under this policy the priority would be to retain an economic use unless it has been demonstrated that a suitable economic use cannot be

secured. Where a non-economic use is being considered, preference would be given to mixed use proposals over residential only schemes.

### *Housing Land Supply*

- 5.4 At present the local planning authority cannot demonstrate a 5-year supply of deliverable housing land. Therefore guidance in the NPPF states that policies which act to restrict the supply of housing should not be considered up to date.
- 5.5 As this site is in the existing urban area, development here would not conflict with the locational strategy. As a result there is no 'in principle' objection to the use of the site for residential purposes. However, CS13 as set out above would act to restrict housing development and should therefore be considered out of date and carry less weight. This does not mean that the policy should be applied no weight, but that any conflict with this policy should be expressed in the overall planning balance with reference to NPPF guidance.
- 5.6 Economic Re-use  
It is fully acknowledged that the site is currently in an economic use and that there is little indication that the site is no longer suitable for economic purposes.
- 5.7 In response to the application, the council's strategic economic development team did not object to the loss of the economic use. The view taken was that the size of the site was relatively small and that the increased residents associated with the development would increase footfall and local spending.
- 5.8 In terms of policy CS13, it is clear that the loss of the economic use is not considered to result in a significant impact on the local economy. Therefore, the requirement for an economic re-use of the site in preference to a residential re-use would be a constraint to residential development. There would be some economic harm, and this is picked up in the overall planning balance; however, the scale of harm is not so significant that residential uses should not be given due consideration.
- 5.9 Design and Appearance  
The site has a frontage onto Soundwell Road and it is this part which is within South Gloucestershire. The buildings in this location would provide two short terraces of three dwellings. In terms of their appearance, the buildings would be stone fronted and have a Victorian style to them. This would respect the character of the immediate area and is an appropriate design approach.
- 5.10 Behind these terraces, a block of apartments would be constructed and behind that another terrace of houses. These are not within the administrative area of the council. Nevertheless they are considered to be of an appropriate design which reflects the prevailing character of the area while achieving an acceptable development density to ensure the efficient use of land in a highly sustainable urban area.
- 5.11 The proposal complies with the design standards expected by policy CS1. Therefore in the overall planning balance, design attracts neutral weight.

5.12 Residential Amenity

- Development should not be permitted that has a prejudicial impact on residential amenity. Along Soundwell Road the building line is retained and the existing houses are separated from the apartment building by the parking courtyard. The houses at the rear of the site are also separated from the surrounding existing buildings.
- 5.13 The development is considered unlikely to have an adverse impact on the amenities of any nearby occupier and is therefore acceptable in this regard.
- 5.14 Turning to the living conditions for the proposed dwellings, here there has been some flexibility in the application of policy. In national policy development is required to make the most efficient use of land; this is transferred into policy CS16 which states that development in South Gloucestershire must make efficient use of land given the context of the site. Bristol City Council is more explicit in its policy and requires a minimum density to be achieved.
- 5.15 The development is therefore considered to make the efficient use of the site. However, in doing so there is a knock on effect on the provision of amenity space. Amenity space standards are set out in policy PSP43. This policy has been adopted since the application was first received by the authority and certainly after the initial scheme was received in 2016. Given this, it would be considered unreasonable to apply the minimum amenity space standards on this development as it would bring in to question how the minimum densities could be achieved and it did not form part of the development plan when the redevelopment of this site first came forward.
- 5.16 Notwithstanding that, the properties within South Gloucestershire all benefit from a rear garden and therefore are afforded reasonable provision of outdoor amenity space. It is not considered that the development would lead to substandard living conditions for future occupiers and is therefore acceptable. Permitted development rights should be removed to protect the garden areas that have been proposed.
- 5.17 Highways and Parking
- Access to the site is from Soundwell Road close to the authority boundary. There are two existing accesses to the site and the redevelopment would automatically lead to the cessation in the use of one of these. The access point has been assessed and on balance is considered to be acceptable. There would be a requirement to amend waiting restrictions in the vicinity and an appropriate agreement would need to be entered into. This has been assessed against the CIL Regulations and is considered to pass the relevant tests.
- 5.18 Cycle parking is provided for each property. Given that the site is in the urban area, it is hoped that the provision of dedicated cycle parking will encourage more sustainable travel patterns.
- 5.19 Vehicular parking is also provided on site. A similar situation arises here as did in relation to the provision of amenity space. South Gloucestershire is more suburban and rural than Bristol and there is a greater reliance on the private car and demand for off-street parking; this has led to a policy requirement for

- the provision of a minimum level of residential parking. This proposal does not comply with that minimum level with one parking space being provided for each dwelling and the highways officer has objected on that basis.
- 5.20 While this does not comply with policy, a pragmatic approach must be taken between achieving the optimum development on the site and appeasing the policy requirements of two very different local planning authorities. In this instance, only 6 of the proposed properties fall within South Gloucestershire and the application of its parking standard would be unreasonable and conflict with the purpose of efficient land use. Therefore, it is considered acceptable by officers that a lower level of parking be provided without a severe highway impact given the character of the area. It is noted that there is on-street parking in the area which is under high demand. The provision of off-street parking would therefore assist in meeting the needs arising from the development.
- 5.21 Affordable Housing  
Affordable housing has been a significant area of negotiation as the applicant has been resistant to making any provision as part of the development proposal. Initially no affordable housing was offered by the applicant on the basis that the quantum of development in each authority area did not trigger the relevant threshold. This argument was not accepted by officers who took the view that the scheme as a whole should be considered. Affordable housing was therefore requested at 30% (South Gloucestershire Officers would have sought 32.5% as a compromise between each authority's trigger but accept that 30% is reasonable given the circumstances). Following that, the applicant submitted a viability case setting out why an affordable housing contribution could not be secured. This was analysed by Bristol City Council and their consultant, DVS; it was found that the scheme would be viable. The applicant then proposed an off-site sum as a contribution towards affordable housing. Again, officers did not consider that to be appropriate as the policy position is for on-site provision.
- 5.22 The applicant has now agreed to the provision of on-site affordable housing. As a result of the viability exercise, a reduction in the overall number of affordable houses to be provided has been agreed in line with the viability outcome. Six affordable units will be provided; four would be within Bristol City Council and two within South Gloucestershire. For South Gloucestershire this would be two four-bedroom houses. As a percentage, two units equates to 33.3% of the affordable houses provided. While as a whole across the site, the delivery of affordable homes is below policy expectations, officers have secured a high level of affordable housing provision in South Gloucestershire to meet affordable housing targets.
- 5.23 Subject to the applicant entering into an appropriate legal agreement, the proposal is acceptable in terms of its provision for affordable housing. The provision of affordable housing is a significant public benefit which should be afforded weight in the overall planning balance. The requested contribution has been examined against the CIL Regulations and is considered to accord with the relevant tests.

5.24 Public Open Space

A request has been made by South Gloucestershire officers for a contribution towards public open space. As with affordable housing this request is based on considering the whole development as if it fell within the administrative area of this council. The results of the audit of public open space provision has indicated a shortfall and therefore a financial contribution would be sought to mitigate the impact of the development. A number of receptor locations have been identified, all of which would be within South Gloucestershire.

5.25 In discussion with Bristol City Council it became apparent that no similar exercise or contribution would be sought should the scheme have been wholly within Bristol.

5.26 Given that a viability exercise has been undertaken to assess the level of affordable housing provision, it is clear that any further contributions would have a viability impact. Officers have laboured hard to achieve an affordable housing contribution and a request for a contribution towards public open space would jeopardise the provision of affordable homes. Without assistance from Bristol City Council, it would be difficult for South Gloucestershire to justify raising objection to the development on this matter. Therefore, officers have taken the position that the request should not in this instance be carried forward.

5.27 Drainage

The site is within the urban area. Drainage is considered under planning, in terms of reducing the impacts of flooding and encouraging sustainable development, and through other statutory technical consents such as the Building Regulations and agreement with statutory drainage undertakers.

5.28 Officers are satisfied that the proposal would be able to be drained without an adverse impact on flooding. Therefore it is a technical matter. A SUDS condition would therefore be an appropriate means by which to achieve this. In order that a condition can be discharged and to avoid burdening the applicant, Bristol City Council have indicated that they will apply such a condition and it is not therefore necessary for a duplicate condition to appear on a decision issued by South Gloucestershire Council.

5.29 Landscape, Ecology and Trees

An extended phase 1 habitat survey accompanied the application. It found that there were a number of valuable habitats for birds on the site, albeit that these were limited. The site offered poor habitat for bats and reptiles. Therefore in order to address the ecology on site, a number of planning conditions should be imposed. It is likely that the most suitable places for bat/bird boxes would be within the site rather than near to Soundwell Road. Therefore, this issue would be best addressed going forwards by Bristol City Council who have indicated that this would be covered by a condition.

5.30 A scheme of landscaping is also proposed by condition. As part of the landscaping would be within South Gloucestershire, this condition should be included on any permission given.

5.31 Part of the site which is in South Gloucestershire would from historic records have been used as a petrol filling station. There is potential that this would have led to land contamination. To ensure this matter is addressed, it should be subject to investigation by condition.

5.32 Overall Planning Balance

Although only 6 properties would be within South Gloucestershire, the scheme should be addressed as a whole with reference made to the direct impact on the district.

*Community Infrastructure Levy (CIL)*

5.33 The development is CIL liable. The CIL receipt is used by the Council to fund infrastructure services, such as school places and health facilities, across the district. As the proposal is CIL liable, funds from the development would go towards the overall provision of infrastructure within South Gloucestershire and therefore the development mitigates its impact in that regard.

*Economic*

5.34 There would be some economic harm resulting from the development due to the loss of the existing business premises. However, the economic development team also consider that the proposal would have an economic benefit, notwithstanding the loss of the business site, as it would lead to increased footfall which would improve the vitality and viability of a local centre.

5.35 In terms of the development's economic impact, given that there are both harms and benefits identified, the proposal is likely to have a neutral overall impact

*Social*

5.36 The development would have significant social benefit through the provision of additional housing, including affordable housing, in a highly sustainable location. This is a factor of significant weight and acts to heavily swing in favour of granting planning permission.

5.37 Some social harm would result from the development in terms of the loss of local employment and its impact on a mixed and balanced community. This has been considered in the economic section and therefore will not be given weight here.

*Environmental*

5.38 There would be an environmental benefit to the proposal as it would lead to the redevelopment of brownfield land within the city, improve visual amenity, and enable the clean-up of any contaminated land. This weighs in favour of the grant of planning permission.

5.39 To redevelop the site there would be some harm through the loss of habitat; however, conditions are proposed to mitigate this harm and therefore it is a neutral factor in the overall balance.

### *Presumption in Favour of Sustainable Development*

- 5.40 The development would lead to the creation of both market and affordable housing in a sustainable urban area. For South Gloucestershire there is a relatively modest benefit of 6 new dwellings. However, the benefit overall to housing supply should be considered as the site is on the boundary with Bristol City Council and therefore the development as a whole would provide 20 new dwellings to meet housing needs.
- 5.41 It is considered that the benefits of development outweigh the harms identified and planning permission should be granted subject to the conditions listed below and the applicant entering into a planning obligation.
- 5.42 Impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.43 With regards to the above this planning application is considered to have a neutral impact on equality.
- 5.44 Other Matters  
A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.
- 5.45 There are difficulties in determining a cross boundary application; however, the management of each authority's website is a matter for that authority. The views of local residents have been considered and the purpose of the planning system is to control development in the public interest.
- 5.46 This application may only consider what is contained within it; whether the site was previously meant as a parking area is not given weight as there are no conditions on any previous planning decisions controlling this.
- 5.47 Developers are entitled to make a profit. This application has been subject to viability testing and therefore has been considered. The impact on existing house values is not given weight in determining this application.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in

accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

(i) **AFFORDABLE HOUSING**

To deliver on site:

- 2 x 4 bed house (unit type B – 118.45 metres squared); both for social rent.
- 1 x 2 bed house (unit type D – 78.18 metres squared) on a shared ownership basis
- 1 x 3 bed house (unit type C – 99.22 metres squared) on a social rent basis
- 1 x 2 bed flat (size 61.04 square metres) on a social rent basis
- 1 x 1 bed flat (size 50.94 square metres) on a social rent basis

Reason

To accord with policy CS6 and CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework.

(ii) **HIGHWAY WORKS**

To secure the provision of £10,000 towards the cost of a Traffic Regulation Order

Reason

To ensure the safe operation of the highway and to accord with policy CS6 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the NPPF.

- 7.2 It is recommended that that the Head of Legal and Democratic Services be authorised to check and agree the wording of the Agreement.

- 7.3 It is recommended that should the Agreement not be completed within 6 months of the date of the resolution to grant planning permission (obtained through the Circulated Schedule process), the application shall:



- (i) be returned to the Circulated Schedule for further consideration; or,
- (ii) that delegated authority be given to the Director or Environment and Community Services to refuse the application.

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

### **CONDITIONS**

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

Reason

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

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

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to ensure adequate living conditions and protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP8 and PSP43 of the South Gloucestershire Local Plan: Policies, Sites and Place Plan (Adopted) November 2017 and the National Planning Policy Framework

3. The historic use of the site as a petrol filling station may have caused contamination which could give rise to unacceptable risks to the proposed development.

A) Desk Study - Prior to any ground disturbance, an investigation shall be carried out by a suitably competent person into the previous uses and contaminants likely to affect the development and a report shall be submitted and approved in writing by the Local Planning Authority.

B) Intrusive Investigation - Where potential contaminants are identified under (A), prior to any ground disturbance, excluding any necessary demolition works, an investigation shall be carried out by a suitably competent 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 to and approved in writing by 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 (Remediation Strategy). The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification

Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures. (Note (A) and (B) may be combined if appropriate).

C) Verification Strategy - Prior to the first occupation of any dwelling hereby permitted, 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 with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

#### Reason

To protect existing and future occupiers from the effects of contamination and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the provisions of the National Planning Policy Framework, March 2012.

4. Prior to any ground disturbance, a site specific Construction Environmental Management Plan (CEMP) has been submitted to and been approved in writing by the Local Planning Authority. The CEMP must demonstrate the adoption and use of best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
  - a) Procedures for maintaining good public relations including complaint management, public consultation and liaison;
  - b) All works and ancillary operations which are audible at the site boundary, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Monday to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays;
  - c) Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
  - d) Procedures for emergency deviation of the agreed working hours;
  - e) Control measures for dust and other pollutants;
  - f) Measures for controlling the use of site lighting whether required for safe working or for security purposes;
  - g) Parking of vehicle of site operatives and visitors;
  - h) Route for construction traffic;
  - i) Hours of operation;
  - j) Method of prevention of mud being carried onto the highway;
  - k) Pedestrian and cyclist protection;
  - l) Proposed temporary traffic restrictions; and
  - m) Arrangements for turning vehicles.

Reason

To protect the amenities of nearby occupiers from the effects of construction work and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the provisions of the National Planning Policy Framework, March 2012.

5. Prior to the first occupation of the development, a scheme of landscaping, which shall include: details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. The planting shall be undertaken within the first planting season following the approval of these details. Any plant, tree, or shrub included in the above scheme which becomes diseased, damaged, or dies within a period of 5 years from the completion of the planting shall be replaced with a specimen of a similar size before the end of the current planting season.

Reason

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

6. Prior to the application of any external finish, details of the roofing and external facing materials proposed to be used (including a samples of the proposed stonework and a picture of a sample panel of stonework) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

7. The off-street parking facilities (for all vehicles, including cycles) shown on plan 35.01C shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

Reason

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

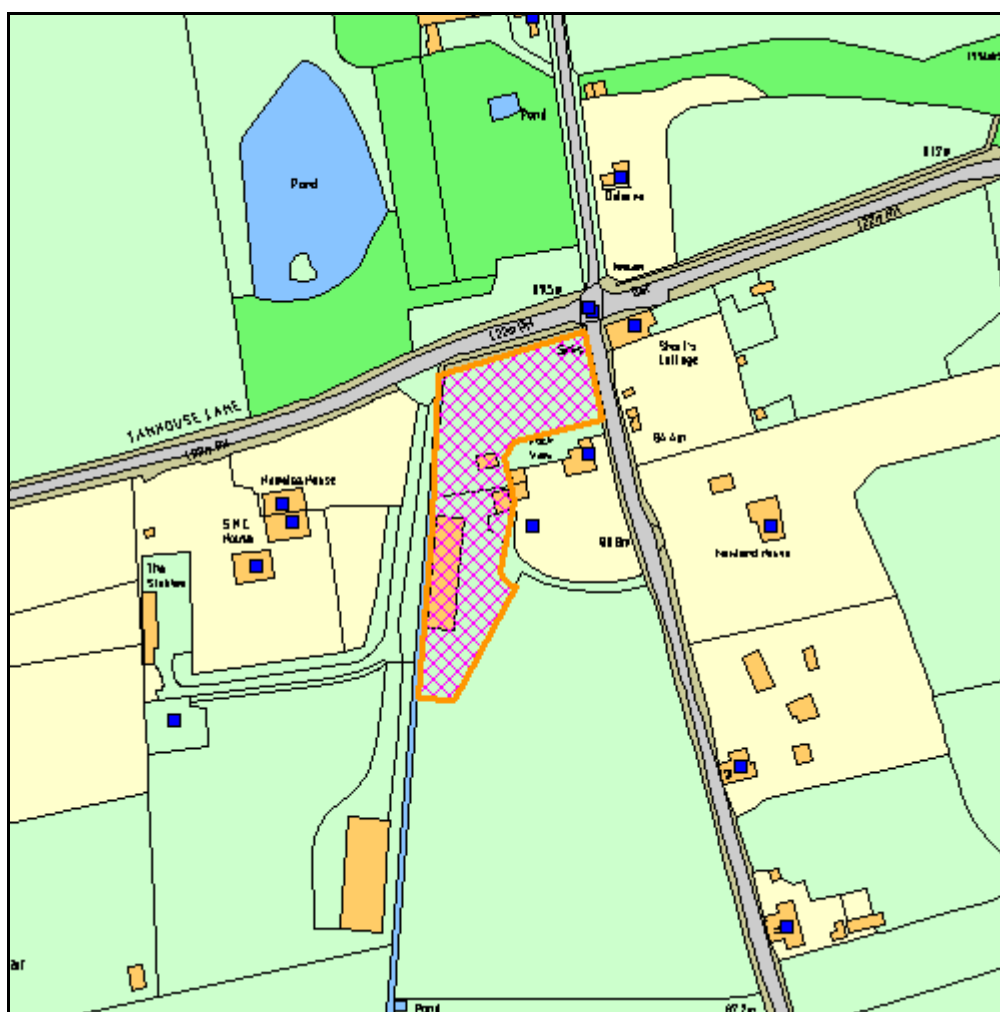
8. The development shall be carried out in accordance with the following plans: Site Location Plan, and F35/10/05A Elevations Type B (Plots 15-20); received 03 March 2017; and, F35/01C Block Plan, F35/02C Materials Plan, F35/04C Storey Heights Plan, F35/05 Cycle Store, F35/06 Bin Stores, F35/10/01A Type B Ground and First Floor Plans, F35/10/02B Type B Second Floor Plan, F35/11/01 Apartments Ground Floor Plan, F35/11/02A Apartments First Floor Plan, F35/11/03A Apartments Second Floor Plan, F35/11/04A Apartments Front Elevation, F35/11/05A Apartments Rear Elevation, F35/11/06/A Apartments Side Elevation, F35/12/01 Type C Ground and First Floor Plans, F35/12.02A Type C Second Floor Plan, F35/13/01 Type D Floor Plan, F35/14/01A Type C and D Front and Side Elevations; received 07 September 2017.

Reason

For the avoidance of doubt.

## CIRCULATED SCHEDULE NO. 20/18 -18 MAY 2018

<b>App No.:</b>	PK17/4492/O	<b>Applicant:</b>	Mr And Mrs Townsend
<b>Site:</b>	Rock View Engine Common Lane Yate South Gloucestershire BS37 7PX	<b>Date Reg:</b>	3rd October 2017
<b>Proposal:</b>	Erection of up to 4no. dwellings (outline) with access and layout to be determined: all other matters reserved.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	370043 185017	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	24th November 2017



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N.T.S.

PK17/4492/O

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 This application seeks an outline planning permission for the erection of 4 dwellings at Rock View on Tanhouse Lane. The application is in outline with access and layout to be determined; all other matters are reserved. During the course of the application, an archaeology report was submitted, which has been reviewed by the Council Archaeology Officer, who is satisfied with the details. In addition, a revised site layout plan was also submitted to address the Council's Arboricultural Officer's concerns.
- 1.2 The application site comprises a mix of grass / landscaped area and a large hard-standing area, which was subject to some previous development for stationing of 15 touring caravans on temporary basis. There are a number of single storey structures and buildings, and mature trees and hedgerows surrounding the site. The host dwelling is two storey detached dwelling finished with stone work and clay tile, however it does not fall part of the application site.
- 1.3 The site is located outside of the defined settlement boundary of Engine Common the site is in the open countryside. The North Yate New Neighbourhood northern boundary is located approximately 650 metres to the east.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Practice Guidance

- 2.2 Development Plans

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

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS34	Rural Areas

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

PSP1	Local Distinctiveness
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PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

### 2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

Affordable Housing and Extracare SPD (Adopted) May 2014

Waste Collection SPD (Adopted) January 2015

CIL and S106 SPD (Adopted) March 2015

## 3. RELEVANT PLANNING HISTORY

The site has been subject to a number of planning applications in the past. The latest planning application was submitted in 1994 for renewal of temporary consent for the stationing of 12 no. touring caravans, the application was approved on 15 August 1994.

PK11/2680/F was granted for the erection of 1 no. detached replacement dwelling with access and associated works (Resubmission of PK11/1384/F), dated 20 October 2011.

PK15/2944/F was refused for the change of Use of land from Agricultural to residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include mobile home to be used as annex ancillary to main dwelling (Retrospective) dated 26 October 2015.

It should also be worth to note that the following application was approved for a residential development at the land to the rear of Holmelea House Tanhouse Lane, which is located to the southwest of this application site.

PK17/1226/O           Erection of 7 no. dwelling (outline) with access and layout to be determined. All other matters reserved. (re-submission of PK16/4890/O). Approved 17.10.2017

PK18/0504/F           Erection of 7 no. dwellings with access associated works. Being considered.

## 4. CONSULTATION RESPONSES

4.1 Iron Acton Parish Council  
No comments received.

- 4.2 The Coal Authority - No objection to the proposal subject to planning condition securing an appropriate mitigation strategy/
- 4.3 Sustainable Transport – Notwithstanding the sustainability issue, the Highway Officer suggests that the following:  
A. the applicant is to construct (as part of their development) a footway along the application site frontage on Tanhouse Lane,  
B. Alternatively, the applicant may wish making financial contribution (through an appropriate legal agreement with the Council) towards traffic management and safety measures on Tanhouse Lane.
- 4.4 Environmental Protection Team – no objection subject to planning condition seeking mitigation measures due to the historic use of the site as agricultural storage and historic use of land within 20 metres of the sit Old Wood Colliery may have caused contamination which could give rise to unacceptable risks to the proposed development.
- 4.5 Drainage Engineer – no objection subject to planning condition seeking details of surface water drainage
- 4.6 The Archaeology Officer – no objection as the archaeological evaluation report has been submitted and this satisfied the archaeological condition.
- 4.7 Enabling Team – It is recommended that planning condition is applied which precluded any development coming forward with a gross internal floor area in excess of 1,000 square metres.
- 4.8 The Ecology Officer – no objection subject to planning condition securing the recommendation stated in the submitted Ecological Assessment, details of the bat friendly lighting scheme and details of 4 no. Schwegler 2F boxes and bat tubes, 4 house sparrow terraces.
- 4.9 The Arboricultural Officer – No objection as the revised scheme has been submitted to show the new dwelling at plot 2 has been relocated further away from the existing tree, a planning condition is however required to secure the development to be carried out in accordance with the methodology in the Arboricultural Report.

### **Other Representations**

#### 4.9 Local Residents

One letter of objection has been received which raise the following matters:

- The scheme clearly fails, when measured against all the sustainability criteria set-out in national guidance almost all the sustainability criteria identified in emerging local policy.
- Tanhouse Lane provides no pedestrian footway. Any pedestrians accessing the site would therefore be required to walk a distance of some 270 metres along a narrow, unlit lane without any opportunity for refuge, in direct conflict with policy requirement.



- The site lies over 500 metres from the nearest defined settlement, also lies a similar distance from the proposed North Yate neighbourhood to the east. The scheme would represent isolated housing development within the open countryside, in direct conflict with the NPPF.
- The decision on the adjacent site, PK171226/O, was not based upon a proper and robust critique of sustainability, as is required by both national and local planning policy. As such, this decision cannot be seen as a sound basis to inform future decisions in the locality and must not set a precedence for the determination of this application
- The site lies within a rural hamlet, characterised by large dwellings in sizeable plots, In this regard, the development would fail to respect its setting and would result in the urbanisation of this part of the open countryside
- The application, by its unsustainable nature, would be reliant on car trips, which would be directly accessed from Tanhouse Lane. This would represent a direct conflict with the principle of the retention of Tanhouse Lane as a green route, suitable for recreational use by pedestrians, cyclists and horse riders.
- In summary, the development is not within acceptable proximity to key services, is not within reasonable walking distance of an appropriate bus service, would not provide safe pedestrian access, is not well related to a defined settlement and consequently represents isolated development within the open countryside, and the development fails to protect the character of the area.

Eight letters of support have been received and the residents' comments are summarised as follows:

- Four building plots will be a fantastic addition to our friendly rural community
- Not far from central Yate and Chipping Sodbury
- Families can benefit from a healthy countryside lifestyle as well as catching a local bus to Yate bus station with connections to Bristol and beyond.
- Enjoy direct access to the Avon Valley cycle route runs through the heart of the community
- Many amenities within comfortable flat walking distances. Within a mile radius, there is a post office, two primary schools, a children's nursery, village community centre, Brimsham Green Secondary School, Yate Football Club and pubs. There are also other community transport services available.
- The development would enhance the local area, could provide more trade to our local pub and post office stores
- The proposal is considerate, well thought out, will not adversely impact any neighbours, none of the planned properties are obtrusive or facing onto my or anyone else's properties
- The style, scale and specification of the houses will provide much needed larger houses for growing families freeing up more affordable homes for younger families
- Regarding the highway safety concerns, the Planning Inspector allowed the planning appeal, APP/P0119/A/12/2178258/NWF and conclude that the lane fell far short of being classified as being anything more than a quiet lane as defined in the 'The Quiet Lanes and Home Zones (England)

regulations and that no conflict was found with the adopted South Gloucestershire Local Plans.

- It will be a valuable source for much needed local housing to address the current shortfall
- My children attended North Road School and Brimsham Green School, which is in easy walking distance as I live on the same lane as the above application.
- Sympathetic to the area, careful consideration has been given to the style and design of the site
- The development helps bring the market value up of surrounding properties
- The major residential development are sited only a short distance away and that other development, which have the potential for much greater visual impact and increase in traffic, have been approved for the area in recent years.

## 5. **ANALYSIS OF PROPOSAL**

- 5.1 This application seeks an outline planning permission for the erection of 4 dwellings on land at Rock View. 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:
- *specific policies in the Framework indicate development should be restricted,*
  - *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;*
- 5.2 Firstly, it should be noted that the site is not situated within any land-use designations, such as Sites of Specific Scientific Interest, land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, designated heritage assess and locations at risk of flooding or coastal erosion. Therefore, there are no specific policies in the Framework indicate this development should be restricted. Therefore, officers need to consider if there are any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 5.3 **5-Year Land Supply**  
The Council's Annual Monitoring Review (AMR) 2017 reveals that the Council cannot demonstrate a 5-year housing land supply. As there is provision for windfall sites in the calculation, this weighs in favour of the proposal. In this case, officers consider the proposed 4 no. new dwellings would make a modest positive contribution.
- 5.4 Paragraph 55 of the NPPF states Local planning authorities should avoid any new isolated homes in the countryside unless there are special circumstances. As the site is located outside any settlement boundaries, Policies CS5 and CS34 would be particularly important. Policy CS5 states that development,

which is located in the open country outside a settlement boundary, should be strictly limited. In addition, Policy CS34 focusing on Rural Areas states that the settlement boundaries around rural settlements should be maintained and that development outside those boundaries should be strictly controlled. Accordingly on the face of it the proposal runs counter to the adopted plan; however in light of the NPPF national policy this attracts less weight, and more weight is given to the paragraph 14 test in the NPPF in the assessment of this proposal. The previous refusal however had as its first reason that the proposal constituted “isolated” development in the countryside, so this analysis needs to consider what has changed, if anything, since that determination. Therefore, while the proposed development should be assessed against the analysis set out below.

#### 5.5 Site Sustainability

It would be worth noting a recent planning appeal decision (July 2017) in South Gloucestershire which covered the issue of “isolated” development in the countryside. The appeal related the demolition of existing workshops / office / storage buildings and the erection of a three bedroom single storey dwelling, garage and ancillary works at Wayside Cottage, Easter Compton (reference PT16/4968/F). Although it is noted that the nature and scale of the development would be different from this proposal, it is worth to note that the Inspector highlighted in this appeal that the National Planning Policy Framework contained no definition of the term ‘isolated’ and so the Inspector relied on the everyday definition of the word as meaning lonely or remote.

5.6 Similarly to the Inspector’s conclusions in that appeal on this current application, whilst Tanhouse Lane is a country lane with no pavement and is mainly unlit, officers consider that there are within an acceptable cycling distance and could be an alternative mode of travel for some residents. Whilst it is noted that future occupiers would still be highly dependent on the use of the private motor car, it is likely that they would still utilise the services and facilities within the nearby settlement Engine Common and the town centre of Yate. Moreover, the site would be approximately 650 metres from the urban extension at North Yate and it also would not be far from the settlement at Engine Common, where there are existing social and educational facilities, such as a primary school and public house. There are bus stops nearby and the nearest bus stop is located near the junction of Tanhouse Lane and North Road, although it is noted the bus service in this location is limited.

5.7 On this particular site, officers would not consider that the site is lonely or remote in visual terms as it is adjacent to existing dwelling, also, the site is surrounded by a group of residential properties, and it is noted that planning permission was granted for erection of 7 no. dwellings to the southwest of the site. Also, there would be an alternative mode of transport available to future occupiers and the distances involved to the nearby town centre, Yate, are not substantial. As such, it is considered that these attract sufficient weight so as to conclude that the proposal would not be contrary to paragraph 55 of the NPPF.

5.8 Agricultural Classification

Paragraph 109 of the NPPF states the planning system should contribute and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils and Policy CS9.9 of the adopted Core Strategy seeks to maximise opportunities for local food cultivation by (a) avoiding the best and most versatile agricultural land. The proposed development will be largely located on the existing hard-standing area and the grass area is classified as Grade 3 Agricultural Land which is a lower grade of land. Accordingly, the loss of this from agricultural production is most unlikely to materially affect the best and most versatile agricultural land. It is considered to comply with the approach in policy CS9.

5.9 Density

The proposal would result in an additional 4 units to the housing supply and this would equate to a density of approximately 11 houses per hectare. This is a low density development, and it is right to consider whether this represents the most appropriate approach to this site. As described above this site is surrounded by a group of residential properties with a reasonable sized garden. Furthermore, the site is subject to a number of constraints, including archaeological interests, coal mining history and the proximity of protected trees, therefore, any higher density development would likely cause an adverse impact upon the existing landscaping features and historic assets. Given the rural location of the site, it is accepted that this would be a reasonable design approach.

5.10 A further reason for questioning the appropriateness (or otherwise) of the density is in relation to whether there is an attempt to avoid affordable housing triggers. This is not the case here as will be seen from the section on affordable housing.

5.11 Affordable Housing

This application seeks planning permission for the erection of 4 houses (outline) with access and layout to be determined and all other matters reserved.

5.12 Policy CS18 states that the threshold for providing affordable housing in rural areas is 5 or more dwellings or a residential site with a gross area of at least 0.20 ha, irrespective of the number of dwellings. This proposal relates to 4 units on land measuring 0.36 hectares.

5.13 However, the recent Harcombe appeal ruling enforces the NPPG guidance that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1,000 square metres (gross internal area). Therefore, unless the application site is within the AONB or there is evidence e.g. an up to date Housing Needs Survey then Enabling will apply the lower threshold.

5.14 As the agent has confirmed that the proposed gross internal area will be less than 1,000 square metres, officers therefore consider that no affordable Housing requirement should be sought for this scheme. A planning condition is

however imposed to preclude any development coming forward with a gross internal floor area in excess 1,000 square metres.

5.15 Design, Access and Layout

As this application is in outline with access and layout to be determined, consideration of access is restricted to these matters. The submitted layout plan shows a private drive will be formed off Tanhouse House and it will serve the new dwellings. Each of them would have its own garage and a reasonable private garden, the proposed layout reflects the rural character of the area. The new dwellings and garage would largely be proposed on the existing hard-standing area. New dwellings at Unit 1 and 2 would be fronting Tanhouse Lane setting back from the existing boundary hedges. Although the density of the proposal would be higher than the existing surrounding development, officers consider the proposed sporadic layout would be in harmony with the character of the area, therefore such layout is acceptable from visual amenity perspective.

5.16 Residential Amenity

Development should not be permitted which has a prejudicial impact on residential amenity on the existing occupiers as well as the living conditions of future occupiers of the proposed development. The submitted details showing the footprint and the location of the new dwellings. Given there would be a reasonable distance between the new dwellings and the neighbouring properties, including Rock View, it is considered that that privacy levels would be retained and there would not be an unreasonable adverse impact in terms of overbearing impacts of the loss of light. It is also noted that further assessment would be made under the determination of the reserved matters or full application.

5.17 Further to this, it is noted that there is a vehicular access running along the western boundary of the site. The access currently links to an industrial building and a potential residential development, which was recently granted planning permission. Although that the future occupiers from this application site may experience some noise or disturbance of the traffic, it is considered that such impact would not be significant to be detrimental to the living condition of the future occupiers.

5.18 Highway Impacts

The Highway Officer raises concerns regarding the sustainability of the site and highway safety issues onto Tanhouse Lane.

5.19 Regarding the sustainability issues, the officer remains with the view that the development site is not in a sustainable location in transportation terms, although it is noted that the previous scheme (application PK17/1226/O) for 7 new houses on the adjoining site was granted consent by the Council and without raising the issue of travel sustainability.

5.20 From the highway safety issues, Paragraph 32 of NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 5.21 Whilst officers note that the site is not located within a settlement or town centre locations, there is an alternative mode of transport available to the future occupiers. Given that the proposed development would provide a safe vehicular access and the site is reasonably accessible, your case officer considers that the potential adverse impact, from the sustainability perspective, would not be so severe.
- 5.22 Regarding highway safety aspect, the Highway Officer raises concerns about the cumulative impact upon the Tanhouse Lane due to its narrowness and the lack of continuous footway between the site and the local schools (i.e. North Road Primary and Brimsham Green secondary) nor is there a connecting footway from this site to the nearest bus stop on North Road. The Officer acknowledged that the volume of traffic resulting from this proposal would be less compared to that scheme already consented for 7no. houses on the neighbouring land, there is a concern about the cumulative traffic impact of 'new development on development' using a country lane which is considered inadequate in respect of pedestrian facilities. It is noted that this part of Tanhouse Lane is used reasonably well by pedestrians, cyclists and horse riders, and adding more locally significant increase in traffic to the small levels of background traffic is not something generally supported. With the new development on the site, there would be increase vehicular traffic movements on this lane and the additional traffic from the new development has potential to increase the risks and safety conflicts between different users particularly risk to vulnerable road users on this road. However, given the scale of the proposed development, taking into consideration the potential cumulative effect, your case officer considers such impact would not be so significant and severe. Whilst the Highway Officer suggests the applicant to construct a footway along the application site frontage on Tanhouse Lane, it is considered that the proposed footway would be relatively short in length and it would not connect to either any schools or bus stops, as such, the footways would not necessarily mitigate any highway concerns.
- 5.23 Furthermore, it is noted the Highway Officer's suggested financial contribution. Paragraph 203 of the NPPF states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition, and paragraph 204 states that planning obligations should only be sought where they meet all of the following tests: 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, given the scale of the development is relatively modest, the potential impact is not considered to be severe. After further discussed with the Highway Officer, it is considered that there are no precise, practical safety measures within a reasonable time scale could be taken place in the locality, it is therefore considered such financial requirement would not meet the tests stated in NPPF.
- 5.24 Ecology and Landscape  
The site was located at the north end of Engine Common Lane, Yate. The site consists of hard standing and grassland with dilapidated sheds in the grounds of a residential property. The wider environment was made of residential and

commercial properties and agricultural fields. An Ecological Assessment by Ethos Environmental Planning (October 2017) has been submitted. The Council Ecology Officer has reviewed the submitted details and considered that there is no ecological objection to this outline application provided that planning conditions are imposed to secure the implementation of the recommendations made in the Ecological Assessment including the provision of a bat friendly lighting scheme and the installation of 4 no. Schwegler 2F boxes, bat tubes and four house sparrow terraces.

5.25 The site is covered by an area based tree preservation order. An arboricultural report has been submitted with the application. The Council Arboricultural Officer originally raised concerns as the proposed dwelling at Unit 1 is located to the proximity of a protected tree. To address the concerns, a revised site plan has been submitted and the officers are satisfied with the amended plan and raised no objection to the proposal subject to planning condition to secure tree protection works will be carried out accordingly.

5.26 Drainage

The proposal indicates that surface water will be disposed via soakaway, whilst there is no objection in principle to the proposed disposal method, further details will be required to demonstrate that the proposed method would be suitable for this site, as such, a planning condition is imposed to secure the details of the proposed method to be submitted.

5.27 Archaeological Assets

The proposal lies in an area of archaeological sensitivity with traces that may relate to the Bitton - Berkley Roman Road in the immediate vicinity. The former mining works in the immediate area also have heritage significance. For this reason, the applicant submitted an Archaeological Evaluation Report. The Council Archaeology Officer has reviewed the submitted details and confirmed that no further works are required to be carried out on site.

5.28 Coal Mining History

The application site falls marginally within the defined Development High Risk Area. The Coal Authority's information indicates that a thick coal seam outcrops adjacent to the application site boundary and may be present at shallow depth beneath the very north eastern part of the application site. This seam may have been worked in the past. The Coal Authority has revised the Coal Mining Risk Assessment Report (June 2011) which was submitted in support of the application of PK11/2680/F and PK11/1384/F. The submitted report concludes that coal mining legacy poses a low risk to development at Rock View and goes on to make appropriate recommendations for precautionary measures in the form of reinforced strip foundations to mitigate against any minor ground movement. The Coal Authority is satisfied with the submitted details to be sufficient in terms of demonstrating that the application site, or can be made, safe and stable for development. In this instance, and as the majority of the application site is situated outside the Development High Risk Area, the Coal Authority raised no objection to this application subject a

planning condition to ensure that the incorporation within the development of mitigation measures outlined in the Coal Mining Risk Assessment.

#### 5.29 Overall Planning Balance

The provision of 4 dwellings would make a modest contribution towards housing supply. Whilst the proposal is not situated within a highly sustainable location, it is considered that the potential harm caused would not be significant. It is considered that the benefit of provision of additional houses would clearly outweigh such harm. In addition, the proposal would also likely bring other social and economic benefits to the nearby communities in Engine Common. As such, officers consider the proposed development, on balance, can be supported.

### 6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

7.1 That planning permission be granted subject to the following conditions:

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

### CONDITIONS

#### 1. Reserved Matters Application and Implementation

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

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



Reason

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

2. Time Limit for the Implementation

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

Reason

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

3. Standard Overall Time Limit

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

Reason

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

4. Restriction of Gross Internal Area

As part of the plans and particulars required by condition 1 submitted in relation to the scale and appearance of the buildings, the total gross internal floor area of the development shall not exceed 1,000 (one thousand) square metres.

Reason

In the interest of the provision of affordable housing and to accord with Policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of National Planning Policy Framework.

5. Coal Mining Investigation and Mitigation Measures

Notwithstanding the submitted details, as part of the plans and particulars required by Condition 1 submitted in relation to the design of the development, a ground investigation to establish the presence of any coal mining legacies on the site shall be undertaken and a full detailed report including any proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the required details shall incorporate the mitigation measures outlined in the Coal Mining Risk Assessment dated June 2011.

Reason

In the interest of the stability of the land and to accord with Policy PSP22 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

## 6. Contamination Mitigation Strategy (Pre-commencement Condition)

A) Desk Study - Previous historic uses 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 competent 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) Intrusive Investigation - Where potential contaminants are identified under (A), prior to the commencement of development, an investigation shall be carried out by a suitably competent 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 (Remediation Strategy). The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures. (Note (A) and (B) may be combined if appropriate).

C) Verification Strategy - 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 with 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

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy PSP21 of the South Gloucestershire Local Plan: Policies,

Sites and Places Plan (Adopted) November 2017, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition in order to avoid any unnecessary remedial work in the future.

7. Details of Surface Water Disposal (Pre-commencement Condition)

Prior to the commencement of the development, full details of surface water drainage method including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection shall be submitted and approved in writing by the Local Planning Authority. For the avoidance of doubt, a detailed development layout shall show the location of surface water proposals along with results of percolation tests and infiltration calculations to demonstrate that the proposal is suitable for this site. In addition, the following details shall be included as part of the submission:

- a. A clearly labelled drainage layout plan showing the exact location of any soakaways or other infiltration features,
- b. Evidence is required to confirm that the ground is suitable for soakaways. Percolation / Soakage test results as described in Building Regs H - Drainage and Waste Disposal,
- c. Evidence that the soakaway is appropriately sized in accordance with BRE Digest 365 Soakaway Design, and
- d. Soakaways must be located 5 Metres from any structure including the Public Highway.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition to ensure that the drainage details have been agreed before the construction of the development and to avoid any unnecessary remedial action in the future.

8. Bat Friendly Lighting Scheme (Pre-commencement Condition)

Prior to commencement of development, details of the bat friendly lighting scheme shall be submitted to the local planning authority for approval in writing. The lighting plan should follow guidance in Section 10 of the Ecological Assessment by Ethos Environmental Planning (October, 2017). Development shall be carried out in accordance with the approved details prior to the first occupation of the approved development.

Reason

To protect and enhance biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provision of National Planning Policy Framework.

This is a pre-commencement condition in order to incorporate such features before the construction stage and to avoid any unnecessary remedial works in the future.

9. Bird and Bat boxes (Pre-commencement Condition)

Prior to commencement of development, the location of four Schwegler 2F boxes and bat tubes, and four house sparrow terraces shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the approved development.

Reason

To protect and enhance biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provision of National Planning Policy Framework. This is a pre-commencement condition in order to incorporate such features before the construction stage and to avoid any unnecessary remedial works in the future.

10. Implementation of the Ecological Assessment Report

The development shall proceed in accordance with the recommendations made in Section 10 of the Ecological Assessment by Ethos Environmental Planning (October, 2017). This includes creating a bat friendly lighting scheme, avoiding disturbance and harm to nesting birds, dormice and hedgehogs, new (native species) hedgerow planting, use of Emorsgate seeds EL1 on the proposed new lawns, enhancing the existing wet ditch for wildlife, planting species to enhance the site for bats, installing bird and bat boxes, creation of habitat piles and permeable fencing for wildlife.

Reason

To protect and enhance biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provision of National Planning Policy Framework.

11. The Arboricultural Method Statement and the Tree Protection Plan shall be carried out in accordance with the submitted Arboricultural Report dated September 2017.

Reason

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

12. Construction Hours

The hours of working on site during the period of construction shall be restricted to 0730 to 1800 Monday to Friday, 0800 to 1300 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

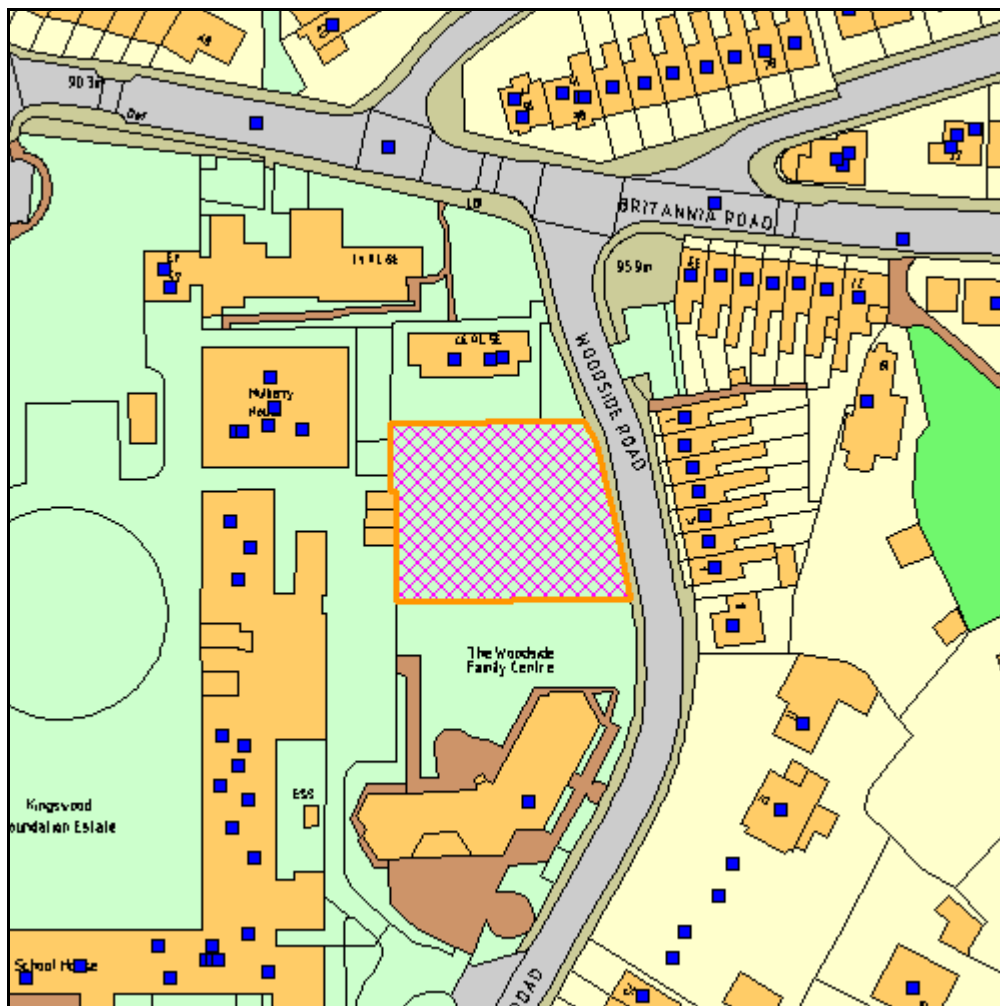
other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

#### Reason

To protect the amenities of the occupiers of nearby dwelling houses during construction, and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework.

## CIRCULATED SCHEDULE NO. 20/18 – 18 MAY 2018

<b>App No.:</b>	PK17/5214/F	<b>Applicant:</b>	Creative Youth Network
<b>Site:</b>	East Lawn Adjacent To The Old School House Kingswood Foundation Estate Britannia Road Kingswood South Gloucestershire BS15 8DB	<b>Date Reg:</b>	6th December 2017
<b>Proposal:</b>	Temporary change of use of land (for a period of 12 months) for the siting of 15no. residential caravans/ mobile homes, a welfare unit, store and box office and erection of 2m high boundary fence to accommodate 'Yardarts' (retrospective).	<b>Parish:</b>	None
<b>Map Ref:</b>	364230 173455	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	29th January 2018



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## **INTRODUCTION**

This application appears on the Circulated Schedule as a result of consultation responses received, contrary to Officer recommendation

### **1. THE PROPOSAL**

- 1.1 The application is for temporary change of use of land (for a period of 12 months) for the siting of 15no. residential caravans/ mobile homes, a welfare unit, store and box office to accommodate 'Yardarts', the proposals also incorporate the erection of a 2m high boundary fence to facilitate this. 'Yardarts' are a performing arts group promoting and encouraging performing arts and circus. The proposal is to accommodate circus students on the site, with the need for a site arising due to redevelopment of their previous site in Bristol. As the homes are already on site, the application is retrospective. The applicants have requested a temporary permission (1 year).
- 1.2 The site is on land associated with the former Kingswood Foundation Estate, now Creative Youth Network (CYN), who are the applicants, a charity that provides facilities and services for the benefit of young people. Land to the south was leased to enable the John Cabot Academy to be built, whilst the Creative Youth Network, run the multi-use site, incorporating many of the older existing buildings, including the old school house and associated outbuildings for education, health day centre, charities, sports, dance, counselling and care, offices for community organisations café and facilities hire for events. The specific part of the site identified for the purposes of this application is the east lawn area to the east of the site, adjacent to Woodside Road.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS17 Housing Diversity

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP16 Parking Standards

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

- 3.1 K2736/15 - CHANGE OF USE OF PART OF PREMISES FROM C2 (RESIDENTIAL INSTITUTION) TO MIXED USE B1 (BUSINESS USE) AND D1 (NON- RESIDENTIAL INSTITUTION) (Previous ID: K2736/15). Approved 21/8/1995
- 3.2 K2736/6 - CONSTRUCTION OF CAR PARK. (Previous ID: K2736/6). Approved 17/11/1992
- 3.3 P96/4145 - CHANGE OF USE OF PART OF EAST WING FROM RESIDENTIAL INSTITUTION (C2) TO OFFICES (B1) AND NON-RESIDENTIAL INSTITUTIONS (D1) (Previous ID: P96/4145). Approved 29/5/1996
- 3.4 PK01/2164/F - Change of use of part of first floor of East Wing from residential institution (C2) to offices for community groups/arts (B1). Approved 15/10/2001
- 3.5 PK07/2232/F - Change of use from mixed office and residential institutions (Classes B1 & C2) to mixed use of Office (Class B1) and Non-Residential Institutions (Class D1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Approved 20/8/2007
- 3.6 PK10/3053/F - Erection of single storey extension to facilitate IT room. Approved 30/12/2010

### **4. CONSULTATION RESPONSES**

4.1 Parish/Town Council  
No Parish

4.2 Other Consultees

Sustainable Transportation

Access to the site will not change as part of this proposal.

Traffic generation from this use would be small and its impact would not be material to justify refusal of the application. The officer further confirms that there is acceptable level car/van parking spaces available in the main car park and cycle parking is also provided.

In view of this therefore, we, Transportation Development Control have no objection to this application

Economic Development

No objection

Tree Officer

No comments received

Listed Building/Conservation Officer

No comments received



## **Other Representations**

### 4.3 **Local Residents**

Three objections have been received, from properties within the area summarised as follows (full objection notes are available on the Council's website): (Please note that one of the objections states that it represents a further 6 properties, giving names and addresses of Woodside Road)

- Concern over outlook from adjacent properties into the site
- The area looks unsightly
- If a fence is required to screen the site, this indicates that there is a problem
- Privacy has been affected
- There is much less screening afforded by the trees when the leaves fall
- Impact upon wildlife
- Impact upon trees
- Potential fire hazards from gas canisters
- Concerns over fires and waste disposal
- Concern over potential anti-social behaviour
- There is no community benefit as suggested
- Impact upon nature/wildlife
- Concern over drainage/sewage provision
- Some details of the supporting information are incorrect – we have not observed the lawn area being used for any performances, gymnasts or overflow parking and no previous issue of antisocial behaviour
- House prices will be affected due to outlook
- Concern has been raised regarding that units other than those on the application are on the site

Photographs have also been provided from properties on the opposite side of Woodside Road

## **5. ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

The planning history, referred to above, indicates that the site benefits from residential institution (C2) use, although parts of it have been subject to change of use applications, mainly for other community type uses. The site is located within the urban area.

- 5.2 Para. 69 of the NPPF states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local Planning Authorities should aim to involve all sections of the community, and look to opportunities for mixed use developments, strong neighbourhood centres and active street frontages which bring together those who work live and play in the vicinity. This is consistent with the sites C2 usage and the community uses associated with the site as a whole. Policy CS4A states that there is a presumption in favour of sustainable development and that planning applications that accord with the policies of the plan should be approved unless material considerations indicate otherwise. Policy CS5 suggests that most new development will occur in the urban and developed areas. Policy CS17

(Housing Diversity) seeks to support mixed communities in all localities. The site has no ecological designations. Residential proposals within the urban/residential area would generally be considered acceptable. Given the use, location and policies for the site, the principle of residential uses is therefore considered to be acceptable, subject to assessment with individual development management policies.

### 5.3 Residential Amenity

The concerns regarding residential amenity, highlighted above, are noted. The proposed use itself is residential, this is considered acceptable in a residential area. Whilst concerns over amenity impact through anti social behaviour, both pre and post the application, - from the applicants and the objectors are noted, it is not considered that there is significant material evidence to suggest any issues are of demonstrable note such as to impact any planning decision either way. As anywhere else this would become a civil/legal matter for the correct authorities, in the event that specific anti-social issues were encountered. The nearest residential properties are located opposite on Woodside Road, east of the site, and to the north on Brittonia Road. The properties to the east are separated by public highway. In this respect it is not considered that a loss of privacy could be demonstrated such as to warrant objection and sustain a refusal of the application on this basis. Any windows from caravans are at single ground floor level only, and given this, the availability of screening – the fencing to the road side and hedgerow/tree boundary around the site, it is not considered that there would be a material inter- visibility issue across the public highway and would be less prominent than two storey dwellings on either side of the street as would often be the case on residential roads. The site also does benefit from various permitted uses and the grounds, including this lawn area can be used by people. It is not considered therefore that the proposals can be considered to give rise to material or significant residential amenity impacts. However given the nature of the proposed accommodation and its direct connection to the estate, it is considered that recommended conditions restricting the use and time limiting the use, as proposed by the applicants, thus preventing the sites use as a transit caravan site, are appropriate in this instance.

- 5.4 In terms of residential amenity for potential occupiers, as suggested above occupation would be anticipated to be by those who have sought it through association with the circus school, and habituating the site on that basis. The accommodation opportunity would be for those that require it on the basis of their attendance there. The site provides facilities and infrastructure within it for its occupiers, including electricity supply, metered water supply, a welfare unit including toilet, showers and kitchen and foul drainage. Amenity/open space is available within the site. The Creative Youth Networks refuse collection and recycling facilities, within the old school complex, are utilised for waste disposal. Should fires become an issue of environmental concern in terms of smoke or emissions, this would be subject to investigation by Environmental Health. The applicants have confirmed that they are aware of recommendations for spacing between caravans in respect of fire risk and will ensure compliance and suitable spacing is retained. A fire fighting equipment station is provided on the plans within the site. The Enforcement Team have

confirmed that following a site visit the units on the site do reflect those contained in the planning application.

#### 5.5 Visual Amenity

Whilst impact upon visual amenity is a consideration, direct impact upon houses prices is not a material planning consideration. Whilst an alternative to conventional housing and different in appearance, this does not deem the proposals unacceptable in their own right. The fencing and screening provided by the tree/hedgerow boundary combined provides to give additional cover and screening of what are basically single storey structures. Again whilst it may be possible to gain views from certain vantage points through any screening, the impact of this is not necessarily unacceptable. The site already forms part of that established for residential institution and office and community uses and there are no site specific policy designations restricting the consideration of additional development within the confines of the existing site. Given therefore the nature of the existing site and the nature of the proposed use, it is not considered that it could be construed as development that would materially harm the visual amenity of the area, such as to warrant refusal of the application on these grounds. Should the site fall into a condition that adversely impacts the amenity of the area, there are enforcement measures available to the Council to seek remediation.

#### 5.6 Trees

There are several TPO's within the site. No structures or tree works are proposed as part of the application. An informative is recommended highlighting and advising on the TPO requirements.

#### 5.7 Locally Listed Building

Much of the building associated with the Foundation Estate is locally listed. The proposal site is separated from the main building and located behind it. Further to this the proposals would not affect the building itself and no works are proposed to it as part of this application.

#### 5.8 Highways

Access to the site will not change as part of this proposal. It is considered that traffic generation from this use would be small and its impact would not be material to justify refusal of the application. There is an acceptable level car/van parking spaces available in the main car park and cycle parking is also provided. On this basis there are no transportation objections to the proposals.

#### 5.9 Consideration of likely impact on Equalities

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

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

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

## **6. CONCLUSION**

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017, set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 That planning permission is granted, subject to the conditions recommended

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## **CONDITIONS**

1. The use hereby permitted shall be discontinued , the caravans removed from the site, and the land restored to its former condition on or before the 8th November 2018.

Reason

In accordance with the details and requirements of the application and the temporary nature of the caravan accommodation.

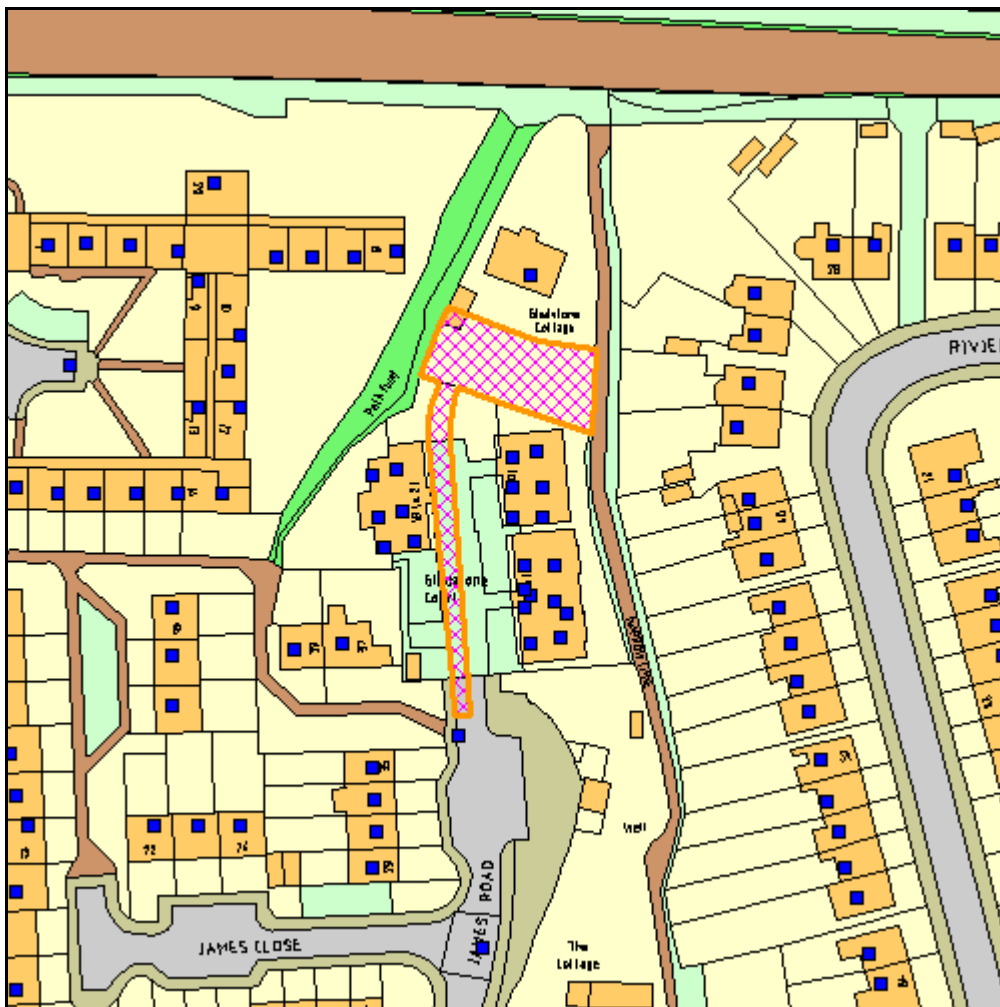
2. The maximum number (15) and layout of the caravans shall be in accordance with approved plan reference 7260/004 and shall only be occupied by persons associated with the 'Yardarts' group. Details of occupiers and confirmation of their involvement with 'Yardarts' shall be provided to the Local Planning Authority upon request.

Reason

The permission has been granted taking into account the circumstances of the application for caravan accommodation to be used in conjunction with the adjacent site and such use not in accordance with the requirements of the condition would require the further consideration of the Local Planning Authority in the light of the Development Plan, and any other material considerations.

## CIRCULATED SCHEDULE NO. 20/18 – 18 MAY 2018

<b>App No.:</b>	PK17/5701/F	<b>Applicant:</b>	Eminence Construction Ltd
<b>Site:</b>	Gladstone Cottage Narrow Lane Staple Hill Bristol South Gloucestershire BS16 4SW	<b>Date Reg:</b>	5th January 2018
<b>Proposal:</b>	Erection of 1no. detached dwelling and associated works.	<b>Parish:</b>	None
<b>Map Ref:</b>	365186 175628	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Minor	<b>Target Date:</b>	28th February 2018



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PK17/5701/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

The application is referred to the Circulated Schedule as representation has been received which is contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of 1no. dwelling with associated works at Gladstone Cottage, Narrow Lane, Staple Hill.
- 1.2 The application site lies to the east of Irving Close and comprises of Gladstone Cottage and its garden. The site is bounded to the north by the Bristol/Bath Cycle Path, to the east and west by residential properties and to the south by 20no. flats for the elderly. The site is situated within the area defined as the east fringe of the Bristol Urban Area.
- 1.3 The proposed dwelling would be set at the southern end of the site, with the proposed dwelling facing westwards and accessed from James Road to the south.
- 1.4 The demolition of the existing cottage and erection of 2no. dwellings was previously approved at the site under reference: PK00/2661/F.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

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

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

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

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

- 3.1 PK99/0524/F  
Erection of 2 No. dwellings  
Refused: 20<sup>th</sup> February 2000
- 3.2 PK00/2661/F  
Demolition of existing cottage and erection of 2no. dwellings  
Approved: 6<sup>th</sup> April 2001

### 4. **CONSULTATION RESPONSES**

- 4.1 Town/Parish Council  
Unparished area.

- 4.2 Sustainable Transport  
Can you please ask the applicant to revise the red line site boundary to include an access to the public highway at James Road. Provided this is done there would be no transport objections to the proposal subject to suggested conditions.

*N.B. A revised Site Location Plan was submitted with the red line site boundary including the access from James Road on 09/01/18. A period of re-consultation was undertaken.*

- 4.3 The Coal Authority  
The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

- 4.4 Lead Local Flood Authority  
No objection subject to an informative.

- 4.5 Highway Structures  
No comment

#### **Other Representations**

- 4.6 Local Residents  
Objection comment received from 1no. local resident, summarised as follows;

- Loss of privacy- The property will be built on land that is higher than our house and as such its windows will look directly down into our garden and back rooms.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Planning permission is sought for the erection of 1no. detached dwelling. Policy CS5 of the Core Strategy outlines the locations at which development is considered to be appropriate. CS5 dictates that most new development in South Gloucestershire will take place within the communities of the north and east fringes of the Bristol urban area. The application site is located in the area defined as the east fringe of the Bristol urban area. As such, based solely on the location of the site, the principle of the development is acceptable.

The principle of development is acceptable under the provisions of policy CS5, and it is acknowledged that the provision of one additional dwelling towards housing supply would have a modest socio-economic benefit. However, the impacts of the development proposal must be further assessed against relevant policy in order to identify any potential harm. The further areas of assessment are; design and visual amenity, residential amenity, transportation, and trees and vegetation.

### 5.2 Design and Visual Amenity

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

5.3 The proposed dwelling would be set at the far end of the rear garden of Gladstone Cottage, and would be accessed off James Road. Due to the separation between the proposed dwelling and the existing, it is not considered that the proposed development would have any significant impact on the character or distinctiveness of the existing dwelling at the site. The siting of the proposal is fairly unobtrusive, views of the dwelling are screened from James Road to the south and Irving Close to the west by existing residential buildings.

5.4 The proposed dwelling would have two storeys, and would be of a fairly simple design. It would consist of a pitched roof and include a single storey element on the south elevation to facilitate a utility room. A porch is proposed on the principal elevation and a set of bi-fold doors on the rear elevation opening up into the rear garden serving the proposed dwelling.

5.5 The materials to be used in the external finish of the proposed dwelling consist of brickwork elevations, double roman brown roof tiles and grey UPVC windows. The surrounding area is not characterised by any one style of property, the flats adjacent to the site consist of face brickwork elevations which would match the proposal and therefore the proposed materials are deemed acceptable.



- 5.6 Overall, it is not considered the proposed dwelling would adversely impact the character of the area and would not cause a material degree of harm to visual amenity in order to warrant a refusal. As such, the proposal is deemed to comply with policy CS1 of the Core Strategy.
- 5.7 Residential Amenity  
Policy PSP38 of the PSP Plan (November 2017) sets out that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from; loss of privacy, and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.8 The application site is sloped downwards from south to north, the proposal would sit on the higher ground at the south of the site, at the same level as the existing flats for the elderly. However, given its siting and scale it is not considered to result in a significant overbearing or loss of light impact on the neighbouring properties to such a degree as to as to warrant refusal.
- 5.9 In terms of overlooking, the proposal includes one side elevation window serving a hallway which would be obscure glazed, therefore it is not considered to result in a loss of privacy to the occupiers of properties to the north and south of the site. The properties to the west and east of the site are on a lower gradient to the application site, however the proposal is not considered to significantly impact the existing levels of privacy afforded to the neighbouring occupiers due to a combination of boundary treatments, the substantial distance between the properties in question and the siting of the proposed dwelling. The nearest property to the west of the site is approximately 20 metres in distance and is separated by a pathway. The nearest property to the east is approximately 26 metres and is separated by a pathway with established vegetation.
- 5.10 The proposed dwelling would contain three bedrooms; policy PSP43 requires a three bedroom property to have 60m<sup>2</sup> of private outside amenity space. Post development the new dwelling would benefit from approximately 74m<sup>2</sup> and the host dwelling would benefit from approximately 156m<sup>2</sup>. As such, sufficient space is available for both properties.
- 5.11 Overall, it is not considered that the proposal would have any unacceptable impacts on residential amenity, and the proposal is therefore considered to comply with policy PSP8 of the PSP Plan.
- 5.12 Sustainable Transport  
The proposed dwelling is a three bedroom property. It would have two off-street parking spaces with ample space to turn to ensure the site is entered and exited in forward gear. There is an existing access to the site off James Road which would be retained. Therefore, no objections are raised in terms of highways. The Sustainable Transport Officer suggested a condition to include secure cycle parking for two cycles and an electric vehicle charging point.

Due to the proximity to the Bristol/Bath Cycle Path and to promote sustainable transport choices a condition relating to cycle parking will be included on the decision notice. However, it is not considered necessary to provide an electric vehicle charging point for a development of this scale.

5.13 Drainage

The Lead Local Flood Authority had no objections to the proposal subject to the developer appropriately considering surface water drainage and flood risks to and from the development site. An informative will be included on the decision notice and further detailed drainage considerations are considered to be adequately covered by the Building regulations for this scale of development.

5.14 Coal Mining Risk

The application site falls within the defined development high risk area and as a result Coal Mining Risk Assessment Report was submitted. The Coal Authority deemed the report to be sufficient and had no objection to the proposed development. Further, more detailed considerations of ground conditions would be satisfied by Building Regulations.

5.15 Equalities

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

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

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

## **CONDITIONS**

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

### Reason

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

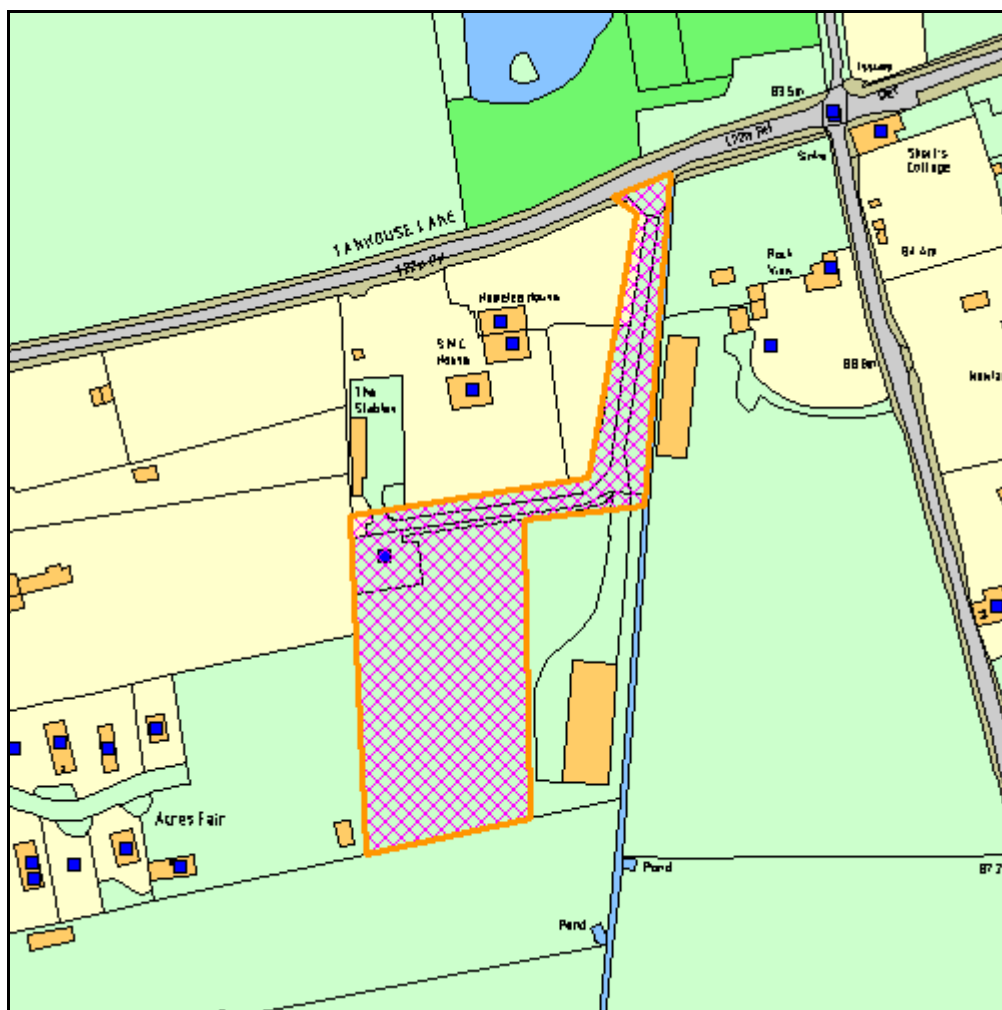
2. Prior to the first occupation of the dwelling hereby approved a covered and secure cycle parking for two cycles shall be provided within the site boundary.

### Reason

To promote sustainable transport choices and encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP16 of the Policies Sites and Places Plan (Adopted) November 2017.

## CIRCULATED SCHEDULE NO. 20/18 -18 MAY 2018

<b>App No.:</b>	PK18/0504/F	<b>Applicant:</b>	Juniper Homes
<b>Site:</b>	Land To The Rear Of Holmelea House Tanhouse Lane Yate Bristol South Gloucestershire BS37 7LP	<b>Date Reg:</b>	1st February 2018
<b>Proposal:</b>	Erection of 7 no. dwellings with access and associated works.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	369945 184994	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	28th March 2018



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PK18/0504/F

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

This application has been referred as a comment of objection has been received.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of 7 dwellings on land to the rear of Holmelea House on Tanhouse Lane in Yate. This application follows an outline permission granted on the same site last year for the same number of dwellings; however, that permission was subject to a planning obligation for the provision of affordable housing. The current application has been submitted, in effect, to review the affordable housing position. This will be discussed in full in the main body of this report.
- 1.2 The application site is a field which has been subject to some previous development. An existing industrial building is situated to the east of (but excluded from) the site; in the northern corner of the site stood a temporary cabin and area of hardstanding. Access is provided to the site using a track to the north east. There are mature trees and hedgerows surrounding most of the site. Existing residential development is situated to the north and west of the site and two travelling showperson's yards are located immediately to the south west and south of the site (one benefiting from planning permission which has not yet been implemented).
- 1.3 Located outside of the defined settlement boundary of Engine Common the site is in the open countryside. The North Yate New Neighbourhood northern boundary is located approximately 370 metres to the east. The site is not covered by any other designations relevant to the principle of residential development.
- 1.4 A small increase in the size of the site has been made over the earlier outline permission by extending the site eastwards towards the industrial building. This is not a significant increase and does not make a significant material change to the proposal as it would remain enclosed in nature by the existing development.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Practice Guidance

#### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions

CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP6	Onsite Renewable and Low Carbon Energy
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP22	Unstable Land
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007  
 Residential Parking Standard SPD (Adopted) December 2013  
 Affordable Housing and ExtraCare SPD (Adopted) May 2014  
 Landscape Character Assessment SPD (Adopted) November 2014  
 CIL and S106 SPD (Adopted) March 2015  
 Waste Collection SPD (Adopted) January 2015 (updated March 2017)

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK17/1226/O Approved subject to S106 17/10/2017  
 Erection of 7no dwellings (outline) with access and layout to be determined; all other matters reserved (re-submission of PK16/4890/O).
- 3.2 PK16/4890/O Withdrawn 20/01/2017  
 Erection of 7no. detached dwellings (outline) with access and layout to be determined; all other matters reserved.

**4. CONSULTATION RESPONSES**

- 4.1 Iron Acton Parish Council  
 Objection: Isolated as does not connect with North Road; lack of local amenities; no safe access for pedestrians; distance to school and no safe route

to school; a pavement should be required as part of the development; transport statement should be challenged, inaccurate; development would be car dependent.

### **Internal Consultees**

- 4.2 Highway Structures  
Technical informative notes suggested
- 4.3 Housing Enabling  
Proposal does not trigger an affordable housing contribution (when considered against national guidance).
- 4.4 Lead Local Flood Authority  
Request SUDS scheme
- 4.5 Sustainable Transport  
No objection subject to conditions

### **Other Representations**

- 4.6 Local Residents  
None received

## **5. ANALYSIS OF PROPOSAL**

- 5.1 This application seeks planning permission for the erection of 7 dwellings on a site to the north of Engine Common.
- 5.2 Principle of Development  
There are several matters that affect the principle of development on this site. Planning law requires the decision taker to determine applications in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 Under policy CS5, development is directed to the existing urban area and the defined settlements. The application site is not within a defined settlement and therefore is in the open countryside. Under policy PSP40 only certain forms of residential development are permitted in the countryside. The proposal does not contain any of the forms of development permissible under PSP40. Therefore the development would conflict with the locational strategy outlined in the development plan. In other circumstances, the application would be refused.
- 5.4 However, at present the authority cannot demonstrate a 5 year supply of deliverable housing sites. Guidance in paragraph 49 of the NPPF states that in such circumstances policies in the development plan which act to restrict the supply of housing should be considered out of date and applications for residential development should be assessed against the presumption in favour of sustainable development. An analysis of the impacts of residential

development on this site was conducted under PK17/1226/O and it was found that any harm arising from the proposal was outweighed by the benefits. Outline planning permission was subsequently granted. This therefore establishes that residential development of the site is acceptable, despite conflicting with the development plan. This position is maintained for the assessment of this application. The assessment must consider the differences between this application and the extant outline consent and conclude as to whether the proposed variations to the development would result in harm.

#### 5.5 Design

The principles of the design of the site are broadly consistent with those approved under the outline application. Access is to the east of the site and the proposed dwellings are situated along the western side in a linear nature. It was an important aspect of earlier design negotiations that the layout reflected the character of the area rather than introduce a modern sub-urban cul-de-sac form of development.

5.6 However, there are some changes to the layout of the proposal. The positioning of the dwellings have changes as has the streetscene – with the positioning of the semi-detached pair being relocated to the southern end of the site.

5.7 Appearance was not an issue for consideration under the outline permission; the streetscene provided was indicative only. Some of the features indicated on the outline permission have been carried over into the current application. House types A and B attempt to replicate a rural cottage character; type is more mundane in appearance. However, overall the design of the proposed houses is acceptable. The development would have a pleasant character; it would be accessed from a private drive and landscaped with native hedging giving it a rural and green feel. This, again, is a design feature which has been carried over from the outline permission.

5.8 However, the proposed dwellings remain in a ‘backland’ position having very little relationship to Tanhouse Lane itself. Normally, this would weigh against a proposal. However the scale of development is such that the new dwellings could be an identifiable location of their own, including forming their own streetscene. This is a matter which has previously been established as being acceptable.

#### 5.9 Residential Amenity

Development should not be permitted that has a prejudicial impact on residential amenity. In considering residential amenity, existing and future occupiers should be taken into account.

5.10 The size of the site and the number of dwellings proposed means that privacy levels would be retained and it is not considered that the layout would lead to overbearing impacts of the loss of light, although it is noted that these issues would be reassessed under the determination of the reserved matters.

5.11 The most significant potential impact on residential amenity is the traffic associated with the development using the access. This runs along the eastern



side of Holmelea House. At present the track is lightly trafficked, however, the extant use of the industrial building (which also uses this site) could have a much more significant traffic impact. The additional traffic associated with the proposed dwellings may be noticeable, although the separation distance is such that it would not be prejudicial, it would not have a significant impact on residential amenity.

#### 5.12 Affordable Housing

The last application on this site was subject to a planning obligation to secure affordable housing provision. At the time that the recommendation was made, the Authority was applying full weight to its affordable housing policy, policy CS18.

5.13 Since then, through the appeal process, it has been concluded that the evidence of local need for affordable housing in rural areas does not outweigh national guidance in the NPPG. As a result, the development plan in this regard should be considered out of date and weight be given to the NPPG as a material planning consideration.

5.14 The proposal would not trigger an affordable housing contribution under the NPPG thresholds. It would be an untenable position for the Authority to seek an affordable housing contribution on this development. While previously weight in favour of permitting the proposal was applied, affordable housing should now be considered a neutral matter as there is no scope under the current application to secure provision.

5.15 No planning obligation is therefore sought to accompany any planning permission granted.

#### 5.16 Highway Impacts

No highway impacts were previously identified in association with the outline scheme. This is highly material in considering the current application and the principle of this number of dwellings, in this location, accessed in this manner is established.

5.17 The access road meets an adoptable standard; there is sufficient car parking to meet the needs arising from the development; sufficient cycle parking is provided. There is space within the layout to enable turning and movements to and from the site can be undertaken in a forward gear. Therefore, no highway objection is raised subject to conditions securing some of the items listed above.

#### 5.18 Ecology and Landscape

An Ecological Assessment has been submitted in support of the proposed application by Ethos Environmental Planning (August 2016). This appraisal also accompanied the earlier application. This found that the site provides little habitat in itself but that the hedgerow is species rich and should be retained. The ecological report recommend various mitigation, enhancement and compensation measures to prevent biodiversity loss, and enable biodiversity gain, through the proposed development. A condition on any approval seeking an ecological mitigation and enhancement scheme should be attached.

- 5.19 The site is covered by an area based tree preservation order. An arboricultural report has been submitted with the application (Hillside Trees, dated May 2018); this report is an updated version of the report submitted with the earlier application to take account the changes to the site layout. The report also provides tree protection measures. A condition would be imposed to secure tree protection measures.
- 5.20 Drainage  
The application site will be served by a new package treatment plant. As a result, it is considered that sufficient provision through this and Building Regulations have been made. Whilst a SUDS scheme has been suggested, the scale of development and the nature of the site do not warrant it to be secured through a planning condition.
- 5.21 Overall Planning Balance  
The provision of 7 dwellings would make a contribution towards housing supply. As the number is low, it attracts limited weight. However, the principle is accepted. Harms that would result from the development have either been mitigated through the use of planning conditions and controls or do not significantly and demonstrably outweigh the benefit.
- 5.22 It is noted that now the application can no longer secure affordable housing there is less public benefit than the scheme previously granted. However, there is still a clear benefit to development and this weighs heavily in favour of granting permission given the council's current housing supply shortage.
- 5.23 Impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.24 With regards to the above this planning application is considered to have a neutral impact on equality.
- 5.25 Other Matters  
It is noted that the Parish do not consider that this site is a suitable location for development. However, the local planning authority has previously granted planning permission for development of this scale and in doing so taken account of the issues raised by the Parish. Therefore, while noted, these do not act as a constraint to planning permission being granted on the current application.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

- 7.1 It is recommended that planning permission is GRANTED subject to the conditions listed below.

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

### CONDITIONS

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

Reason

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

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

Reason

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

3. The development hereby permitted shall be carried out in accordance with Section 3 and Appendix B of the arboricultural report by Hillside Trees Ltd (dated May 2018).

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy CS9 of the

South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

4. The development hereby approved shall be carried out in accordance with the recommendations in Section 9 of the Ecological Assessment prepared by Ethos Environmental Planning (dated August 2016). The details of the location of 3 Schweglar 2F bat boxes (or similar) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development and thereafter retained.

Reason

To protect and enhance biodiversity, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

5. The development hereby approved shall be carried out in accordance with the landscaping plan (1285-01). The planting shall be undertaken during the first planting season following the first occupation of any dwelling. Should any plant, tree or shrub become diseased, damaged, or die within a period of 5 years from the date the landscaping is completed, it shall be replaced in the next available planting season.

Reason

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

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

Reason

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

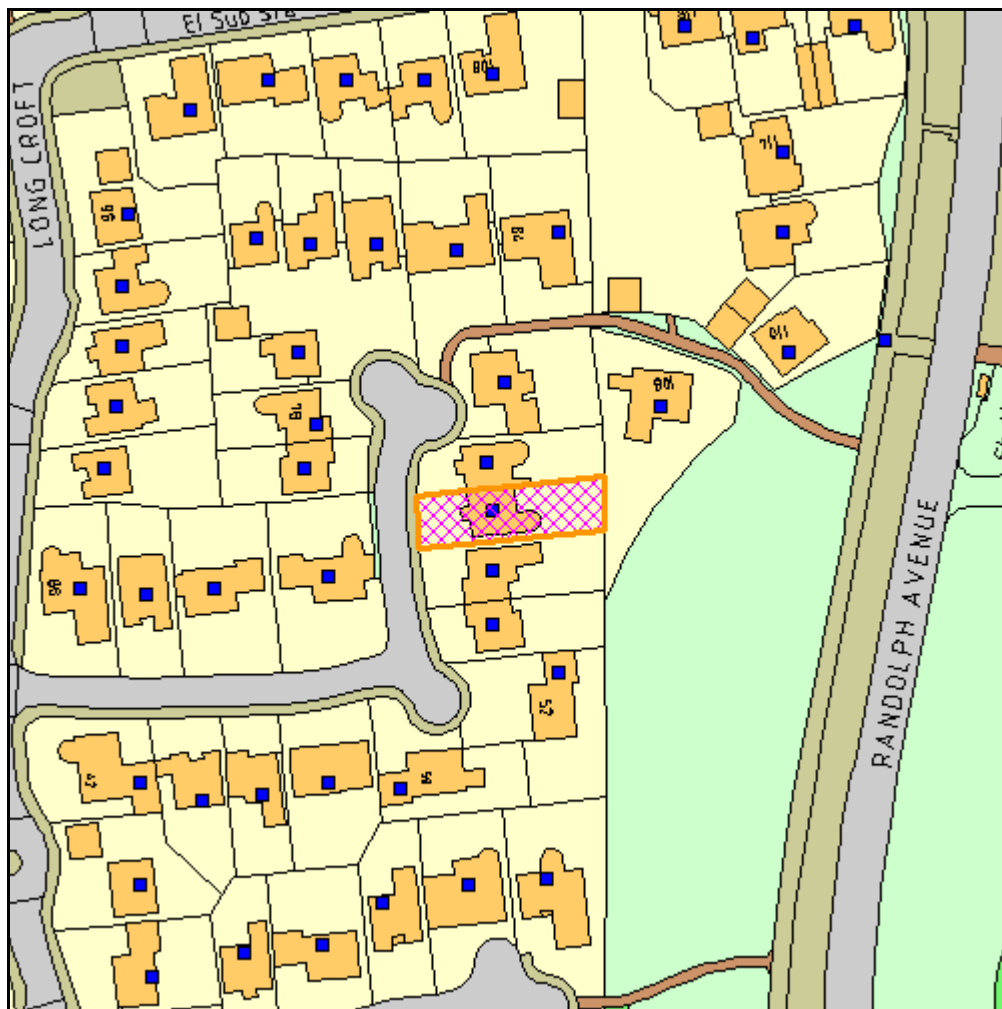
7. The hours of working on site during the period of construction shall be restricted to 0730 to 1800 Monday to Friday, 0800 to 1300 on Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use 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 during construction, and to accord with the provisions of the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 20/18 – 18 MAY 2018**

<b>App No.:</b>	PK18/1031/F	<b>Applicant:</b>	Mr & Mrs S Jones
<b>Site:</b>	58 Long Croft Yate Bristol South Gloucestershire BS37 7YW	<b>Date Reg:</b>	7th March 2018
<b>Proposal:</b>	Erection of single storey rear and first floor side extensions to provide additional living accommodation.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370889 184042	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	30th April 2018



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 100023410, 2008. N.T.S. PK18/1031/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application is referred to the circulated schedule as an objection comment has been received from a local resident; this is contrary to the officer recommendation for approval.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for extensions at a property in Yate. The extensions consist of a first floor side extension over the existing salon and kitchen to provide a fourth bedroom and a single storey rear extension to provide garden room.
- 1.2 During the course of the application, additional drawings have been received. These were partly requested to show there is an adequate amount of parking on site and to resolve a party wall issue. The recommendation is based on the revised plans received.
- 1.3 The application site is a linked-detached dwellinghouse in Yate. It is constructed of brick with brickwork detailing around the openings. The property has a concrete tile roof and a gabled front porch. The site is not covered by any statutory or non-statutory designations.

### **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 Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS30 Yate and Chipping Sodbury

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

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

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

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

- 3.1 P89/0600/5  
Erection of 62 detached dwellings, construction of associated driveways, roads and footpaths, carrying out of landscape works; (in accordance with the revised details received by the council on the 8TH February 1990) (to be read in conjunction with P86/2231)  
Reserved matters approval  
07.03.1990
- 3.2 P88/1156  
Residential and ancillary development, including erection of district centre, schools and provision of associated open space and landscaping on approximately 229 acres (outline)  
Outline permission refusal  
13.06.1988
- 3.3 P88/1155  
Residential and ancillary development, including erection of district centre, schools and provision of associated open space and landscaping on approximately 229 acres (outline)  
Outline permission refusal  
13.06.1988
- 3.4 P88/0600/4  
Erection of 63 detached dwellings; construction of associated driveways, roads and footpaths, carrying out of landscaping works (in accordance with the revised details received by the council on the 17TH and 19TH January 1989 and the revised layout plan received on the 26TH April 1989) (to be read in conjunction with P86/2231)  
Reserved matters approval  
05.06.1989
- 3.5 P86/2231  
Residential development with associated open space provision; construction of roads and sewers on approximately 90 acres of land (outline). (In accordance with the revised plans received by the council on 28TH August 1986)  
Outline permission approval  
21.10.1987

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
No objection
- 4.2 Other Consultees
- Sustainable Transport  
No objection:
- dropped kerb informative recommended
  - condition parking

## **Other Representations**

### 4.3 Local Residents

1 letter of objection has been received from a resident. The concerns raised are as follows:

- no permission given to build on party wall
- rendering the north elevation of the first floor extension is inappropriate and out of keeping

## **5. ANALYSIS OF PROPOSAL**

5.1 This application seeks permission for extensions to a link-detached house in Yate.

### 5.2 Principle of Development

Development within existing residential curtilages is supported in principle by policy PSP38 of the Local Plan. Extensions will be permitted under this policy subject to an assessment of design, amenity and transport.

5.3 Subject to the analysis below, the proposal is acceptable.

### 5.4 Design

The proposed first floor side extension will be located over the existing salon and kitchen. It will be slightly stepped back to the east and west, but will maintain the current ridgeline.

5.5 This is an acceptable design as it gives the impression of subservience and retains the overall character and appearance of the dwelling and general design of the locality.

5.6 The proposed rear extension is a lean-to, covering the width of the building.

5.7 In terms of the design, the rear extension is also acceptable as it retains the character of the property and proposes a design that is commensurate with the style and use of the property.

5.8 Adequate space is available on the plot to accommodate the extensions and a good layout and overall approach to site planning has been achieved.

5.9 Concerns have been expressed that using render is inappropriate in this context. Only the north elevation of the new first floor extension would be finished this way with facing brick quoins.

5.10 It is reasonable to expect existing materials to be deployed in respect of new extensions, but provided the render matches the brickwork in colour, it is considered that aesthetic continuity can be achieved anyway. Furthermore, it would only be discerned in view from the public realm to the north. The aspirational pursuit of another modern material when the one proposed is considered appropriate is therefore not reasonable.



- 5.11 Amenity  
Amenity should be considered in terms of the impact on any nearby occupier and on the host dwelling. The level of amenity enjoyed by the property will not be prejudiced. Satisfactory amenity space is retained and the proposal is not harmful.
- 5.12 The application site is located between 60 Long Croft, which is link attached to the north, and 56 Long Croft to the south. Both proposed extensions have the potential to impact upon the amenity of occupiers at no. 60, whereas only the rear extension is alongside no. 56. Furthermore, it is located to the north of no. 56 and there is 2.5 metres in between the properties, therefore it is not considered there would be a significant prejudicial impact.
- 5.13 Turning to the impact on no. 60, due to the gap between the buildings, the additional mass of the new first floor extension is not considered to be overbearing and whilst some additional shadow may be cast due to the orientation of the rear extension, this is not considered to be prejudicial to the general level of residential amenity enjoyed by the occupiers.
- 5.14 Overall, it is not considered that the proposal would harm levels of residential amenity to the point where it is prejudicial.
- 5.15 Transport  
Adequate car parking should be provided within a development. To accord with the Residential Parking Standard two off-street parking spaces must be provided.
- 5.16 The scheme involves an extension of the existing driveway and drop kerb to accommodate parking for two vehicles. Subject to a condition securing the parking, it is considered that the proposal is sufficient to meet the needs of the development.
- 5.17 The Council's Highway Officer has also pointed out that it appears from the submitted plans that the garage has been converted into a salon (Class A1) without planning permission. However, this application has been determined on the basis of the applicants' submitted information and Officers observations on site. That said, if part of the property is operating as a business, the applicant will need to apply for planning permission for the use to be lawful.
- 5.18 Other Matters  
A party wall dispute is not a material planning consideration.
- 5.19 Impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

5.20 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.

5.21 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

7.1 It is recommended to GRANT permission subject to the conditions listed below.

**Contact Officer: Helen Braine**

**Tel. No. 01454 863133**

## **CONDITIONS**

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

Reason

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

2. The off-street parking facilities (for all vehicles, including cycles) shown on the plan Site Plan - Parking (02; received by the Council on 10 May 2018) shall be provided prior to first occupation of the extensions hereby permitted. The parking area shall be constructed with a permeable bound surface. The parking spaces shall thereafter be retained as such.

Reason

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

3. This decision relates only to the plans identified below:

Received 03.03.2018:

Existing Plans & Elevations (AS1-1)

Proposed Plans & Elevations (AK1 -1)

Received 10.05.2018:

Party Wall Detail (01)

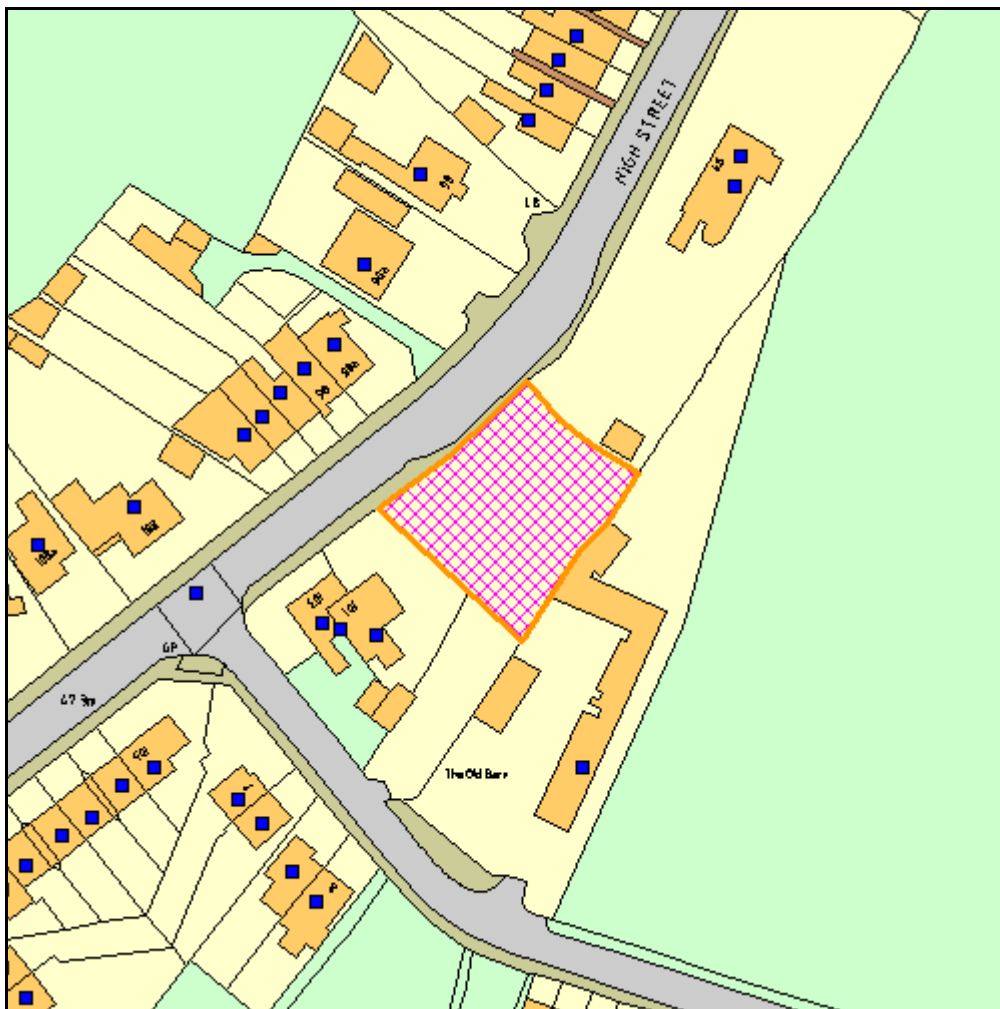
Site Plan - Parking (02)

Reason

For the avoidance of doubt.

## CIRCULATED SCHEDULE NO. 20/18 – 18 MAY 2018

<b>App No.:</b>	PK18/1089/F	<b>Applicant:</b>	Riggs Property
<b>Site:</b>	Land Adjacent To 101 High Street Oldland Common Bristol South Gloucestershire BS30 9TJ	<b>Date Reg:</b>	9th March 2018
<b>Proposal:</b>	Erection of 1no dwelling with access, parking and associated works.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367772 171636	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	27th April 2018



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PK18/1089/F

## **INTRODUCTION**

This application appears on the Circulated Schedule as a result of consultation responses received, contrary to officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of 1 no dwelling with access, parking and associated works.
- 1.2 The application site is located on land adjacent to 101 High Street, at Oldland Common. The site is located just outside of the identified settlement boundary and as such is within the Green Belt.
- 1.3 The site appears separate from no.101 and has an existing gated access from the road. There are houses and associated curtilages on either side and large trees to the frontage, facing the main road and conifer/hedgerow and fencing to one side and towards the rear, beyond which are barn structures. It is more open towards the drive side. The plot appears relatively derelict.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

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

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP37	Internal Space and Accessibility Standards for Dwellings
PSP38	Development Within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP42	Custom Build Dwellings
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
Residential Parking Standards SPD (Adopted) December 2013  
Green Belts SPD  
Design Checklist SPD (Adopted) 2007  
Waste Collection: Guidance for New Development SPD (Adopted) January 2015  
Community Infrastructure Levy and Section 106 Planning Obligations Guide (Adopted) March 2015

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

- 3.1 K2181/2 Erection of 2no. dwellings (outline). Refused 16/2/1995.

Refusal Reason:

The site lies within the Bristol-Bath Green Belt. The proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt nor has the applicant demonstrated that very special circumstances apply such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to Policy KLP.36 of the Kingswood Local Plan.

- 3.2 PRE16/1261 – Erection of 3no detached dwellings.  
Whilst ordinarily new dwellings outside of the settlement boundary and within the Green Belt are not supported, residential development at this location could be acceptable in principle, due to the lack of a five year housing land supply within South Gloucestershire at this time. This is subject to the benefits outweighing any harm caused by the development in accordance with paragraph 14 of the NPPF. The provision of 3 no. dwellings as shown however is considered to be overdevelopment and the harm caused to highway safety and visual amenity, as well as the potential overlooking and overbearing impact on the neighbours, would most likely be considered to outweigh the benefits, resulting in officers raising an objection to the scheme. It is recommended that the above advice is followed with regards to design, residential amenity, ecology, parking and access, and further advice can be sought if required prior to an application being submitted.

### 4. **CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
Councillors objected strongly to this application. The site lies in the Green Belt and no exceptional reason is provided except reference to applications PK17/2873/O and PK17/4820/RM. This aside, the development proposed is too large and massive for the site, which it dominates and is out of character with the street scene (which although varied includes nothing like this). The inclusion of grey metal windows and coloured lintels is incongruous. Any proposal for the development of this site must include the ability for vehicles to enter and leave the site in forward gear: although turning space is provided this needs to be

confirmed as adequate. There is insufficient amenity space provided given the size of the dwelling proposed. Councillors fear that if permission is granted for this dwelling then the whole of the eastern side of the A4175 will become ribbon development, so losing views across to the open ridge and green belt land and losing any rural aspect for the village of Oldland Common.

#### 4.2 Archaeology

The application site lies directly on top of the dramway, a notable heritage asset.

There was initial concern as to the lack of archaeological supporting information.

Upon further review and consideration of other development applications approved in the immediate vicinity, it is considered that:

The other application was cited partly over a heritage asset and ideally had we been consulted at outline stage we would have asked for a similar requirement to the current application.

In this case (PK18/1089/F) the application site is directly over the confluence of two heritage assets (dramway and tramway) and within the historic settlement, so there is more archaeological potential to this site. The question is has the applicant done enough to determine the significance of these assets in line with planning policy. It is argued not, however it is considered that in this instance, an archaeological condition (HC11) would be sufficient to secure the appropriate archaeological information details.

#### 4.3 Environmental Protection - (Contaminated Land)

No objections in principle subject to standard contaminated land investigation requirements, due to the sites proximity to a former colliery

#### 4.4 Highway Structures

If the application includes a structure that will support the highway or support the land above a highway. No construction is to be carried out without first providing the Highway Structures team with documents in accordance with BD2/12 of the Design Manual for Roads and Bridges that will allow formal Technical Approval of the proposals to be carried out. The applicant will be required to pay the fees associated with the review of the submission whether they are accepted or rejected.

Or

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.

#### 4.5 Lead Local Flood Authority

No objection

#### 4.6 Sustainable Transportation

No objection, subject to conditions securing the implementation of access and

parking arrangements, and securing an electric vehicle charging point.

## **Other Representations**

### 4.7 Local Residents

1 letter of objection has been received, as follows:

*'The plans claim to be sympathetic to the surrounding housing; in reviewing the plans, it appears from the front elevation this property is not in keeping with the housing within the vicinity, both adjoin and opposite or in a manner representing a converted barn. The only evidence of attempting to convey an outward image of a barn is the large pseudo barn like entrance. This private residence is over bearing to the remainder of the smaller terraced cottages/houses within the vicinity and not representative or sympathetic in architectural design to the houses within the area that are typically 100 years old. Within the local area south Glos. are planning to implement on street road management, and potentially restrict residential parking along the high street. This property application will further reduce available parking by removing access to the current layby opposite 98A, an alternative access route could be reviewed between proposal and 101 High Street. This option will provide an opportunity to extend the layby south down towards 101 creating safe managed residential parking, while providing access to the proposed new build'*

One letter has been received in support of the application and responding to other consultation responses, although the details of the applicant, on the application form, are a development company, care of the agent, the response has come from the host property (no 101 High Street). It reads as follows:

*'There has been a previous application PK17/2873/0 and PK17/4820/RM which Bitton Parish Council objected to as it fell within the green belt but if South Gloucestershire Council decided to over ride that decision that the councillors have no objection and consider the site as infill.*

*I find the comments of Bitton Parish Council regarding this application inconsistent and contradicting, both sites are very close to one another and of similar size, both face onto the High Street and have no agriculture tie and are used as private gardens with all four boundaries being residential. The only difference I can see between this site and the other is this site already has gated access to the High Street that was granted in the 70's. So I would ask the question why Bitton Parish Council would approve the other application but strongly object to this one as its objection is inconsistent.*

*It has also been mentioned that the residents of the High Street would be losing the parking in the layby which is incorrect as the access is already there and the development would not stop residents from parking there as it's a public road plus it has made provisions for off street parking for four*



*cars*

*Also there is an archaeological about the dramway I would ask the question why on this application there is a request for a desk based assessment to be carried out where on the other application it was a no comment from the Archaeology Officer, I find this to be inconsistent and would question why as the dramway runs behind 93 High Street and the cottages from 79 to 85'*

## **5. ANALYSIS OF PROPOSAL**

### **5.1 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 onto 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. Accordingly, paragraph 49 of the National Planning Policy Framework is engaged.

5.2 Policies CS5 and CS34 of the Core Strategy and PSP40, for the purposes of housing provision; all relate to the retention of settlement boundaries; generally not supporting residential development outside of settlement boundaries or urban areas. In light of the lack of a 5 year supply of deliverable housing, the weight that these policies can be given will be limited. Notwithstanding this other relevant policy restrictions would still apply and the relevant policies of the adopted Development Plan remains the starting point for consideration, the NPPF presumptions being a material consideration in the assessment to be given an applied level of weight in each individual case. On the basis of the above, less weight can be applied to these policies and more weight should be applied to the requirements imposed under Paragraph 14 of the National Planning Policy Framework.

5.3 The NPPF emphasis is on sustainable growth, including boosting housing supply and building including through windfall development. Para 14 of the NPPF indicates a presumption in favour of sustainable development except where adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the framework indicate development should be restricted. Accordingly, the proposal will be assessed in the context of paragraph 14 of the NPPF, with regard to the whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the proposal, in terms of providing additional required housing, within the policy framework.

5.4 The main concerns regarding development outside of defined settlement boundaries are sustainability, and impact upon the open countryside. Notwithstanding the above references to the NPPF, Para 55, states of that isolated homes in the countryside should be avoided. Further to this, PSP11 provides criteria for assessing what may be considered

sustainable locations in terms of availability or proximity to services or proximity to public transport services connecting to key services. In this respect it is stated that development proposals which generate demand for travel should be located within 400m from a suitable bus stop facility. In these respects the circumstances of the site and surroundings and any mitigating effects may be considered and given weight. The site is immediately next to the settlement boundary, with dwellings further out beyond, and benefits from the same services and facilities within Oldland Common and along the High Street as other properties in close proximity and beyond.

- 5.5 Policies CS16 and CS17 of the Core Strategy seek to achieve an efficient use of land, maximise housing supplied at locations where there is good pedestrian access to frequent public transport services, and provide a mix of housing types.
- 5.6 Taking into account the above and given the site's location relative to the existing settlement, other properties, its relationship and proximity to dwellings immediately on either side, and its accessibility from the road, it is not considered that the site could reasonably be argued to be within an unsustainable location or that a dwelling would have an unreasonable impact upon the open countryside in visual amenity terms. The proposals would not be considered isolated development. On this basis no harm has been identified that would significantly and demonstrably outweigh the benefits of providing the dwelling at this location.
- 5.7 Green Belt  
The planning history and previous refusal reason, referred to above, are noted. In this respect the main issues for consideration are whether any changes to the proposal and any additional policy considerations satisfactorily address the previous reasons for refusal. Fresh consideration should be afforded to any new proposals, taking into account any policy changes, circumstances and differences in proposals that may be apparent.
- 5.8 Since the last decision at the site, which was some years ago, there has been the introduction of the National Planning Policy Framework, as well as the adoption of current Local Plans, which supersede earlier ones.
- 5.9 The NPPF states that great importance is attached to Green Belts, with its fundamental aim being to prevent urban sprawl by keeping land permanently open. The NPPF states that the construction of new buildings is considered inappropriate development except if it falls within one of the limited exceptions provided. Para 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate, unless it meets specific criteria. The NPPF provides a limited set of exceptions whereby development may not be considered inappropriate, these include limited infilling of villages. The Council's adopted Green Belt SPD limits the construction of new buildings to infill within the boundaries of settlement as defined in the proposals map. Policy CS34 seeks to maintain existing settlement boundaries, to protect the Green Belt from inappropriate development and protect and conserve the rural areas distinctive character. Policy CS5 of the Core Strategy strictly limits new development in the open countryside and states that small scale development will take place

within defined settlement boundaries of villages and also seeks to protect the Green Belt. The application site is not within a designated settlement boundary as defined in the local plan, but is immediately on the boundary, with other development beyond. As suggested above the policies restricting housing supply through identification of settlement boundaries are at this point in time considered out of date. The definition of infill in the Council's Green Belt SPD is small scale and which fits into an existing built up area in a defined settlement boundary, normally in-between existing buildings, in a linear formation. The proposal for one dwelling would be considered small scale and there are properties on either side. It is considered that the proposals can be considered as infill, given the site's location and the fact that it is between other buildings, located amongst existing dwellings within and amongst the confines of the built up area. On this basis the proposals are considered to accord with exception criteria within the Green Belt and comply with the provisions of para 89 and policies CS5 and CS34, and on this basis it would not be necessary to demonstrate very special circumstances in addition to this.

5.10 Whilst each application should be addressed on its own merits, other applications (for example Ref PK17/4820/RM) beyond this site have been approved and have similarly applied the principles of the NPPF considerations regarding infill development (subject to compliance with all other relevant policy considerations). These properties to the north of the site and further beyond the settlement boundary would serve to further enhance the consideration of this site as infill development within a sustainable location. This would not necessarily lead to widespread development beyond the settlement boundary and further into the Green Belt, as such proposals would need to be considered for their own individual impacts upon the Green Belt, and whether they complied with the limited forms of development permitted within it.

5.11 Residential Amenity

Given the location of the plot and its relationship with the plots to the immediate north and south, it is considered that it is of sufficient size and space to accommodate the dwelling without giving rise to issue of residential amenity upon nearby properties by virtue of overlooking or overbearing impact.

5.12 In terms of the dwelling itself, the house is of relatively large scale with sufficient room space. There is sufficient private amenity space provided, (more than 200m square), just in the rear, to accord with the Councils adopted amenity space standards for a 5 bedroom dwelling, which is 70m square for a dwelling with 4+ bedrooms.

5.13 Design/Layout/Visual Amenity

There are a number of different styles of properties in the immediate vicinity including a number of different sizes, shapes and materials. There is also a variable pattern layout within the immediate vicinity and no particularly strong building lines. In this respect the siting of the proposal is not considered materially unacceptable upon the surrounding area. There are terraced, semi-detached and detached properties within the immediate vicinity with little uniformity in layout. The addition of the proposed dwelling would not significantly unbalance the area or impact upon the layout of other properties in the vicinity.

The property to the north is a relatively large detached property and the dwelling approved immediately adjacent to it under planning reference PK17/4820/RM, referred to above is not dissimilar in size, scale and design. As stated, there are a variety of styles and designs of properties within the vicinity, and there is no policy designation or specific individual architectural merit to the area that would require special consideration or incorporation into the design. The design and scale of the proposal is not considered unacceptable, and the materials proposed, including natural stone walls to the front, breckland brown tiles, dark grey colourcoat metal doors and windows, would not give rise to design or visual amenity issues such as to warrant objection and sustain refusal of the application on these grounds.

5.14 As stated above, the proposal does afford enough private amenity space to the proposed dwelling and internal space levels of the dwelling itself are also considered acceptable. The materials proposed, consisting of double roman roof tiles and rendered and decorated wall, are acceptable and adequately integrate within the context of the local area. The density of development at the site in this location is governed by the size, shape and location of the plot and the proposals are considered acceptable in this respect.

5.15 The vehicular access and arrangements layout is considered acceptable, with car parking provision to the front and in the proposed garage, adjacent to and accessed from the road. Bin storage is also provided to the front, near to the vehicle parking area.

5.16 The principle of the proposals are considered acceptable, in context with policies CS1 and PSP8. Further to this Para 14 of the NPPF indicates a presumption in favour of sustainable development except where adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the framework indicate development should be restricted. On this basis and on the balance of the policy considerations, it is considered that the development should be recommended for approval in this instance.

5.17 Highways

In accordance with the Council's adopted parking standards a 5 bedroomed dwelling would require a minimum provision of 3 off street parking spaces. The proposal includes adequate off-street car parking and within the frontage of the property, including garage and hardstanding area, to meet these requirements. The existing access to the site would be used dwelling for both the existing and proposed dwellings. It is not considered that there are sufficient grounds or justification in this instance, taking into account the nature and location of the proposals, such as to insist upon electric car charging facilities through the planning process.

5.18 Archaeology

The application site lies directly on top of the dramway, a notable heritage asset. Whilst the issue of lack of archaeological requirements, raised above is noted, each application must be addressed on its own individual merits and circumstances. In this case the application site is directly over the confluence of two heritage assets (dramway and tramway) and within the historic settlement, so there is greater archaeological potential to this site. There has no

information to satisfactorily determine the significance of these assets in line with planning policy however it is considered that in this instance, an archaeological condition would be sufficient to secure the appropriate archaeological investigation details.

5.19 Drainage

Drainage is considered to be adequately addressed in planning terms and there are no drainage officer objections to the proposals.

5.20 Equalities

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

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

**6. CONCLUSION**

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017 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 recommended.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

**CONDITIONS**

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

#### Reason

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

2. 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.

3. A) Desk Study - Previous historic uses(s) of the site [and/or land within 250m of the site]\* may have given rise to contamination. No development shall commence until an assessment of the risks posed by any contamination shall have been carried out and submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175 Investigation of potentially contaminated sites and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

B) Intrusive Investigation/Remediation Strategy - Where following the risk assessment referred to in (A), land affected by contamination is found which could pose unacceptable risks, no development shall take place until detailed site investigations of the areas affected have been carried out. The investigation shall include surveys/sampling and/or monitoring, to identify the extent, scale and nature of contamination. A report shall be submitted for the written approval of the local planning authority and include a conceptual model of the potential risks to human health; property/buildings and service pipes; adjoining land; ground waters and surface waters; and ecological systems.

Where unacceptable risks are identified, the report submitted shall include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the preferred remediation option(s). The programme of the works to be undertaken should be described in detail and the methodology that will be applied to verify the works have been satisfactorily completed.

The approved remediation scheme shall be carried out before the development (or relevant phase of development) is occupied.

C) Verification Strategy - Prior to first occupation, where works have been required to mitigate contaminants (under condition B) a report providing details of the verification demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

D) Any contamination found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found additional remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

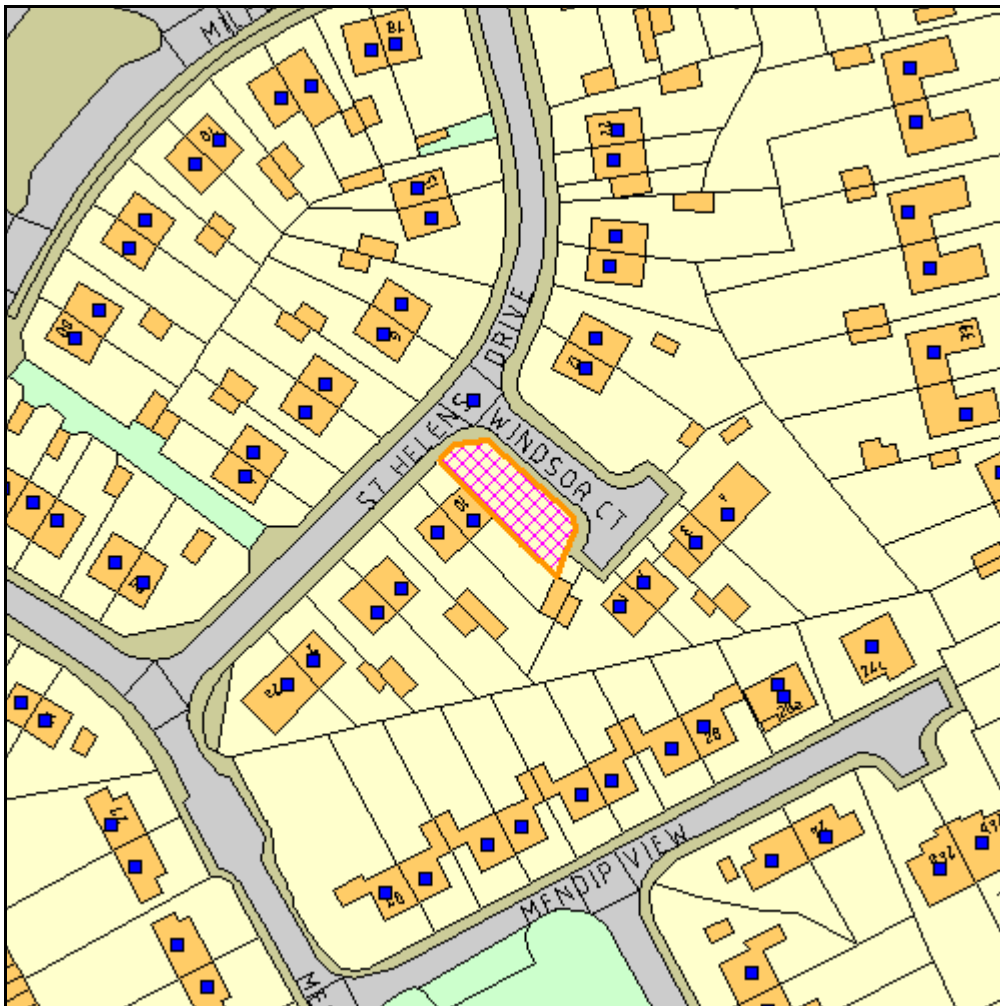
4. The dwelling shall not be occupied until the access, turning and parking arrangements have been provided in accordance with the approved details.

Reason:

In the interest of highway safety and to accord with Policies PSP11 and PSP16 of the South Gloucestershire Policies, Sites and Places Plan.

## CIRCULATED SCHEDULE NO. 20/18 – 18 MAY 2018

<b>App No.:</b>	PK18/1272/O	<b>Applicant:</b>	Mrs Sue Finch
<b>Site:</b>	Land At 10 St Helens Drive Wick Bristol South Gloucestershire BS30 5PS	<b>Date Reg:</b>	26th March 2018
<b>Proposal:</b>	Erection of 1no attached dwelling (Outline) with access, appearance, layout and scale to be determined all other matters reserved	<b>Parish:</b>	Wick And Abson Parish Council
<b>Map Ref:</b>	370100 173247	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th May 2018



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PK18/1272/O



## **REASON FOR REFERRING TO CIRCULATED SCHEDULE**

This application is referred to the circulated schedule due to objections from local residents which are contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This proposal seeks outline consent to erect an attached 2 storey, 3-bedroom dwelling with access, appearance, layout and scale to be determined. The site relates to part of the existing residential curtilage to the side of 10 St Helens Drive, Wick.
- 1.2 The application site is located in a built up residential area of Wick and within the defined Rural Areas of South Gloucestershire. The site is also within part of the Bristol/Bath Green Belt. The host dwelling itself is a semi-detached two storey dwelling with render/brick elevations. The surrounding area is characterised by semi-detached properties which are all of a similar design.
- 1.3 Throughout the course of the application the description has been altered as it incorrectly stated that the proposed dwelling would be semi-detached.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

- 2.2 Development Plans

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

CS1 High Quality Design  
CS4a Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS34 Rural Areas

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP7 Development in the Green Belt  
PSP8 Residential Amenity  
PSP11 Transport Impact Management  
PSP16 Parking Standards  
PSP38 Development within Existing Residential Curtilages, including extensions and new dwellings  
PSP43 Private Amenity Space Standards

- 2.3 South Gloucestershire Supplementary Planning Documents  
Development in the Green Belt SPD  
Residential Parking Standards SPD (Adopted) December 2013  
Design Checklist SPD (Adopted) 2007  
Waste Collection: Guidance for New Development SPD (Adopted) January 2015  
Landscape Character Assessment: LCA Pucklechurch Ridge and Boyd Valley.

### 3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history

### 4. CONSULTATION RESPONSES

- 4.1 Wick and Abson Parish Council  
No comments received.
- 4.2 Sustainable Transport  
No objection, subject to confirmation of dimensions of existing garage.
- 4.3 Lead Local Flood Authority  
No objection in principle. Subject to informative.

#### Other Representations

- 4.4 Local Residents  
5no. objections received from local residents. Concerns summarised as follows:
- Wick does not need more housing
  - change character of road
  - Privacy concerns
  - Parking and highway safety concerns
  - Incorrect description
  - Impact on wildlife/landscape
  - Adverse impact on the Green Belt
  - Overdevelopment
  - Concerns regarding construction period.

### 5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development  
Local residents raised concerns that Wick does not need any residential development. However, it is established that South Gloucestershire Council does not have a five year housing land supply. This means that paragraph 49 of the NPPF is engaged. Paragraph 49 declares that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF goes on to states that proposals that accord with the development plan should be approved *without delay*. Notwithstanding the above, the adopted development plan remains the starting point for assessment.

## 5.2 *Residential Development*

In general, the development plan does support residential development within the established settlement boundaries. CS5 of the Core Strategy encourages new residential development in settlement boundaries and urban areas. Similarly, Policy PSP38 of the PSP Plan states that new dwellings within existing residential curtilages are acceptable in principle but should respect the overall design and character of the street and surrounding area, would not prejudice the amenities of neighbours, would not prejudice highway safety or provisions of an acceptable level of parking provision for any new and existing buildings, would not prejudice the provision of adequate private amenity space, and would not lead to the loss of gardens that form part of a settlement pattern that contributes to local character.

5.3 Policy CS16 explains that housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied. Similarly, Policy CS17 states that the mix of housing should contribute to providing choice in tenure and type, having regard to the existing mix of dwellings in the locality. The density of new development should be informed by the character of the local area and contribute to the high quality design set out in Policy CS1, improving the mix of housing types and providing adequate levels of semi-private communal open space and private outdoor space. Further to this, Policy PSP43 sets out specific private amenity space standards for all new residential units.

## 5.4 *Green Belt*

The application site is also located within part of the Bristol/Bath Green Belt. Paragraph 89 regards the construction of new buildings in the Green Belt as inappropriate development, with certain exceptions listed within the paragraph. These are as follows:

- *Buildings for agriculture and forestry*
- *Provision outdoor sport/recreation/cemeteries*
- *The extension or alteration of a building*
- *The replacement of a building provided the new building is in the same use and not materially larger than the one it replaces*
- *Limited infilling in villages or limited affordable housing for local community needs*
- *Partial or complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing building.*

5.5 The applicable exception to this application is; limited infilling in villages. The application site is within the defined settlement boundary of Wick, and within a built up residential area. The Councils Core Strategy defines infill development as; *'the development of a relatively small gap between existing buildings, normally within a built up area'*. In this instance, the site forms part of a relatively small gap which is otherwise surrounded by dwellings/residential roads to all directions. As such, it is considered that the proposal represents limited infilling within the settlement boundary of Wick. It therefore complies with the exception as set out in para. 89 of the NPPF, and is considered to be appropriate development in the Green Belt. In making this assessment, Officers

also note that a dwelling has recently been approved directly opposite the application site, and in the same circumstances ref. PK17/3936/F. This is a material consideration.

#### 5.6 *Detailed matters*

This proposal is for outline consent to erect an attached dwelling with access, appearance, layout and scale to be determined. This is a particularly unusual form of outline application which would only leave “landscaping” as a reserved matter. It is effectively almost tantamount to a full application as there could be little room for any adjustments to the location of any landscaping given that layout and access are being determined. The main issues to deliberate are the impact on the character of the area and the host dwelling; the impact development may have on the amenities of neighbouring occupiers and the resultant dwelling; and the proposals impact on highway safety/parking provision. The details are discussed below.

#### 5.7 Design and Visual Amenity

The appearance, layout and scale of the development is to be determined at this stage. Plans have been received which show elevations and a block plan of the development.

5.8 It is noted that the predominate character of the surrounding area is of semi-detached pairs of similar designs, and in this way, concerns of local residents are understood. However, there are examples in the nearby vicinity of large, two storey side extensions which do alter the ‘uniform’ semi-detached nature of the area. Furthermore, a dwelling has recently been permitted directly opposite the application site, which would also create a terrace of 3 dwellings. While it is noted that this development has not been commenced at the time of writing, it is still a material consideration in the determination of this application.

5.9 The property would be two storeys and would adjoin to the side elevation of the host dwelling. Plans show that it would match the scale, materials, detailing and fenestrations of the host, these features will enable the dwelling to assimilate into the streetscene. Having said this, it is recommended that a condition is imposed to ensure that external materials are agreed in writing.

5.10 In terms of the proposed layout of development, plans show that a driveway would be introduced to the rear of the site, in addition to a retained driveway to the front of the site. The dwelling would benefit from front and rear garden areas. It is considered that the layout reflects the character of the area.

5.11 Having regard to the assessment above, and on balance, it is considered that the appearance, layout and scale of the development reflects and respects the character of surrounding area. There are no objections raised to design and visual amenity matters.

#### 5.12 Residential Amenity

As aforementioned, the dwelling would be surrounded by dwellings to all directions. As such, it is likely that it would result in some change to the existing residential amenity afforded to nearby occupiers. Comments from local residents set out that the dwelling would result in overlooking to nearby

properties. Officers assessed the potential impact on nearby properties through a site visit. The Amenity and Living Conditions Technical Advice Note (2015) sets out that there should be a minimum window to window distance of 20 metres to ensure privacy levels are protected. Plans show that there would be a window to window distance of approximately 21 metres from the proposed dwelling to properties opposite both the rear and front elevations. As such, the development is in accordance with this guidance. Furthermore, it is not considered that such a relationship is unusual, especially in a built up residential area.

5.13 The Council has an adopted minimum residential amenity space standard policy (PSP43) which is based on the number of bedrooms at a property. Plans show that both the existing and proposed properties would have three bedrooms. PSP43 sets out that a minimum of 60m<sup>2</sup> of amenity space should be provided. The existing dwelling would be provided with approximately 85m<sup>2</sup> of amenity space, and the proposed dwelling would be provided with approximately 68m<sup>2</sup> of amenity space. This is in accordance with PSP43.

5.14 Highway Safety

The Councils parking standards are set out in PSP16. The host dwellings existing parking provision is currently on a driveway to the front/side and a garage to the rear. Plans show that as part of the development a dropped kerb would be introduced directly to the front of the host and the existing garage would be retained. The existing driveway would be utilised for the proposed dwelling, alongside a proposed driveway which would be located to the rear. Both properties would have three bedrooms and as such, PSP16 sets out that each property should be provided with 2no. off-street parking spaces. Given the above, the development would be in accordance with this policy. It is recommended that a condition is imposed to ensure the parking facilities are in place prior to occupation of the proposed dwelling.

5.15 A number of concerns were raised that the proposed dwelling would exacerbate existing parking issues in the surrounding area. It is noted that the introduction of an additional dropped kerb would reduce the opportunity for on-street parking in the vicinity, which could lead to further congestion. However, the NPPF sets out that development should only be prevented or refused on transport grounds where the residual cumulative impact would be severe. Given the scale of the development, it is not thought that this would be the case.

5.16 It is noted that plans also show provision of cycle and waste storage, which is considered acceptable. It is recommended that a condition is imposed to ensure these are provided prior to occupation. Overall, no objection is raised to these matters.

5.17 Landscaping

It is recognised that this landscape matters are to be regarded as being reserved. It is recommended that a landscaping scheme is submitted at reserved matters stage that demonstrates an understanding of the wider landscape and public realm. The scheme should also follow advice as set out

within the relevant defined landscape character area (Pucklechurch Ridge and Boyd Valley).

5.18 Other matters

Comments received, raised concerns with regard to the construction period of the dwelling and the impact of construction vehicles/deliveries. These concerns are understood, and it is recommended that the applicant will be informed of best practices on the decision notice.

5.19 Planning Balance

Paragraph 14 states a presumption in favour of sustainable development, and states that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. In Green Belt terms the proposal is regarded as being limited infilling and weight is awarded for this reason. The proposal would not have a negative impact on surrounding or future occupants; neutral weight is given for this reason. The introduction of one new dwelling in this location would not have a severe highway impact and appropriate on-site parking can be achieved. Neutral weight is accordingly awarded. Some small amount of weight is given in favour of one new dwelling adding to the overall housing supply shortage.

5.20 As such, and on balance, the proposal is considered acceptable and is recommended for approval.

6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Policies, Sites and Places Plan (Adopted) 2017 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 subject to the conditions** set out below.

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

## **CONDITIONS**

### 1. Reserved Matters

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

Plans and particulars of the reserved matters relating to the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

#### Reason

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

### 2. Submit within 3 years

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

#### Reason

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

### 3. Time Limit for Outline

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

#### Reason

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

### 4. Materials

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

#### Reason

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

## 5. Off-street Parking

The off-street parking facilities shown on the Proposed Site Plan (dwg no. HEL10/18/04 REV A) hereby approved shall be provided before the dwelling 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; Policy PSP16 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

## 6. Waste/Cycle Storage

The waste and cycle storage facilities shown on the Proposed Site Plan (dwg no. HEL10/18/04 REV A) hereby approved shall be provided before the dwelling is first occupied, and thereafter retained for that purpose.

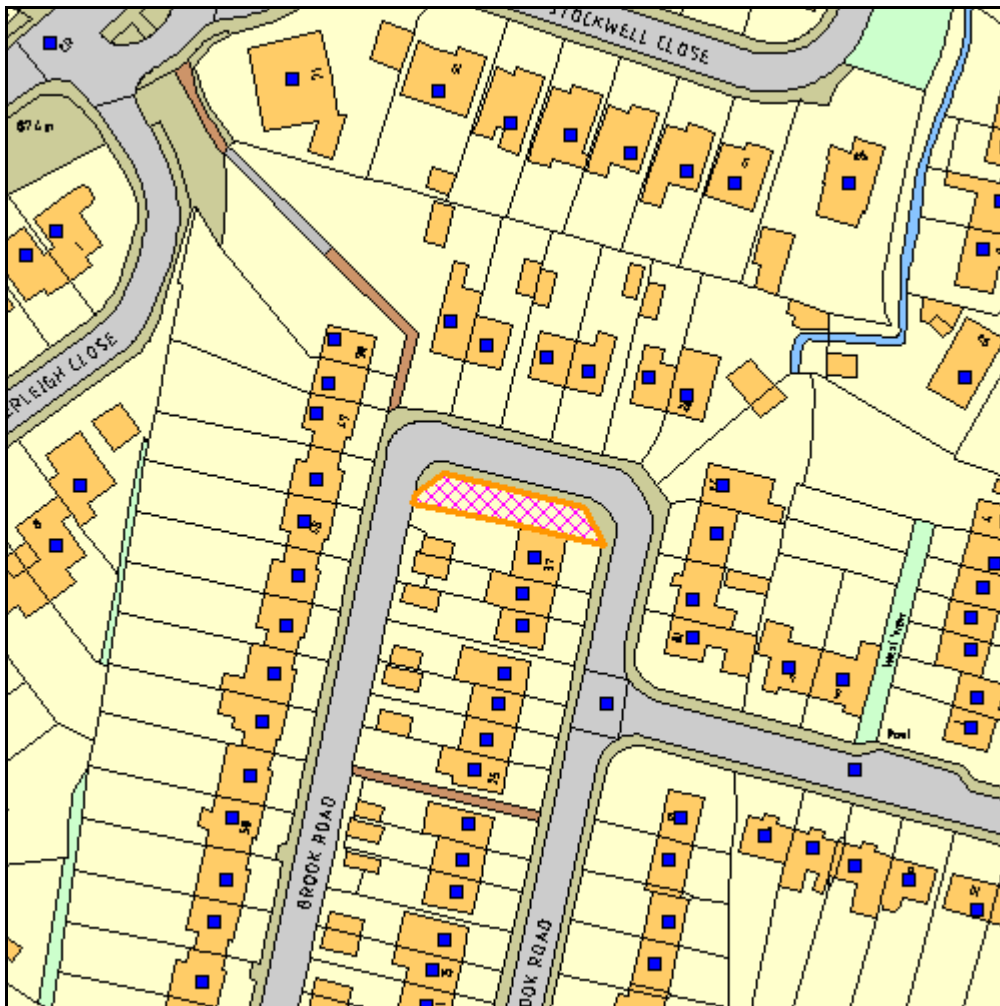
### Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, to encourage sustainable transport choices and to accord with Policy CS8 and CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP16 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013; and the South Gloucestershire Council Waste Collection: Guidance for new developments SPD (Adopted) January 2015.



## CIRCULATED SCHEDULE NO. 20/18 – 18 May 2018

<b>App No.:</b>	PK18/1281/O	<b>Applicant:</b>	Mrs Victoria Newman
<b>Site:</b>	Land At 37 Brook Road Mangotsfield Bristol South Gloucestershire BS16 9DX	<b>Date Reg:</b>	21st March 2018
<b>Proposal:</b>	Erection of 1no. attached dwelling (Outline) with access, appearance, layout and scale to be determined all other matters reserved.	<b>Parish:</b>	None
<b>Map Ref:</b>	365933 176983	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Minor	<b>Target Date:</b>	15th May 2018



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PK18/1281/O

## **REASON FOR REFERRING TO CIRCULATED SCHEDULE**

This application appears on circulated schedule due to objections received from local residents which are contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This proposal seeks outline consent to erect an attached 2 storey, 3-bedroom dwelling with access, appearance, layout and scale to be determined. The site relates to part of the existing residential curtilage to the side of 37 Brook Road, Mangotsfield.
- 1.2 The application site is located in the built up residential area of Mangotsfield and the defined East Fringe of Bristol Urban Area. The host dwelling itself is an end of terrace two storey dwelling with pebble dash/brick elevations. The immediate area is characterised by terraced and semi-detached properties of similar designs.
- 1.3 Throughout the course of the application amendments have been made to the rear of the site to ensure that there is adequate visibility to and from the proposed parking area. The description has also been altered, as it previously incorrectly stated that the proposed dwelling would be semi-detached.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

#### 2.2 Development Plans

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

CS1 High Quality Design  
CS4a Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS29 Communities of the East Fringe of Bristol Urban Area

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP8 Residential Amenity  
PSP11 Transport Impact Management  
PSP16 Parking Standards  
PSP20 Flood Risk, Surface Water and Watercourse Management  
PSP38 Development within Existing Residential Curtilages, including extensions and new dwellings

- 2.3 South Gloucestershire Supplementary Planning Documents  
Development in the Green Belt SPD  
Residential Parking Standards SPD (Adopted) December 2013  
Design Checklist SPD (Adopted) 2007  
Waste Collection: Guidance for New Development SPD (Adopted) January 2015

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

- 3.1 K1271/1 Approval 18.12.1977  
ERECTION OF A DOMESTIC GARAGE (Previous ID: K1271/1)

### **4. CONSULTATION RESPONSES**

- 4.1 Sustainable Transport  
No objection, subject to minor alterations to ensure adequate visibility.
- 4.2 Lead Local Flood Authority  
No objection in principle. Subject to informative.

#### **Other Representations**

- 4.3 Local Residents  
3no. objections received from local residents. Concerns summarised as follows:
- Parking concerns, it will worsen existing situation
  - Safety of pedestrians
  - Incorrect description
  - Other applications in vicinity have been refused
  - Query whether room sizes comply with government legislation
  - Confusion as to what is to be determined.

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

- 5.1 Principle of Development  
South Gloucestershire Council does not have a five year land supply. As such paragraph 49 of the NPPF is engaged. Paragraph 49 declares that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF goes on to states that proposals that accord with the development plan should be approved without delay. Notwithstanding the above, the adopted development plan remains the starting point for assessment.
- 5.2 In general, the development plan supports residential development within the established settlement boundaries. CS5 of the Core Strategy encourages new residential development in settlement boundaries and urban areas, and CS29 of the Core Strategy encourages new provision of housing in the East Fringe of Bristol Urban area. Similarly, Policy PSP38 of the PSP Plan states that new dwellings and extensions within existing residential curtilages are acceptable in

- principle but should respect the overall design and character of the street and surrounding area, would not prejudice the amenities of neighbours, would not prejudice highway safety or provisions of an acceptable level of parking provision for any new and existing buildings, would not prejudice the provision of adequate private amenity space, and would not lead to the loss of gardens that form part of a settlement pattern that contributes to local character.
- 5.3 Policy CS16 explains that housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied. Similarly, Policy CS17 states that the mix of housing should contribute to providing choice in tenure and type, having regard to the existing mix of dwellings in the locality. The density of new development should be informed by the character of the local area and contribute to the high quality design set out in Policy CS1, improving the mix of housing types and providing adequate levels of semi-private communal open space and private outdoor space. Further to this, Policy PSP43 sets out specific private amenity space standards for all new residential units.
- 5.4 This proposal is for outline consent to erect an attached dwelling with access, appearance, layout and scale to be determined. This is a particularly unusual form of outline application which would only leave “landscaping” as a reserved matter. It is effectively almost tantamount to a full application as there could be little room for any adjustments to the location of any landscaping given that layout and access are being determined. The main issues to deliberate are the impact on the character of the area and the host dwelling; the impact development may have on the amenities of neighbouring occupiers and the resultant dwelling; and the proposals impact on highway safety/parking provision. The details are discussed below.
- 5.5 Design and Visual Amenity  
The appearance, layout and scale of the development is to be determined at this stage. Plans have been received which show elevations and a block plan of the development.
- 5.6 As part of the development, the existing attached garage of No. 37 would be demolished. Plans show that the proposed dwelling would be sited to the hosts north (side) elevation. The design of the proposed dwelling would reflect the siting, scale, materials, details and fenestrations of the host dwelling and adjacent terrace. In terms of the layout, the proposed dwelling would have parking to the front and rear, and would also have its main amenity area to the rear. In this way, it is considered that the development would be in-keeping with the character of the surrounding area. Having said this, it is recommended that a condition is imposed to ensure any external materials are agreed in writing.
- 5.7 It is noted that landscaping is not being determined as part of this application, and it is recommended that a landscaping scheme should be submitted as part of any subsequent reserved matters application.
- 5.8 Residential Amenity  
The application site is within a built up residential area, and as such it is likely that the introduction of the proposed dwelling would have result in some

change to the residential amenity of nearby neighbours. However, following a site visit, Officers do not consider that the development would cause any significant adverse impacts.

5.9 Moving on to occupiers of the host and proposed dwelling, the Council do have an adopted minimum residential amenity space standard policy (PSP43), which is based on the number of bedrooms at a property. Plans submitted show that both properties would have three bedrooms. Accordingly, PSP43 sets out that a minimum of 60m<sup>2</sup> of amenity space should be provided. The existing dwelling would be provided with approximately 78m<sup>2</sup> of amenity space, and the proposed dwelling would be provided with approximately 100m<sup>2</sup> of amenity space. Both properties therefore exceed the standards set out in PSP43.

5.10 Highway Safety

A number of concerns were raised by local residents that the proposed dwelling would exacerbate existing parking issues. These concerns are noted, the Council do have parking standards which are set out in PSP16. This sets out that for dwellings with 3 bedrooms, 2 off-street should be provided. Plans show that both the existing and proposed properties would be provided with 1no. parking space to the front, and 1no. parking space to the rear. As such, the parking is accordance with PSP16. It is recommended that a condition is imposed to ensure parking provision is in place prior to occupation of the dwelling.

5.11 The transportation officer has reviewed the arrangements, and has not raised a concern. The applicant was advised to demonstrate that the boundary treatment adjacent to the parking space to the rear of the property was demonstrated to be 1 metre high to ensure adequate visibility. It is noted that a plan has been received to reflect this.

5.12 While concerns regarding pedestrian safety are noted, access and parking are commonplace to both the front and rear of dwellings along Brook Road. It is noted that the introduction of 1no. additional dwelling would likely increase the amount of vehicular traffic to a degree, however, it is not considered that the safety of pedestrians would be materially impacted.

5.13 It is noted that plans also show provision of cycle and waste storage, which is considered acceptable. It is recommended that a condition is imposed to ensure these are provided prior to occupation. Overall, no objection is raised to these matters.

5.14 Other matters

Comments received highlighted that other applications in the vicinity had been refused. Officers were not provided with reference numbers or details of these applications. In any case, each application is taken on its own merits.

5.15 Government guidance on room space standards was referred to in comments received. Local Planning Authorities are required by the government to evidence the need for requiring internal space standards through local plans. Currently, South Gloucestershire only has this for 'affordable housing', through PSP37. This dwelling does not come under the definition of 'affordable

housing'. In any case, the room sizes of the proposed dwelling are considered to comply with the nationally described space standards.

#### 5.16 Planning Balance

The principle of the development is acceptable in the development plan. Having regard to the assessment above it is concluded that the proposal would be acceptable with regard to design, residential amenity and highway safety. The proposal represents an efficient use of the site which is in a sustainable location, and according to paragraph 14 of the NPPF should be approved 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** permission has been taken having regard to the policies and proposals in the South Gloucestershire Policies, Sites and Places Plan (Adopted) 2017 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 subject to the conditions** set out below.

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

### CONDITIONS

#### 1. Reserved Matters

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

Plans and particulars of the reserved matters relating to the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

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

#### 2. Submit within 3 years

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

Reason

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

3. Time Limit for Outline

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

Reason

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

4. Materials

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

Reason

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

5. Off-street Parking

The off-street parking facilities shown on the Proposed Site Plan (dwg no. BRO37/18/02 REV A) hereby approved shall be provided before the dwelling 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; Policy PSP16 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

6. Waste/Cycle Storage

The waste and cycle storage facilities shown on the Proposed Site Plan (dwg no. BRO37/18/02 REV A) hereby approved shall be provided before the dwelling is first occupied, and thereafter retained for that purpose.

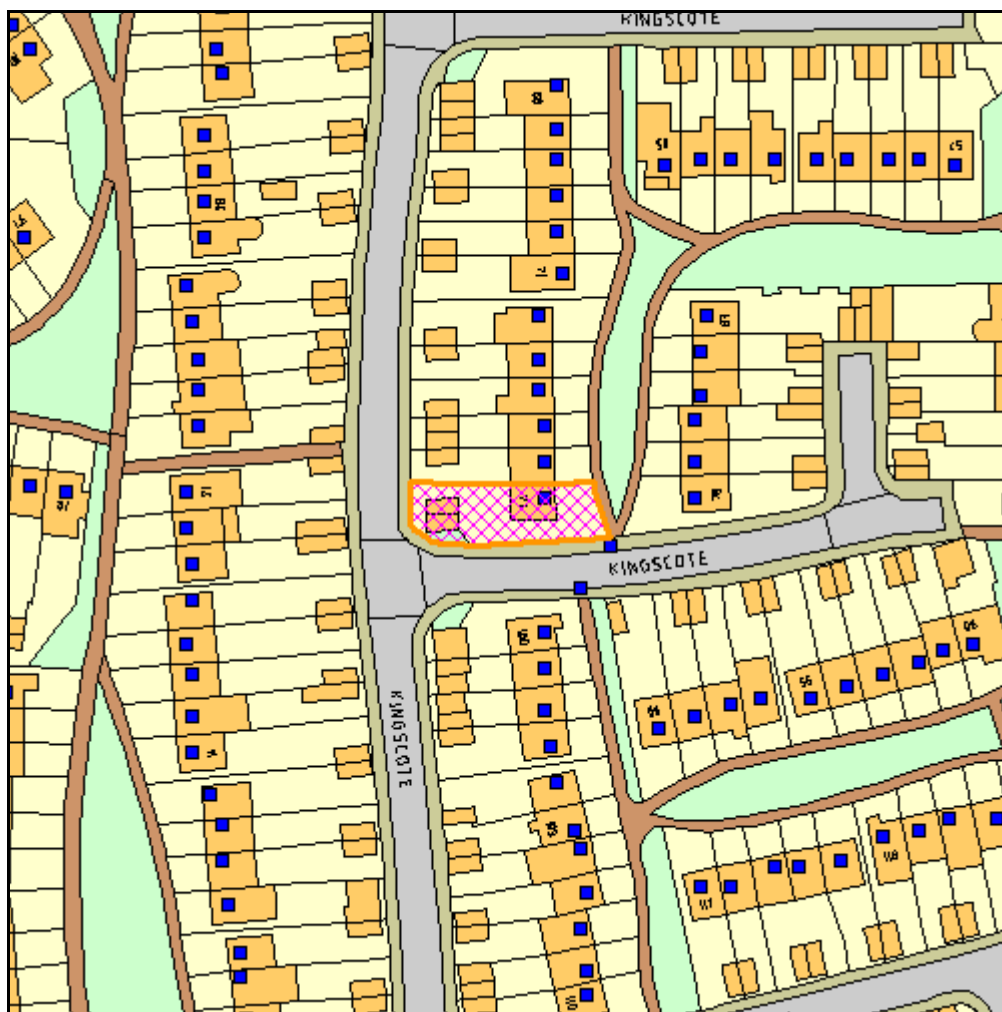
## Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, to encourage sustainable transport choices and to accord with Policy CS8 and CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP16 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013; and the South Gloucestershire Council Waste Collection: Guidance for new developments SPD (Adopted) January 2015.



**CIRCULATED SCHEDULE NO. 20/18 – 18 MAY 2018**

<b>App No.:</b>	PK18/1427/F	<b>Applicant:</b>	Mr B Alvis
<b>Site:</b>	77 Kingscote Yate Bristol South Gloucestershire BS37 8YE	<b>Date Reg:</b>	28th March 2018
<b>Proposal:</b>	Erection of two storey side extension to form annexe ancillary to the main dwelling.	<b>Parish:</b>	Dodington Parish Council
<b>Map Ref:</b>	370727 180708	<b>Ward:</b>	Dodington
<b>Application Category:</b>	Householder	<b>Target Date:</b>	17th May 2018



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## **REASONS FOR REPORTING TO CIRCULATED SCHEDULE**

The application has been subject to a comment contrary to the findings of this report. Under the current scheme of delegation, it is required to be taken forward via circulated schedule.

### **1. THE PROPOSAL**

- 1.1 The proposal seeks to erect a two storey side extension in order to provide an annexe ancillary to the main dwelling.
- 1.2 The subject property is a two storey late-20th century end terrace property with brick elevations and a gabled roof.
- 1.3 The proposal would extend beyond the side elevation to match the ridge and elevations of the existing property.
- 1.4 The subject property is situated in the built up residential area of Yate.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance

#### 2.2 Development Plans

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

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage

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

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

#### 2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006  
Residential Parking Standards SPD (adopted) December 2013

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

- 3.1 P86/2713 – Approval – 15/01/1987 – Installation of individual oil storage tanks for domestic use.

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

4.1 Dodington Parish Council  
No Comment Received

4.2 Other Consultees

Transport Officer

No objection subject to the inclusion of a condition.

#### **Other Representations**

4.3 Local Residents

One comment of objection has been received concerning the impact of the porch, which would result in harm to their amenity.

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

5.1 Principle of Development

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. PSP38 of the Policies Sites and Places DPD (2017) is supportive in principle of development within the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and it does not prejudice the residential and visual amenity; there is adequate parking provision; and has no negative effects on transportation. The proposal is subject to the consideration below.

5.2 Design and Visual Amenity

The proposal consists of the erection of a two storey side and single storey front extension to form an annexe. Whilst it has been identified as an annexe the structure would not have all of the required facilities for independent living so for the purpose of this application it will be considered as a two storey extension. The proposal would extend from the side elevation to match the ridge height and front and rear elevations of the existing property. On this basis the extension is considered to be in keeping with the design of the existing building and its context.

5.3 The proposal site is located in a Radburn style estate where pedestrian walkways are situated to the front and away from the highway in an open plan nature with gardens and garages to the rear on the access road. The proposal also seeks to introduce a porch to the front elevation of the property and on the pedestrianised area. There are portico entrances as existing and the structure would act to enclose this space. Furthermore there are a number of other

- similar porch structures to properties within the estate. The design of this structure is not unusual and no objection is raised to its appearance.
- 5.4 The proposal will utilise materials of a similar appearance to those in the existing dwelling. There is no objection with regard to materials. Overall, it is considered that the proposed alterations would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1 and PSP38 and conforms to the criteria in the adopted Local Plan.
- 5.5 Residential Amenity  
Policy PSP8 of the Policies Sites and Places DPD gives the authority's view on residential amenity. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.
- 5.6 The proposal is for a two storey side extension and single storey front extension. The host property forms the end terrace and dwellings to the south are separated by the highway, properties to the east are separated by the pedestrian area and to the west, are separated by the rear gardens and access road. As a result properties in these directions are not considered to be adversely affected by the proposed two storey extension.
- 5.7 Comments have been received from a neighbour concerned with the impact of the front porch. The concern is that the structure would obstruct light and outlook to the front living accommodation of this neighbour. It is acknowledged that this structure will be in close proximity to neighbouring windows, however it is limited in depth and height. Technical guidance provides a number of tests for acceptable impacts on residential amenity. One of these is the 45 degree test. This suggests that where an unobstructed outlook of 45 degrees from the centre of a primary window is achieved, there is likely to be an acceptable impact on the neighbour. Given the depth of the extension the angle would fall well below 45 degrees and therefore the impact on this property is viewed as acceptable. The comment has also raised concerns over construction noise. Given the residential situation of the proposal it has been seen as reasonable to attach a condition restricting times of construction to reasonable hours.
- 5.8 The proposal will occupy a small amount of additional floor space, however the host dwelling has a reasonable sized rear garden, larger than others in the terrace, and sufficient private amenity space will remain following development and there is no objection in this regard.
- 5.9 It is noted that the proposal would be providing an annexe for semi-independent living accommodation. The annexe would not provide all of the necessary facilities for day to day living and does not include a kitchen. As a result the structure would not be capable of being an independent dwelling unit. It has been seen as reasonable to attach a condition to ensure that the extension remains as ancillary to the existing dwelling and is not independently occupied, without first acquiring the express permission of the Planning Authority.

5.10 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with Policies PSP8, PSP38 and PSP43 of the Policies Sites and Places DPD.

5.11 Sustainable Transport and Parking Provision

The proposal would create 1no additional bedroom bringing the total to 4. This according to the adopted parking standards, would not require any additional parking spaces. Additionally the proposal does not affect the existing provision. On this basis the proposal would not be viewed to worsen the parking or highway situation locally and consequently no objection is raised to transport considerations. Comments have noted concerns over construction traffic. It is beyond the remit of the planning authority to enforce on inconsiderate use of the highway and parking. However it is reasonable that in a residential area development takes place from time to time. Consequently it is advised that concerns be raised with the relevant authorities.

5.12 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services. With regards to the above this planning application is considered to have modest positive weight attached to equality considerations.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Contact Officer: Hanni Osman**  
**Tel. No. 01454 863787**

**CONDITIONS**

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

Reason

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

2. The extension/annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 77 Kingscote, Yate and shall not be independently occupied without the express permission of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 of the Policies Sites and Places DPD (adopted) November 2017; and the provisions of the National Planning Policy Framework.

3. The hours of working on site during the period of construction shall be restricted to  
Monday - Friday.....7:30am - 6:00pm  
Saturday.....8:00am - 1:00pm

No working shall take place on Sundays or Public Holidays.

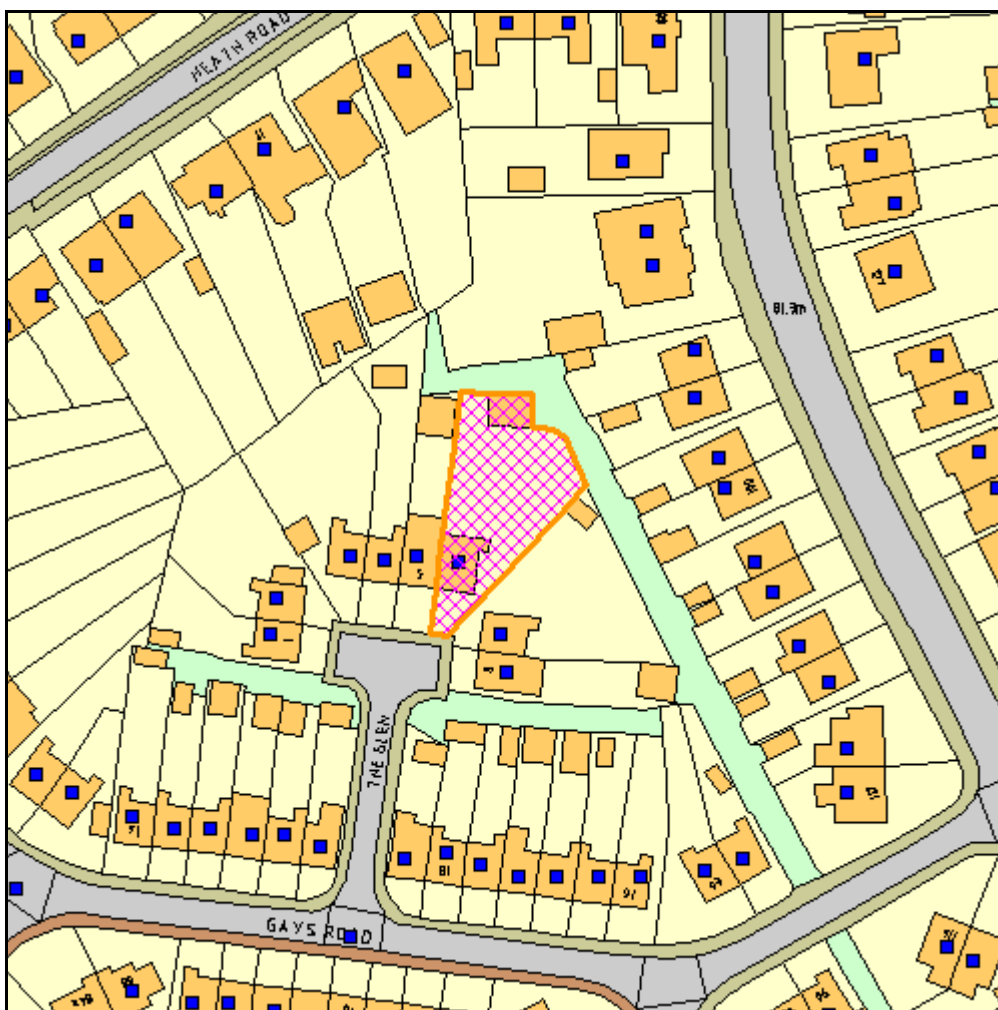
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

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

## CIRCULATED SCHEDULE NO. 20/18 – 18 MAY 2018

<b>App No.:</b>	PK18/1589/CLP	<b>Applicant:</b>	Mr And Mrs Reid
<b>Site:</b>	6 The Glen Hanham Bristol South Gloucestershire BS15 3LD	<b>Date Reg:</b>	11th April 2018
<b>Proposal:</b>	Installation of 1 no. rear dormer to and the alteration of 1no. flue to facilitate loft conversion.	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	363787 171547	<b>Ward:</b>	Hanham
<b>Application Category:</b>		<b>Target Date:</b>	29th May 2018



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 100023410, 2008. N.T.S. PK18/1589/CLP

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE.**

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of 1no rear dormer at 6 The Glen Hanham 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 B and Class G.

The submission is not a planning application. Therefore 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. None relevant.

### **4. CONSULTATION RESPONSES**

- 4.1. Hanham Abbots Parish Council  
"No objection."

#### **Other Representations**

- 4.2. Local Residents  
No comments received.

### **5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

Site Location Plan  
Received by the Council on 3<sup>rd</sup> April 2018



Existing and Proposed Rear Elevation  
Received by the Council on 3<sup>rd</sup> April 2018

Section Thru  
Received by the Council on 3<sup>rd</sup> April 2018

Proposed Floor Plan and Section  
Received by the Council on 3<sup>rd</sup> April 2018

## 6. ANALYSIS OF PROPOSAL

### 6.1. Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test that 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 evidence presented. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

6.2. The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015. It should be noted that there is no restriction on permitted development rights at the property.

6.3. The proposed development consists of the installation of 1no rear dormer. The dormer development would fall within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows dormer additions and roof alterations subject to the following:

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

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

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

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

The height of the proposed dormer would not exceed the highest part of the roof.

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

The proposed dormer would be located to the rear of the property, as such would not extend beyond any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway.

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

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

The property is an end terrace house. Volume calculations extrapolated from the submitted drawings indicate that the total increase in roof space of the original dwelling would be 20.4m<sup>3</sup>.

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

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

The proposal does not include the construction or provision of a verandah, balcony or raised platform. However, a flue will be altered, this is dealt with in section 6.4.

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

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

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

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

Submitted plans indicate that the proposed dormer will be finished in materials to match the finish of the existing roof.

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

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

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

The dormer would be approximately 0.4m from the outside edge of the eaves of the original roof and the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse. The eaves are maintained. As such the proposal meets this criterion.

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

No windows are proposed to the side elevations.

6.4. The proposed development also consists of the alteration of a flue. This development would fall within Schedule 2, Part 1, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse subject to the following:

- G.1 **Development is not permitted by Class G if-**
- (a) **permission to use the dwellinghouse as a dwellinghouse has been granted only by a virtue of Class M, N, P, PA or Q of Part 3 of this schedule (changes of use);**

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

- (b) **the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or**

The height of the altered flue would exceed the highest part of the roof by 0.3 metres. It is therefore within the 1 metre parameter.

- (c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which-
- (i) fronts a highway, and
  - (ii) forms either the principal elevation or a side elevation of the dwellinghouse.

The dwellinghouse is not on article 2(3) land.

## 7. **RECOMMENDATION**

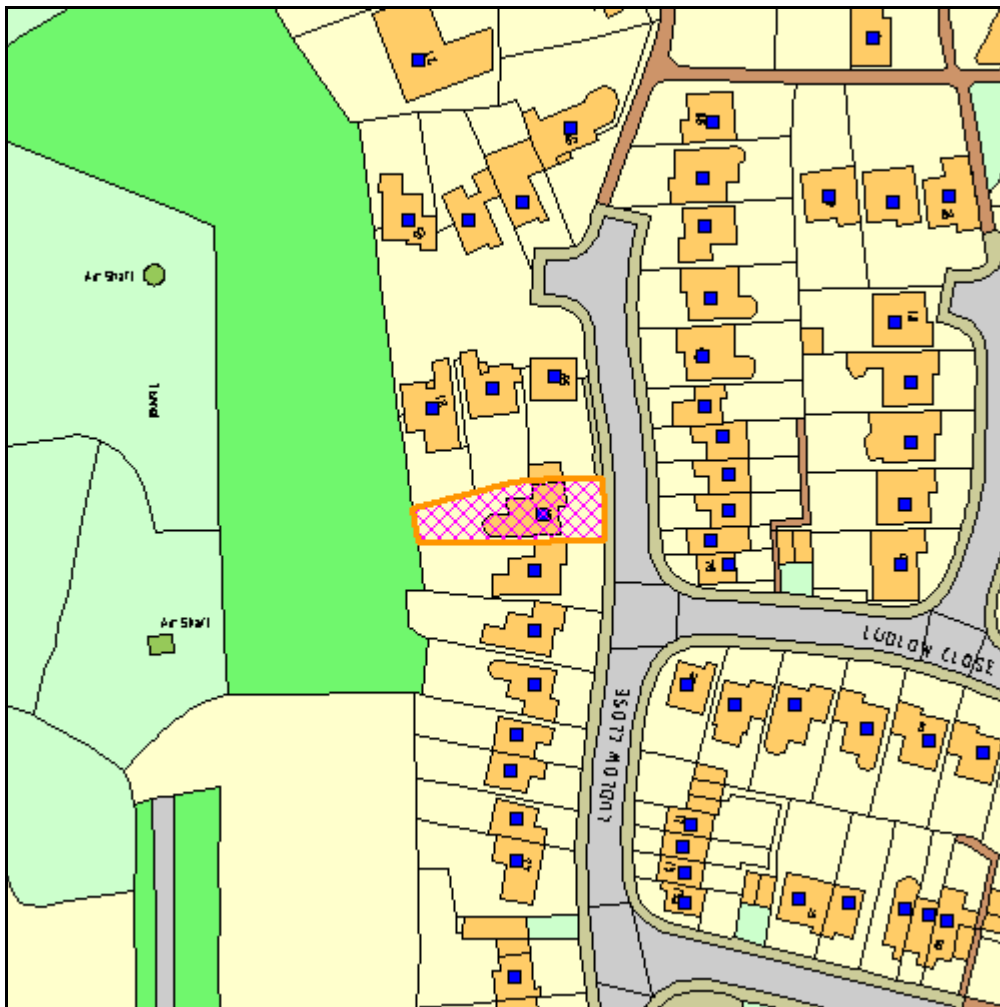
7.1. That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed installation of 1no rear dormer and the alteration of a flue would fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class B and Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015.

**Contact Officer: David Ditchett**  
**Tel. No. 01454 863131**

## CIRCULATED SCHEDULE NO. 20/18 – 18 MAY 2018

<b>App No.:</b>	PK18/1617/F	<b>Applicant:</b>	Mr & Mrs Reeve
<b>Site:</b>	51 Ludlow Close Willsbridge Bristol South Gloucestershire BS30 6EB	<b>Date Reg:</b>	11th April 2018
<b>Proposal:</b>	Erection of two storey side extension to form additional living accommodation.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	366654 170652	<b>Ward:</b>	Bitton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	31st May 2018



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PK18/1617/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

The application received comments that are contrary to the Officer recommendation. 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 This application seeks full planning permission for the erection of a two storey side extension at 51 Ludlow Close Willsbridge.
- 1.2 The host property is a detached dwelling located within the defined settlement boundary.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

- CS1 High Quality Design
- CS4A Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility

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

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

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007

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

- 3.1. None relevant.

### **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
"No objection."

## Sustainable Transport

“No objection.”

## Other Representations

### 4.2 Local Residents

One objection received relating to design, in particular that the proposal would not respect the pattern, scale or proportions of its surroundings or the character of the area. Also, loss of light, parking issues especially during construction, privacy and the enjoyment of a quiet and safe environment.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Design and Visual Amenity

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

5.3 The application site is a two-storey, detached dwelling located on a residential street in Willsbridge. Its elevations are brickwork with mock Tudor timber detailing and brown UPVc windows and doors. The roof is pitched and tiled. The property benefits from a rear conservatory, and an attached garage that has an identical design to the host dwelling.

5.4 The two storey side extension would form a continuation of the principal elevation when viewed from the street, extending no further to the side than the existing garage. In that regard it is restrained within the existing built form. Moreover, as the mock Tudor detailing and matching materials would be utilised for the extension, the design and character would be as close as could be achieved to the host and surroundings dwellings. Also, as the ridge height and eaves would be retained, and the roof proposed would be hipped, the side extension would look subservient to the host dwelling, respecting its scale and proportions. In regards to the pattern of development, it is acknowledged that on the immediate street scene there are few additions to the properties. However, the area is not characterised by a strong pattern. In fact the area has a distinctly mixed feeling in regards to this, with detached, link-detached and terraced properties all in various staggering positions on the street scene. As such, an addition to No. 51, with the elements as described above would not be detrimental to the site, its surroundings, or the character of the area, and is

considered to accord with policy CS1 of the Core Strategy and PSP38 of the PSP Plan.

5.5 Residential Amenity

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

5.6 There are no windows in the side elevation of the proposal, there is one on the first floor of the rear elevation that may result in some indirect views into the rear gardens of the neighbouring dwellings. However, this is not considered to result a material loss of privacy to the neighbouring dwellings. In regards to the one additional window on the principal elevation that may impact on the objector's privacy, this will serve an en-suite, so will be obscure glazed. As such it is highly unlikely that this window would detriment the privacy of any neighbouring properties.

5.7 Also, as noted, the proposal will be constrained within the existing built form. When combining this with the siting and scale of the proposal in relation to the boundaries and nearby dwellings. It is also highly unlikely that a detrimental loss of light, overshadowing or overbearing impact will occur. Therefore, the development is deemed to comply with policies PSP8 and PSP38 of the PSP Plan.

5.8 Following the development, over 70m<sup>2</sup> of private outside amenity space would remain. This exceeds the requirements of policy PSP43.

5.9 Transportation

Post development the property will increase from three bedrooms to four. As such PSP16 requires 2 parking spaces within the site boundary to serve the enlarged property. The plans submitted show an enlarged parking area to the front of the property, within its boundary that can accommodate this level of parking. As such there are no transport objections.

5.10 Equalities

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

5.11 Other matters

In regards to additional parking in the area during construction. The Case Officer recognises that residential areas such as this can suffer from parking issues. It is also acknowledged that this may be exacerbated during the



construction of the side extension. However, as this situation would be temporary it does not constitute a reason for refusal in this instance. Although, owing to the concerns of a neighbour, a working hour's restriction will be placed on any permission granted thereby mitigating the perceived issues during this phase.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Contact Officer: David Ditchett**  
**Tel. No. 01454 863131**

## CONDITIONS

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

Reason

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

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

Reason

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

3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided within one month of the extension being substantially complete, and thereafter retained for that purpose.

Reason

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

4. The hours of working on site during the period of construction shall be restricted to  
Monday - Friday.....7:30am - 6:00pm  
Saturday.....8:00am - 1:00pm

No working shall take place on Sundays or Public Holidays.

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

Reason

To protect the amenity enjoyed by those living in the locality to accord with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

## CIRCULATED SCHEDULE NO. 20/18 – 18 MAY 2018

<b>App No.:</b>	PK18/1691/CLP	<b>Applicant:</b>	Mr & Mrs Comerford
<b>Site:</b>	232 Station Road Kingswood Bristol South Gloucestershire BS15 4XR	<b>Date Reg:</b>	16th April 2018
<b>Proposal:</b>	Erection of single storey rear and side extension to form additional living accommodation.	<b>Parish:</b>	None
<b>Map Ref:</b>	365591 175624	<b>Ward:</b>	Rodway
<b>Application Category:</b>		<b>Target Date:</b>	8th June 2018



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PK18/1691/CLP

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

The application is for a Certificate of Lawfulness. 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 and side extension at 232 Station Road Kingswood would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit; the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Town and Country Planning Act 1990 (as amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class 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 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Town/Parish Council  
Not applicable.

#### **Other Representations**

- 4.2 Local Residents  
No comments received.

### **5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

- 5.1 Existing and Proposed Plans and Elevations  
Drawing No. 18009\_CLD2  
Received by the Council on 9<sup>th</sup> April 2018.

## 6. ANALYSIS OF PROPOSAL

### 6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test that 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 evidence presented. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015. It should be noted that there is no restriction on permitted development rights at the property.

6.3 The proposed development consists of the erection of a single storey rear and side extension. The proposed extension would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria set out 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, PA or Q of Part 3 of this Schedule (changes of use);**

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

**(b) As a 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 extension would be 3.9 metres. This will 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 extension would not exceed the eaves 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 would not extend beyond a wall which forms the principal elevation; or fronts a highway and forms a side 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,**
- (ii) or exceed 4 metres in height;**

The property is not detached and the proposal does not extend beyond the rear wall of the original dwelling house by more than 3 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 a boundary; however the eaves would not exceed 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; or**

The side extension element of the development would not exceed 4 metres in height; would be single storey; and would not have a width greater than half the width of the original dwellinghouse. As such the proposal meets these criteria.

- (ja) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);**

The total enlargement does not exceed the limits set out in sub-paragraphs (e) to (j).

- (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.**
- d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c);**

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 submitted information indicates that the proposal will be finished in materials similar to the exterior finish of the existing dwellinghouse.

- 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, or forms an upper storey on an existing enlargement of the original dwellinghouse, 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 following reason:

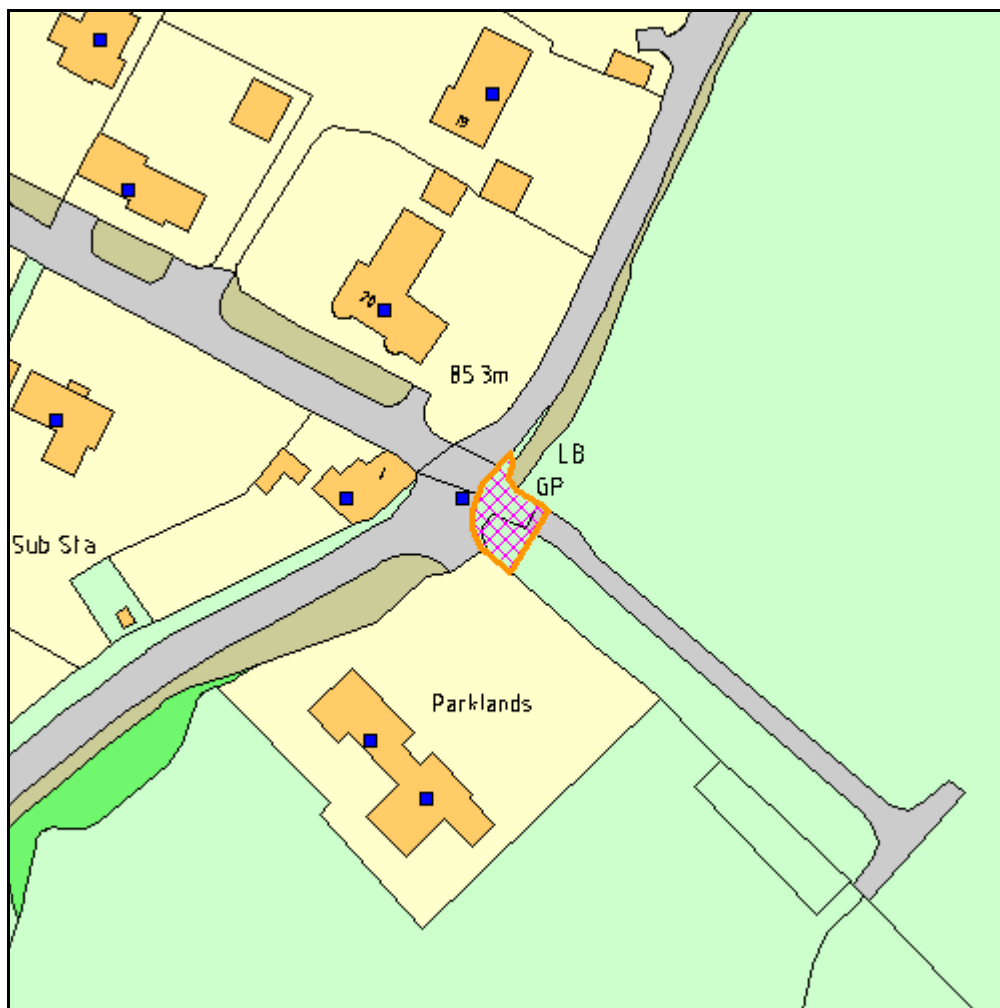
Evidence has been provided to demonstrate that on the balance of probabilities the proposed single storey rear and side extension does fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

**Contact Officer: David Ditchett**  
**Tel. No. 01454 863131**



## CIRCULATED SCHEDULE NO. 20/18 -18 MAY 2018

<b>App No.:</b>	PT16/6676/F	<b>Applicant:</b>	C/O Mr K R Sherell
<b>Site:</b>	Land At Parklands Solar Farm Over Lane Almondsbury Bristol South Gloucestershire BS32 4BW	<b>Date Reg:</b>	13th December 2016
<b>Proposal:</b>	Alteration to existing access and installation of new gates (Retrospective)	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	359817 183363	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd February 2017



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## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

This application is referred to the Circulated Schedule as objections to the proposal have been received.

### **1. THE PROPOSAL**

- 1.1 This application seeks permission to modify the agricultural access adjacent to Parklands, following the installation of a solar farm. To facilitate that development the original wooden access gate was removed and the access and track at the entrance widened, with double width metal gates installed. While the documentation submitted in support of the application for the solar farm stated that the access would be restored to its former condition after the installation was completed, this was submitted by the solar company and not the landowner, and importantly, no condition was attached to the solar farm permission requiring this to be carried out.
- 1.2 This application originally sought to regularise the existing arrangement, but following objections a revised scheme has been submitted reducing the width down to a single agricultural five-bar field gate, removing much of the additional hard surfacing to the front and replacing it with grass and a hedge.
- 1.3 The access is off Over Lane in Almondsbury, and leads onto an access track to the farm. Opposite the site is Knole Park, a private residential road. A listed building, The Lodge, is located on the corner of Knole Park immediately opposite.

### **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  
CS8 Improving Accessibility  
CS34 Rural Areas

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP8 Residential Amenity  
PSP11 Transport Impact Management  
PSP17 Heritage Assets and the Historic Environment  
PSP29 Agricultural Development

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

- 3.1 PT15/2164/F Construction of 4.6mw solar farm including transformer housing, security fencing, access and associated works. Approved.

### 4. **CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council  
Objection – out of character, would like to see the like for like replacement of the original wall and gates.

- 4.2 Other Consultees  
Highway Structures Team – no comment.

Transportation DC – no comment.

Public Rights of Way – kissing gate a welcome improvement, no objection.

Conservation Officer – While not exactly matching the original arrangement the revised scheme is a considerable improvement on the existing site and provides an appropriate entrance. No objection.

Landscape Architect – current proposal is acceptable. Not unreasonable for a working farm to have metal gates. The previous stone wall was not a traditional one, and the adjacent palisade fencing has an urbanising effect. The proposed hedge will help screen views of the fence and retain the character of Over Lane. A landscape condition should be imposed to ensure that the grass and hedge thrive.

#### **Other Representations**

- 4.3 Local Residents  
11 representations were received objecting to the proposal prior to the revised scheme being submitted.

3 further objections were received following the revised scheme being submitted and consulted upon, on the following grounds:

- Should not deviate from the original intention to preserve the character of the entrance
- Wooden gate and wall would allow suitable access
- Sloping patch of earth and hedging not the most suitable option and will not deter people from parking.
- Grass and hedging can be cut down.
- Cannot understand why original commitment to restore the entrance to its original aesthetic are not being honoured.
- Revised scheme remains a half-way fudge.
- Galvanised gates, even if painted, will not have the character of the original wooden gate.

- Not convinced layout will deter parking.
- Not in keeping with grade II listed property opposite.
- Hedge planting will take a long time to establish.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

While many objectors have expressed the view that the access should be reinstated exactly as it was before the solar farm was constructed, this application must be considered on its own merits, assessed against the policies of the Development Plan and any other material considerations. Policy PSP21 on agricultural development supports new agricultural development in the countryside. The site is located within the Green Belt, and while the development cannot strictly be considered a “building for agriculture” it is an inherently agricultural form of development and has no greater impact upon the openness of the Green Belt than the gate it replaces, and leads to no conflict with the purposes of the Green Belt.

5.2 As an agricultural access the development is therefore considered acceptable in principle, provided there is no conflict with other relevant policies relating to landscape and local distinctiveness, heritage assets and the historic environment, transportation impact and residential amenity. These will be examined in more detail in the following sections.

### 5.3 Design, Landscape Impact and Local Distinctiveness

The proposal now under consideration has been reduced to a single metal gate with adjacent kissing gate, with most of the additional tarmac laid for the solar farm being removed and replaced with a grassed slope with a new native hedge to be planted along the boundary with Parklands and out to adjoin the gate. While the gate proposed is metal rather than wooden, it is a standard agricultural gate and it would be unreasonable to require the gate to be wooden. The proposal is a significant improvement on the existing configuration, substantially reducing both the scale of the gateway and also the extent of hardsurfacing, while introducing a greater level of soft landscaping. As proposed the scheme will adequately integrate into the landscape and respect the local character. The council’s Landscape Architect has made no objection and considers the scheme acceptable. The development is considered to accord with relevant policy in this regard. The revised landscape scheme submitted in response to the Landscape Architect’s comments includes a detailed specification and maintenance plan, and a condition would be attached to ensure adherence to this.

### 5.3 Heritage Impact

Directly opposite the site is a grade II listed building, The Lodge. While the council’s Conservation Officer raised concerns over the application when it sought to permit the existing arrangement, the revised scheme reflects his recommendations for improvement, and accordingly he has made no

subsequent objection, concluding that it will not lead to any harm to the setting of the listed building. Officers agree with this view.

#### 5.4 Transportation and Highway Safety

The stated reason for the application to retain the widened access was to improve accessibility to the site for agricultural vehicles. The gates are now set further back, and the widened entrance allows for easier access and manoeuvring. No objection has been raised by the Transportation Development Control Team, and officers consider the development to be an improvement in highway safety terms.

#### 5.5 Residential Amenity

The nearest residential properties are Parklands, which is adjacent to the site, and The Lodge, which is directly opposite. While the gates and access may be visible from those properties (in particular The Lodge) it cannot be said that the development has any negative impact in terms of loss of light or privacy, or that the development is overbearing. In terms of its visual appearance, the revised scheme is not considered to be visually obtrusive or out of character in a rural setting, and will not harmfully alter the outlook from those properties. The residents of other properties within The Knole may see the development briefly as they arrive or depart from the The Knole but it cannot reasonably be said to materially impact upon their residential amenity. Accordingly no objection can be sustained on the grounds of impact on residential amenity.

#### 5.6 Other Matters

Concerns have been raised regarding the use of the existing enlarged hardstanding in front of the gates being used as a parking area, usually by walkers. The revised scheme would remove most of the new tarmac area and this would be replaced by the hedge and shallow grassed bank. "No Parking" signage is also proposed. Conditions can be attached to any permission requiring the signage be installed, and a condition to prevent the use of the land for parking can also be attached, requiring the owner to ensure that it is not used in this way. It is considered that these conditions should be sufficient to control this issue and ensure that the access is kept clear for access purposes.

## 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 following conditions:

**Contact Officer: Neil Howat**  
**Tel. No. 01454 863548**

### CONDITIONS

1. The revised development scheme hereby permitted shall be carried in full out within 6 months of the date of this decision.

Reason

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

2. All hard and soft landscape works shall be carried out in full and in accordance with the approved details shown on drawing 7239/2B and the accompanying specification (received 12th December 2017) within 6 months of the date of this decision.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

3. Within 2 months of the date of this decision signage warning against parking on the hard surfaced area in front of the gates shall be installed on the gate. The signage shall be no more than 0.3 square metres in area, and the signage shall remain in place permanently thereafter.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

4. At no time shall the land be used for the parking of vehicles, and the access shall be kept free of obstruction at all time.

Reason 1

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

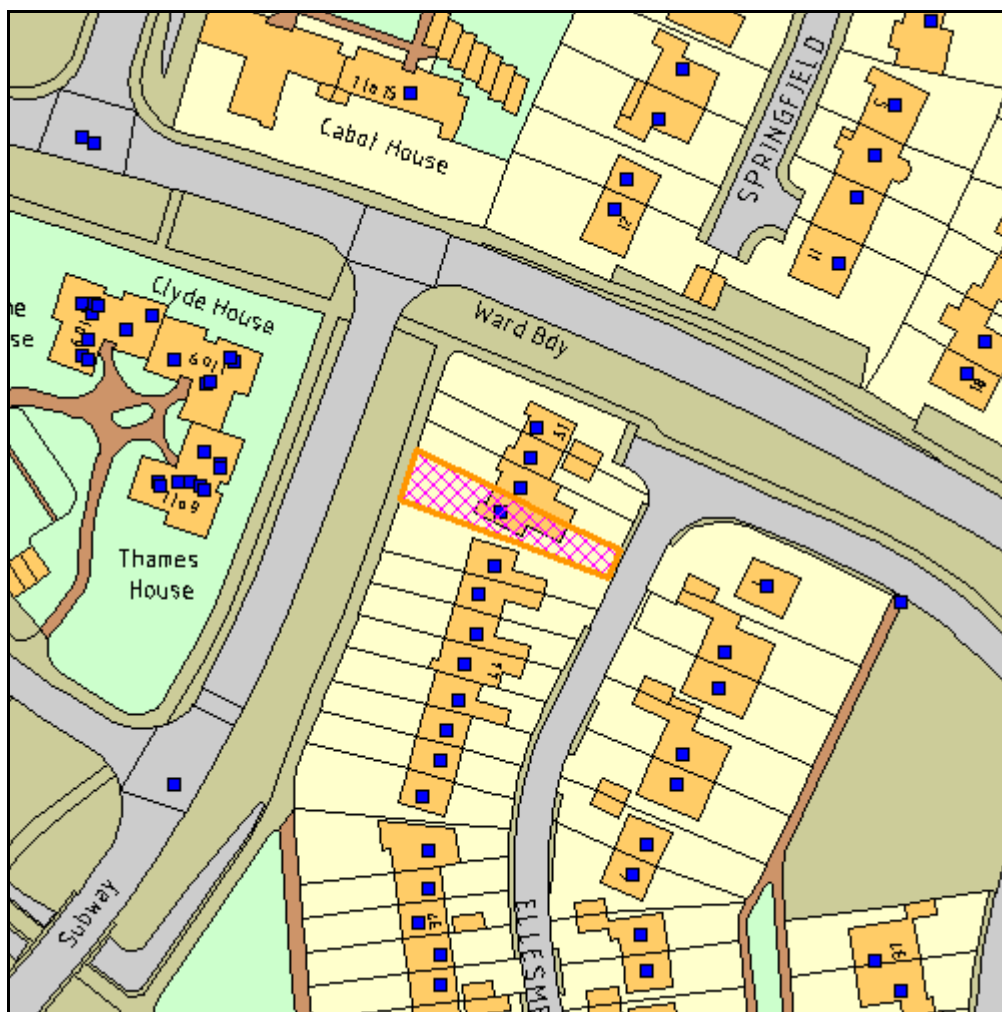
Reason 2

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December

2013 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 20/18 – 18 MAY 2018**

<b>App No.:</b>	PT17/5085/F	<b>Applicant:</b>	Mr Jason Payne
<b>Site:</b>	48 Ellesmere Thornbury Bristol South Gloucestershire BS35 2ES	<b>Date Reg:</b>	29th January 2018
<b>Proposal:</b>	Conversion of existing garage to include raising roofline to for additional living accommodation	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364458 189856	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Householder	<b>Target Date:</b>	19th March 2018



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## **REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE**

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

### **1. PROPOSAL AND SITE DESCRIPTION**

- 1.1 The applicant seeks full planning permission for the conversion of an existing garage and the raising of the roofline. The application site relates to a two-storey end of terrace dwelling in Ellesmere, Thornbury.
- 1.2 As a result of this proposal, there would be some encroachment of guttering over the land of No. 49 Ellesmere. When the application originally came in, Certificate B was not filled out on the application form, and notice was not served to the occupier of this dwelling. An extension of time was sought, and notice has now been served on the occupier of No. 49. An updated certificate B has also been sent in. It is now considered that this criteria has been satisfactorily actioned. It should be noted that any encroachment would still need approval from the owner of the land being encroached upon.
- 1.3 The site plan originally submitted was incorrect. A correct site plan was subsequently received by the local planning authority, but this was not placed on the website. This was discovered late in the process; the correct site plan was subsequently uploaded to the website, and a reconsultation took place – no new comments were received as a result of this reconsultation.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

#### **2.2 Development Plans**

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

CS1 High Quality Design  
CS4a Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage

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

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

#### **2.3 Supplementary Planning Guidance**

Design Checklist SPD (adopted) August 2006  
Residential Parking Standards SPD (adopted) December 2013

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

3.1 No relevant planning history

### **4. CONSULTATION RESPONSES**

4.1 Thornbury Town Council  
No objection subject to meeting parking standards.

*Note: This is considered an objection, as the parking standards have not been met; however, the impact that the development would have on road safety and parking is discussed within the officer's report below (section 5.5).*

4.2 Sustainable Stransport  
No objection – notes that there is scope for further off-street parking in future.

4.3 Archaeology Officer  
No comments received

#### **Other Representations**

4.4 Local Residents  
No comments received

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

5.1 Principle of Development  
Saved policy PSP38 allows the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Visual Amenity  
The proposal consists of the erection of the conversion of an existing garage and the raising of a pitched roof above. The materials used would match the existing dwelling. The conversion of the garage would involve the raising of the roof level, the addition of a pitched roof above and the replacement of a traditional garage door with a small window filled with obscure glazing. The additions would be located to the rear of the existing dwelling. These changes would not be considered to have a significant negative effect on the character of the dwelling itself, or the visual amenity of the surrounding area. As such, is considered acceptable in terms of visual amenity.

### 5.3 Residential Amenity

The extension would be modest in size and would sit next to an existing garage belonging to No. 49 Ellesmere. The increase in height would not be considered to have any overbearing, overshadowing or overlooking impacts on any nearby occupiers.

### 5.4 Sustainable Transport

The applicant seeks to convert the existing garage to create an additional bedroom. It is noted that Thornbury Town Council have stated that they have no objection, subject to parking being within the standards set out in PSP16; this has not been provided within the application. Although the conversion of the garage would result in the loss of 1 off street parking space and the addition of one bedroom, the driveway will still remain and there is scope to provide further off street parking within the site boundary. Additionally, there is some on-street parking within the immediate vicinity of the dwelling. The removal of one off-street parking space and the addition of one bedroom would not be considered to have a severe impact on the safety of nearby road users; therefore, it is not considered that an objection on transport grounds could realistically be recommended.

### 5.5 Equalities

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

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Contact Officer: Owen Hoare**  
**Tel. No. 01454 864245**

**CONDITIONS**

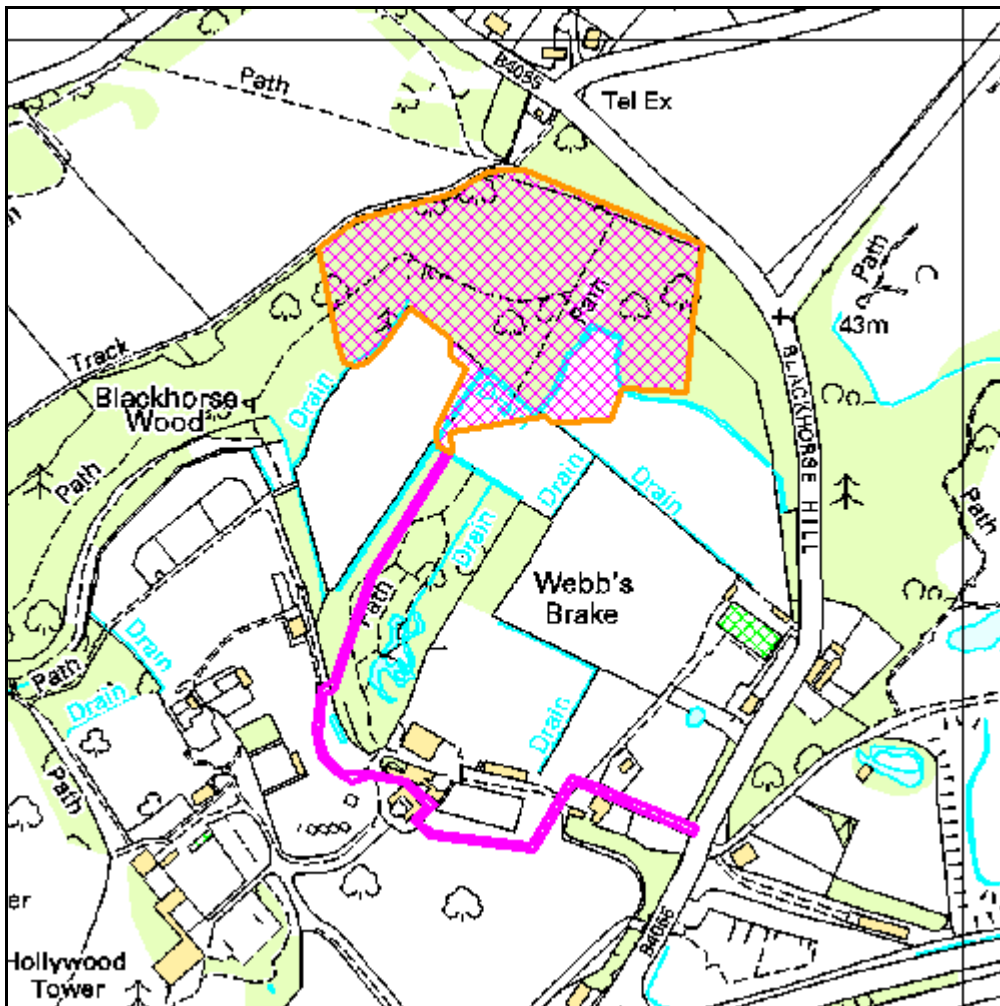
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 20/18 – 18 MAY 2018**

<b>App No.:</b>	PT17/5818/F	<b>Applicant:</b>	Bristol, Clifton and West of England Zoological Society
<b>Site:</b>	Wild Place Blackhorse Hill Easter Compton South Gloucestershire BS10 7TP	<b>Date Reg:</b>	5th January 2018
<b>Proposal:</b>	Proposed development within the British Ancient Woodland with enclosures, buildings, hides and public walkways (Sui Generis)	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	357620 181486	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Major	<b>Target Date:</b>	16th March 2018



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## **REASON FOR REFERRAL TO THE CIRCULATED SCHEDULE**

The application appears on the Circulated Schedule as there are objections to the proposed development contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application details the construction of a zoological exhibit for Bear, Wolf and Wolverine associated with the 'National Wildlife Conservation Park (NWCP)' or 'Wild Places' visitor attraction. The exhibit is referred to as the 'British Ancient Woodland'. The exhibit would recreate ancient woodland habitat and the display of Wolverine, Bears, Wolves and Lynx. The site is located within the general area accommodating the 'Wild Places' (and NWCP) visitor attraction on land associated with woodlands known as Webbs Brake and Blackhorse Wood. Access to the exhibit would be on foot from the main public access to the whole park. Parking and general public access from the surrounding highway network would utilise existing facilities already approved and implemented as part of the wider zoological uses.
- 1.2 The exhibit consists of enclosures and accommodation buildings for Wolverine, Bears, Wolves and Lynx. Other buildings providing a covered visitor viewing and exhibit interpretation, fencing and a raised walkway following a circular route through the exhibit are proposed. A separate vehicular access is to be provided to the exhibit for use by staff attending to the animals and structures associated with the exhibit. This would utilise existing routes associated within the wider development.
- 1.3 Background  
The NWCP planning permission represents a phased development over a larger site for the provision of zoological gardens and associated development. For clarity, the first phase of the development approved under PT14/4573/RVC has been implemented (this is made up of the car parking areas and access from Blackhorse Hill). Subsequently, planning permission PT16/4420/RVC approved the Giraffe and Zebra exhibit (by approving details required as reserved matters). This has also been implemented. A stand-alone approval (PT16/1657/F) has also permitted the construction of a temporary Gelada Monkey Exhibit and this has also been implemented. Further submissions are anticipated representing the 'future phases' of that planning permission/development, effectively in the form of reserved matters applications. However, as with this application, it is also appropriate to submit those applications in full.
- 1.4 It is noted that there is currently a Wolf exhibit at the site. The current arrangement is developed under historical zoological gardens approvals dated from the mid 1960's (SG.8742). Other exhibits including Cheetah and Meerkats are present under the same arrangement.
- 1.5 Whilst this application is submitted in full, it does provide development that is consistent with the broad master plan for development at the National Wildlife Conservation Park (NWCP); as approved under PT14/4573/RVC and in particular exhibit E4 – Ancient British Woodland.

## 2. POLICY CONTEXT

### 2.1 National Guidance

National Planning Policy Framework March 2012  
Planning Policy Guidance

### 2.2 Development Plans

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

CS1	High Quality Design
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS25	Communities of the North Fringe of Bristol
CS26	Cribbs/Patchway New Neighbourhood
CS34	Rural Areas

#### South Gloucestershire Council Policies Site and Places Plan (adopted) November 2017.

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP28	Rural Economy

### 2.3 Supplementary Planning Guidance

South Gloucestershire Development within the Green Belt (Adopted)

### 2.4 Other Material Documents and Advice

Government Guidance - Ancient Woodland and Veteran Trees: Protecting them from Development

## 3. RELEVANT PLANNING HISTORY

3.1 There is a varied planning history relating to the Hollywood Tower Estate. The most relevant history, in that it is related to the use of the land and associated buildings for zoological gardens/attraction are listed below;

3.2 SG.8742 Change of Use from Agricultural Estate to Zoological Gardens

Approved with conditions (2<sup>nd</sup> March 1967)

3.3 PT04/3101/F Use of land for stationing of porta-cabin to provide office and staff rest-room for plant nursery. (Resubmission of PT04/1983/F)

Approved (12<sup>th</sup> October 2004)

- 3.4 PT06/0339/F Construction of new roundabout junction at Hollywood Tower Estate with alterations to existing access and associated works.

Approved with conditions (28<sup>th</sup> March 2008)

- 3.4 PT07/0764/CLP Certificate of Lawfulness for a Proposed Use or Development relating to the Estate for its use as Zoological Gardens subject to the conditions attached to planning permission SG.8742 dated 2 March 1967.

Certificate of Lawfulness issued (14<sup>th</sup> March 2007)

- 3.5 PT08/2839/LB Internal and external alterations, including partial demolition of curtilage Grade II listed Model Farm buildings.

Approved with conditions (11<sup>th</sup> December 2008)

- 3.6 PT08/2900/F Erection of built facilities, fencing, enclosures and other ancillary facilities pursuant to planning permission SG8742 (Change of Use from Agricultural Estate to Zoological Gardens). Part full application and part outline application with the following matters reserved: appearance, landscaping, layout and scale.

Approved with conditions and subject to a s106 agreement (23<sup>rd</sup> July 2010)

- 3.7 PT09/5657/FDI Diversion of Footpath No. OAY79 in association with proposed development of the National Wildlife Conservation Park.

Footpath Diversion Order confirmed (24<sup>th</sup> August 2010)

- 3.8 PT10/1048/F Planning consent for a porta-cabin to provide staff facilities in a temporary building. Consent was previously granted for a 5 year period but has now expired (PT04/3101/F).

Approved (2<sup>nd</sup> July 2010)

- 3.9 PT11/3846/LB Internal and external alterations, including partial demolition of curtilage Grade II listed Model Farm buildings.

Approved with conditions (24<sup>th</sup> January 2012)

- 3.10 PT13/0156/CLE Application for Certificate of Lawfulness for the retention of four animal shelters/buildings.

Approved with conditions (5<sup>th</sup> July 2013)

- 3.11 PT13/0772/LB Minor internal and external works to Model Farm buildings.

Approved with conditions (3<sup>rd</sup> May 2013)



- 3.12 PT14/4573/RVC Variation of Conditions for PT08/2900/F no. 7, 8, 9, 10, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26 and 29

Approved (11<sup>th</sup> March 2015)

*This approval enabled the development of the zoo (NWCP) to be implemented in phases in accordance with a park wide master plan and granted full planning consent for phase one of the NWCP*

- 3.13 MODT15/0004 Deed of Variation of S106 Agreement attached to planning application PT14/4573/RVC.

Approved (26<sup>th</sup> February 2016)

- 3.14 PT15/1686/RVC Variation of condition 1 attached to planning permission PT10/1048/F to retain the building for a further five years.

Approved with Conditions (16<sup>th</sup> June 2015)

- 3.15 PT16/1657/F Development of a temporary zoological exhibit including erection of two single storey buildings, play areas, landscaping, groundworks, access, and associated infrastructure.

Approved (28<sup>th</sup> June 2016)

*This consent approved the Gelada Monkey Exhibit now constructed.*

- 3.16 PT16/4420/RVC Variation of condition 39 attached to planning permission PT14/4573/RVC to substitute plans.

Approved (20<sup>th</sup> January 2017)

*This consent approved the Giraffe and Zebra Exhibit now constructed*

- 3.17 PT16/5444/F Erection of 10no. glamping pods and associated works.

Approved (20<sup>th</sup> January 2017)

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

- 4.1 Almondsbury Parish Council  
No comment has been received

- 4.2 Ecology Officer  
No Objection in principle subject to conditions securing works in accordance with the submitted Ecological Report; and provision of bird and bat boxes.

- 4.3 Archaeology Officer  
No Objection in principle subject to a condition requiring appropriate archaeological watching brief.

- 4.4 Arboricultural Officer  
No objection subject to the development proceeding in accordance with the submitted Arboricultural Method Statement.
- 4.5 Landscape Officer  
No objection in principle. However issues relating to the visibility of the proposed structures within the landscape and the position of the proposed perimeter fencing have been raised. A woodland management plan is suggested.
- 4.6 Listed Building and Conservation Officer  
No Objection. Satisfied that the development would not result in any demonstrable impact upon the significance of existing heritage assets surrounding the site
- 4.7 Lead Local Flood Authority  
No objection in principle.
- 4.8 Highway Structures  
Wish to make no comment
- 4.9 Highway Authority  
No Objection
- 4.10 Avon Gardens Trust (AGT)  
Object to the proposed development.

AGT point out that the site is part of the Hollywood Tower Estate and is included on the South Gloucestershire Historic Environment Register as a locally important park and garden.

AGT note that the land contains early 19<sup>th</sup> Century woodland walks and planting associated with the landscape park of Hollywood Tower.

AGT express concern that the proposed development, including the walkways and buildings would have a visual impact upon the woodland and as such the applicant should describe the significance of the heritage asset in accordance with paragraph 128 of the National Planning Policy Framework.

- 4.11 Woodlands Trust (WT).  
Object to the proposed development.

WT is concerned that the development would cause damage and disturbance to Blackhorse Wood during and post construction.

WT argues that the proposed development would be in direct contravention of local and national planning policy; including the National Planning Policy Framework (and its proposed revisions).

WT consider that ancient woodland is not a suitable location for a zoo exhibit.

WT recommend that this application is refused.

4.12 Historic England

No objection. Historic England have also confirmed that it is not necessary for the Local Planning Authority to notify them in respect of this application.

4.13 Natural England

Natural England have noted the concerns raised by the South Gloucestershire Council Ecologist and advise that the proposed development has the potential to adversely affect woodland classified on the Ancient Woodland Inventory. The Local Planning Authority is referred to 'standing advice on ancient woodland' provided by the Central Government.

It should be noted that Natural England has not expressed objection to the proposed development and has not indicated that it considers that the proposed development would result in harm to ancient woodland assets.

**Other Representations**

4.14 Local Residents

One comment has been received that neither raises objection or support for the proposal. However comments are made in respect of the proximity of residential dwellings to the zoo and potential noise and smells.

Concern is raised that incremental applications are being used to circumvent the provision of pedestrian facilities on Blackhorse Hill.

**5. ANALYSIS OF PROPOSAL**

5.1 The proposed development consists of the provision of a zoological exhibit associated with the 'Wild Places' visitor attraction. The site is located within an established site providing a zoological use.

5.2 Principle of Development

The site is located within the boundary of the 'Wild Places' visitor attraction providing zoological exhibits and related attractions. This proposal is submitted as a stand-alone planning application to provide a further exhibit related to zoological development carried out under planning permission SG.8742 (dating from 1967). It is also noted that a an extant planning permission (PT16/4420/RVC) for a further, much larger scale zoological attraction including this application site is in place. This position has established the use of the site for zoological development.

5.3 By way of background, that application is a variation of the planning permission granted in 2010 (PT08/2900/F). On this basis, officers consider that the proposed development is acceptable in principle subject to the following considerations.

5.4 Green Belt

The site is located within the Green Belt and within the open countryside. Under normal circumstances, the provisions of new buildings within the Green

Belt is not appropriate development as set out under paragraph 89 of the National Planning Policy Guidance. However, for the reasons set out below, officers consider that the proposed development of a zoological exhibit in this Green Belt location is established and as such is appropriate in this location.

- 5.5 In this instance, the applicant refers back to the fact that there is an approved and extent consent relating to the development of this site (as part of a much larger site) and as such the development of a zoological exhibit on this site is established in principle. The applicant goes on to argue that the extant consents include the British Ancient Woodland Exhibit (in this case exhibit E4) and that the proposal submitted under this application has resulted in an overall reduction in the built form of the development (namely timber buildings, platforms and walkways and enclosure fencing). The applicant also notes that the proposed development would not act to extend the boundary of the National Wildlife Conservation Park as approved and that the development would retain existing levels of screening associated with the site. Accordingly, the applicant argues that the development would act to reduce the impact of the development in Green Belt terms when compared with the consented development.
- 5.6 Officers concur with this view and in particular note that the development would not encroach beyond the boundary of the wider zoological permission. Whilst the type of animals associated with the exhibit has increased, and the enclosures altered in position and area it is not considered that these factors would result in a materially greater impact upon the openness of the Green Belt. Similarly, the original outline permission granted the provision of timber structures and associated enclosures. The scale and location of these elements is not considered to be material in the context of the openness of the Green Belt.
- 5.7 Accordingly officers conclude that the proposal would not conflict with the purposes of including the land within the Green Belt and as such complies with Policy CS5 and CS34 of the South Gloucestershire Local Plan, Core Strategy and the provisions of the National Planning Policy Framework.
- 5.8 Design, Landscape and Visual Impact  
As with all of the existing exhibits on the Wild Places/NWCP site, the proposed exhibit would have a 'theme' representative of the environment associated with the animal or animals to be exhibited. In this instance, the 'theme' would represent British Ancient Woodlands and would exhibit animals associated with that habitat during prehistoric times, namely Bear, Wolf, Wolverine and Lynx. The proposed development would involve the provision of a number of timber structures most notably a raised walkway. The walk way would be 2 metres wide (widening out in certain areas to accommodate viewing platforms and pods) and includes a balustrade approximately 1.5 metres in height. The walkway varies in height (to the walking deck) from ground level to up to 4 metres. This is to enable elevated viewing of the exhibits and to effectively level off what is a steeply sloping site with a wide range of levels and gradients. This would also provide Disability Discrimination Act (DDA) Complaint access to the exhibit. The walkway would be constructed in wood sympathetic to the woodland environment and is chosen to weather well into the surroundings.

- 5.9 Other structures include a timber and copper clad 'time chamber', viewing hides and covered areas, animal accommodation and a 'guest village'. The guest village provides class room, small caf', interpretation space, toilets and staff facilities. In general terms, the buildings are modest in scale, with the largest being associated with the guest village. Those buildings are low down, single storey and include features such as a Sedum Roof materials. The 'guest village' is situated just outside of the woodland area, with the walkway and associated viewing areas and hides within the woodland area. It is considered that the proposed structures are well designed and would utilise appropriate materials to ensure that the proposed development is acceptable from a design and visual amenity perspective.
- 5.10 Clearly, the exhibit will require specific fencing around enclosures accommodating the zoo animals. This fencing would be design specifically to prevent animal escape and will be typically 5 metres in height with 'hot-wire'-overhanging into the exhibit enclosure. This would prevent animals from climbing/jumping over the fence. The fence panels would be made up of tight weld-mesh and coloured in black powder coating.
- 5.11 Officers are satisfied that these features are broadly consistent with the scope of the original planning consent. The site itself is well screened from the wider landscape context. Whilst views of the structures would likely be available from outside the site (especially during winter months) it is from relatively close proximity that these views would occur. Furthermore, these views would be occasional in nature and officers are satisfied that they would not be features that would stand out significantly in the landscape. Whilst the proposed fencing is high, its light weight construction and colouring would allow this to blend well with the site and the associated woodland vegetation. It is noted that the exact position of structures and fencing is not known, and this is because minor adjustments could be required during construction to accommodate ecological and archaeological features on the ground. However, it is not anticipated that adjustments during the construction of the development would be outside normal tolerances associated with development generally and these are not expected to be discernible following completion. Any planning permission will be subject to a condition requiring that the development is in accordance with the submitted plans. In the event that there is material changes to the development as a result of the need to avoid ecological and archaeological features, then this is appropriately the subject of an application to vary the consent. At that point, the LPA would be in a position to properly assess the implications for the changes.
- 5.12 Notwithstanding the above, the developer has agreed to provide improved planting to the perimeter of the exhibit areas. This will provide further mitigation of the impact of the development in landscape terms and can be secured by way of appropriately worded condition. Subject to that condition, there is no Landscape objection to the proposed development.
- 5.13 Officers acknowledge that the site is within the former park land associated with the Hollywood Towers Estate which includes listed buildings. The proposed development is well distanced from the listed buildings such that there would

be very minimal impact upon the setting of those buildings. This matter is considered in more detail below.

5.14 Arboricultural Considerations

The development would take place in ancient woodland associated with Black Horse Wood (SNCI). Ecological issues relating to the SNCI and ancient woodland status are specifically addressed below.

5.15 In terms of the impact of the development upon trees contained within the site, this is minimal. The construction of structures and enclosure fencing within the exhibit would utilise special foundations designed to avoid major tree roots, whilst it is proposed only to remove 1 category 'c' tree (which is of limited value). It is also noted that services will be provided under the proposed walkways and as such do not involve ground works.

5.16 The application includes an arboricultural report and subject to the development proceeding in accordance with the findings and recommendations of the report, there is no objection to the proposed development in arboricultural terms. This can be secured by way of appropriately worded condition.

5.17 Natural Environment

The site is Ancient Woodland associated with Black Horse Wood. Black Horse Wood is a Site of Nature Conservation Interest (SNCI).

5.18 The Woodlands Trust have made specific and relevant objection to the proposed development; and, this is on the grounds of the loss of ancient woodland. This is an 'in principle' objection and in particular argue that the proposed development would be in direct contravention of National Planning Policy.

5.19 Section 11 of the National Planning Policy Framework (NPPF) is particularly relevant to this issue. Paragraph 118 of the NPPF sets out that *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitat, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.*

5.20 It is noted that paragraph 173c of the revised NPPF seeks to strengthen this protection. In particular, the presumption to refuse development affecting ancient woodland persists '*unless there are wholly exceptional reasons and suitable mitigation strategy exists*'. Exceptional reasons referred to include 'infrastructure projects' where the public benefit would clearly outweigh the loss or deterioration of habitat. Given that the revised wording is still at consultation stage, this is attributed limited weight.

5.21 Notwithstanding the proposed revisions to the NPPF, the protection afforded to ancient woodland habitat in the current NPPF is clear. The wording of the current NPPF effectively over-rides the presumption in favour of sustainable development on sites made up of ancient woodland. The first test, therefore is whether or not there would be loss or deterioration of the ancient woodland as

- a result of this development proposal; and whether mitigation would effectively neutralise this impact.
- 5.22 It is important to note that, whilst this application is made in full, there is an extant 'outline' planning permission which includes the creation of the British Ancient Woodland and this proposal is broadly consistent with the scope of that consent. In particular, it would involve the introduction of animal exhibits onto the ground within the ancient woodland. On this basis, officers consider that a precedent has been set for allowing the proposal. Significant weight is afforded to this factor in considering this planning application.
- 5.23 Officers have visited the site and engaged in specific discussion with the developer in respect of the impact of the development on the ancient woodland interest. The site is well used as part of the wider zoo visitor attraction including outdoor education activities. It is evident from the site visit (and additional evidence submitted by the applicant) that the existing trees are consistent with historic clearance. The existing trees are relatively young and there are no 'veteran trees' within the application area or affected by the development. These factors mean that the current condition of the Blackhorse Ancient Woodland is somewhat degraded. Government Guidance; 'The Ancient Woodland and Veteran Trees: protecting them from development' sets out that the condition of an ancient woodland should not be used in favour of a development proposal. The logic behind this, is that it is possible to improve its condition with good management proposals. The guidance goes on to suggest that it may be relevant to consider the scope to improve condition as part of compensation measures if consent is to be granted.
- 5.24 The result of this proposal is that access to the majority of the ancient woodland area would be restricted. Although animal activity (zoological exhibit) would be introduced, the aim of the applicant is to minimise disturbance to the ancient woodland site. The South Gloucestershire Ecologist is satisfied that there will be no direct loss of the ancient woodland and it will continue to function as habitat. The main area of concern is to ensure that there is no further deterioration of it as a result of the development.
- 5.25 As part of the consideration of the application, the applicant has provided additional ecological survey information and provided specific monitoring and mitigation measures. The South Gloucestershire Ecologist is satisfied that the more diverse area of ground flora will not be lost, and that adequate triggers are in place to ensure that the development will not cause deterioration of irreplaceable habitat. Furthermore it is noted that the applicant also proposes enhancement measures to ensure that no biodiversity is lost and biodiversity gain is brought about as part of the development.
- 5.26 Accordingly, whilst there will be some impact as a result of the development in the ancient woodland, officers are satisfied that there is sufficient measures in place to ensure that the ancient woodland is not degraded and not lost. An appropriately worded planning condition can be added to any planning permission in order to secure these measures are implemented. Subject to that condition, the proposed development is consistent with the objectives of the NPPF.

5.27 Historic Environment

A number of assets are present on land associated with the site and potentially within the site

5.28 *Buildings and Parkland* – the wider landscape is associated with The Hollywood Tower Estate. Hollywood Tower (House), Hollywood Tower (clock tower) and an associated barn building are all individually listed (as a grade II listed buildings). The group of buildings also includes a model farm complex, which is curtilage listed with Hollywood Tower (house). The immediate surrounding park is a locally registered ‘park and garden’.

5.29 The South Gloucestershire Council Listed Building and Conservation Officer has considered the application in the context of identified statutory and non-designated heritage assets. In particular, it is noted that there is considerable separation between the site and the listed buildings and given this separation and the nature of intervening landscape that there would be no material impact upon the setting of the listed buildings (Hollywood Tower estate); and as such no material impact upon the special interest and significance of the asset.

5.30 Similarly, officers are satisfied that the application site is not within the locally listed parkland associated with the Hollywood Tower estate and is unrelated to it, officers are satisfied that the scope of the development would not result in material impact upon the special interest and significance of the asset.

5.31 *Archaeological Remains* - the site is associated with potential archaeological deposits in the broader locality. The applicant has carried out specific archaeological survey work, and the South Gloucestershire Council Archaeology Officer is satisfied that any archaeological remains that potentially survive is unlikely to be of such significance to preclude development; especially given the limited amount of ground disturbance proposed.

5.32 Therefore there is no objection in principle in terms of the impact on archaeological remains. A condition securing a programme of archaeological investigation and site recording is appropriate and is sufficient to protect and/or record any potential archaeological remains that may be present. Subject to the imposition of that condition the proposed development is acceptable in archaeological terms.

5.33 Drainage Issues

The Lead Local Flood Authority has confirmed that there are no objections to the proposed development in drainage terms. However, the exact measures for controlling surface water resulting from the development should be provided. The applicant has indicated that this information can be made available at the detailed design stage and as such is prepared to provide this by way of planning condition ahead of the commencement of the development. Officers are satisfied that this is an appropriate means of securing the information and subject to the condition there is no objection to the development in drainage terms.



5.34 Residential Amenity

The site is located in a relatively isolated position away from existing residential dwellings. Comments from a local resident in respect of noise and odour concerns are noted. However, the zoological activities on this site are well established and (in particular) wolves are already present on the site and any 'howling' associated with the animals would not materially change as a result of this proposal. Furthermore, any noise nuisance matters are a matter appropriately address under separate environmental health legislation. On this basis, it is considered that there would be no material impact in respect of the residential amenity and privacy of the occupants of surrounding dwellings.

5.35 Transportation and Highway Safety

Visitor access to the site would utilise the existing visitor parking and access arrangements associated with the 'Wild Places' visitor attraction and also implemented in connection with the development of the National Wildlife Conservation Park. Staffing and servicing of the exhibit would utilise an existing access road to the zoo horticultural nursery and the Gelada Monkey exhibit. It is considered that the level of movements associated with that access would generally be internal, relating to maintenance of the exhibit and would not add any material movements to the highway network. Overall, given the scale of the proposed development and its position within the existing zoological attraction, it is not considered that the proposed development would result in a materially greater impact over and above the existing visitor numbers to the site generally. On this basis, it is considered that the proposed development would not materially impact upon the highway safety, capacity or amenity of the surrounding highway network.

5.36 The Highway Authority has commented noting that there are specific transportation measures and requirements triggered by a visitor threshold associated with the development of the National Wildlife Conservation Park. These triggers are secured by a s106 legal agreement which was altered by Deed of Variation. Essentially, the transportation measures and requirements are triggered when visitor numbers reach 250,000 (the visitor threshold) and this is sustained over a period of three consecutive years. However, at this stage, it is understood that this visitor threshold has not been reached. This development would not necessarily result in visitor numbers rising to a degree that would trigger these measures and requirements.

5.37 It is noted that this application stands alone in that it is submitted in full. However, the extant and varied s106 agreement makes provision for ensuring that future planning applications coming forward on the NWCP site and being similar in scope would continue to be bound by the terms of the s106 and subsequent variation. Furthermore, visitor numbers are counted at the point of entry to the whole park. This development forms an intrinsic part of the NWCP development and cannot exist in isolation to it. Therefore, in this instance it is not necessary for a further s106 to be required as the scope of this application is adequately covered by the existing agreement; and, an informative to that effect will be added to any decision to approve the development.

5.38 Comments from the public regarding the position of pedestrian footways (that would be provided as part of future transportation measures and requirements)

are noted. In particular the location/position of the footways on Blackhorse Hill and elsewhere as part of the development are not for consideration under this application. The detail relating to those measures was considered at the time that the original planning application was assessed by the LPA. At that time, the Highway Authority considered that the measures are appropriate and provide the necessary highway safety improvements in scale with the development of the NWCP. This proposal would not introduce impacts that require alteration of the agreed highway measures.

#### 5.39 Public Safety

The exhibit animals are potentially dangerous animals, albeit bred in captivity. The safety of the public is a matter for the management of the visitor attraction to ensure. It is also in the interest of the management of the visitor attraction to ensure that the chances of the very valuable animals to escape is precluded. To this end, the applicant has provided information that explains that the development will provide specific measures for the protection of visitors and to prevent the animals from escaping. Accordingly, officers are satisfied that appropriate safety measures will be implemented as part of the development.

#### 5.40 Economic Considerations

Although the proposed development is relatively modest in scale it would facilitate the continued implementation of the NWCP project; and in turn would contribute to the positive economic nature of the attraction as a whole. On this basis, officers consider that the proposed development would represent positive and sustainable economic development in South Gloucestershire.

#### 5.41 Equalities

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

5.42 With regards to the above this planning application would provide DDA compliant means of access to the new exhibit and in particular provide the means for disable visitors to access the attraction. This is considered to have a positive impact on equality.

## 6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan, Core Strategy (Adopted) December 2017 and the South Gloucestershire Policies Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 That Planning Permission is GRANTED subject to the conditions set out below.

**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. Ecology Mitigation and Monitoring

The development shall proceed strictly in accordance with with the recommendations set out in Section 6 of the Ecological Report by Wessex Ecological Consultancy (dated October, 2017 and received by the Local Planning Authority on 15th December 2017) and the Ground Flora Monitoring Proposal and Working Statement to Minimise Impacts on Ground Flora Arising from Fencing Enclosure by Wessex Ecological Consultancy (as received by the Local Planning Authority on 16th April, 2018)

For the avoidance of doubt the developer shall ensure that that footpaths and buildings are not located within areas identified of value for their ground flora, impacts of fencing on ground flora is minimised, avoiding disturbance/harm to breeding birds and great crested newts, retaining dead wood on site, erection of bird and bat boxes, pre-construction check for badger setts and hedgehogs, inclusion of hedgehog 'friendly' fencing and the long-term monitoring of the ground flora.

Reason

In order to protect the ecological value of Blackhorse Wood Site of Nature Conservation Interest and Ancient Woodland designation and to accord with Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013, Policy PSP3 and PSP19 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

### 3. Ecology Bat/Bird Boxes

Prior to the first use and occupation of the development hereby approved full details of the type and a location plan of six bird and bat boxes (as set out in Section 6 of the Ecological Report by Wessex Ecological Consultancy (dated October, 2017 and received by the Local Planning Authority on 15th December 2017) should be submitted to the local planning authority for approval in writing. Thereafter the development shall proceed in accordance with the agreed details.

#### Reason

In order to protect the ecological value of Blackhorse Wood Site of Nature Conservation Interest and Ancient Woodland designation and to accord with Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013, Policy PSP3 and PSP19 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

### 4. Landscape Improvements.

Prior to the commencement of the development hereby approved full details of landscaping to be introduced to the perimeter of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed landscaping shall be provided in the next available planting season following the completion of the development. Any plant specimens which die, become diseased or are otherwise removed within the first five years of planting shall be replaced with the same plant species in the next available planting season.

#### Reason

In the interests of the character and visual amenity of the site and the surrounding location and to accord with Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted December 2013; and Policy PSP2 and PSP3 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

This is a pre-commencement condition so as to avoid unnecessary remediation works post development.

### 5. Sustainable Drainage Details

Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

#### Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP20 of the Policies, Sites and Places Plan (adopted November 2017.

This is a pre-commencement condition so as to avoid unnecessary remediation works post development.

6. Comply with Arboricultural Report

The development hereby approved shall be implemented in accordance with the Arboricultural Report as received by the Local Planning Authority on 15th December 2017

Reason

In order to protect the arboricultural value of Blackhorse Wood Site of Nature Conservation Interest and Ancient Woodland designation and to accord with Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013, Policy PSP2, PSP3 and PSP19 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

7. Archaeology

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 order to protect potential archaeological remains and to accord with Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013, and PSP17 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017

This is a pre-commencement condition so as to avoid unnecessary remediation works post development.

8. Plans List

The development hereby approved shall proceed in accordance with the plans listed below.

10808-001 Rev A (Site Location Plan)

as received by the Local Planning Authority on 20th April 2018

10808-002 Rev A (Existing Site Plan)

10808-100 Rev A (Proposed Site Plan and Guest Walkway)

10808-101 Rev A (Proposed Animal Buildings and Access)

10808-102 Rev A (Proposed Key Feature Areas)

10808-103 Rev A (Proposed Maintenance and Services)

10808-104 Rev A (Proposed Walkway Sections)

10808-105 Rev A (Proposed Construction Access Plan)

10808-106 Rev A (Proposed Tree Root Protection Plan)

10808-107 Rev A (Proposed Flood Water Management)

10808-201 Rev A (Proposed Guest Village Building Layouts)

10808-202 Rev A (Proposed Guest Village Landscape Plan)

10808-203 Rev A (Proposed Classroom Building Elevations)  
10808-204 Rev A (Proposed Cafe Interpretation Building Elevations)

10808-300 Rev A (Proposed Bear and Wolf House Floor Plan)  
10808-301 Rev A (Proposed Bear and Wolf House - Sections)  
10808-302 Rev A (Proposed Bear and Wolf House Elevations)

10808-400 Rev A (Proposed Wolverine Compound and Viewing)  
10808-401 Rev A (Proposed Wolverine Building Sections)  
10808-402 Rev A (Proposed Wolverine Elevations)

10808-500 Rev A (Proposed Lynx House and Viewing Platform )  
10808-501 Rev A (Proposed Lynx House and Viewing Platform)

10808-600 Rev A (Bear Den Layout and Section)

10808-700 Rev A (Proposed Fence Details)  
10808-701 Rev A (Proposed Walkway Details)  
10808-702 Rev A (Proposed Walkway Sections)  
10808-703 Rev A (Proposed Walkway Sections)  
10808-704 Rev A (Proposed Walkway Sections)  
10808-705 Rev A (Proposed Walkway Sections)

10808-800 Rev A (Proposed Time Chamber)

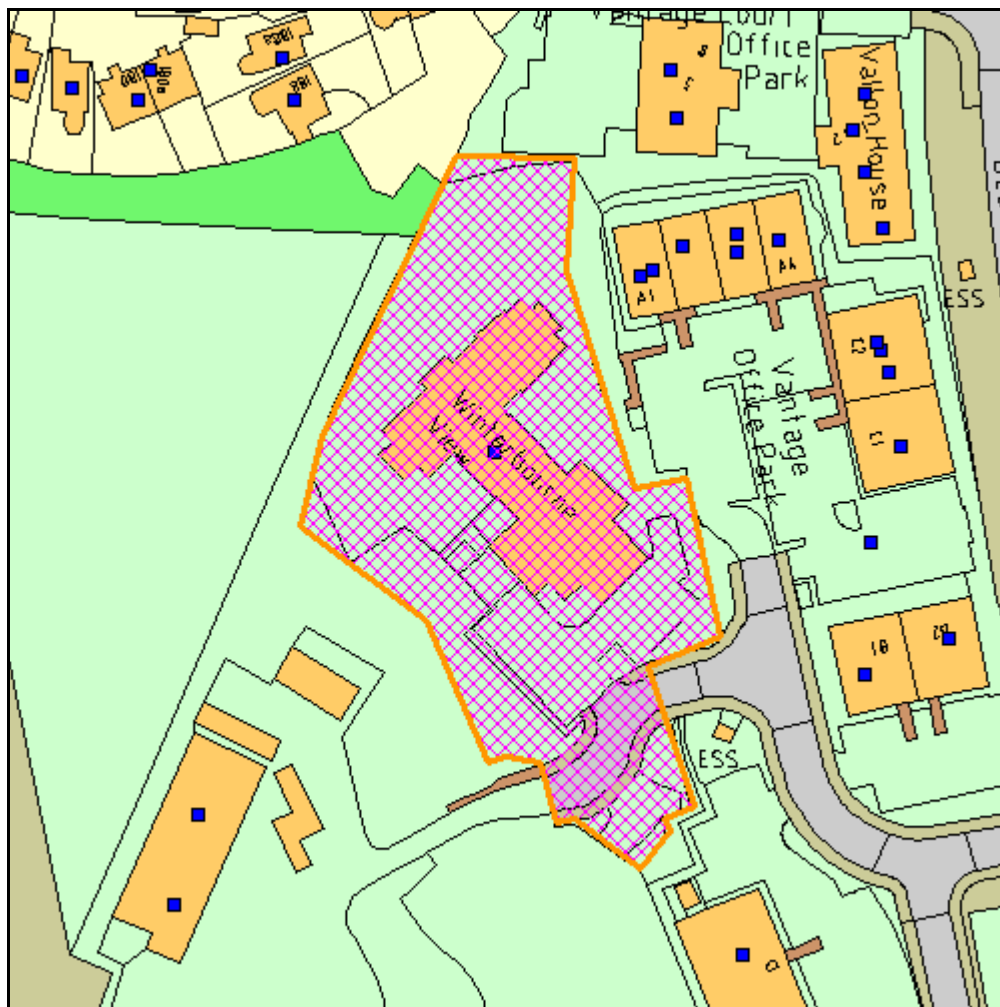
as received by the Local Planning Authority on 15th December 2017

Reason

For the avoidance of doubt.

**CIRCULATED SCHEDULE NO. 20/18 – 18 MAY 2018**

<b>App No.:</b>	PT18/0653/F	<b>Applicant:</b>	Advantage Care Nursing Home Ltd
<b>Site:</b>	Former GB Neuro Building Vantage Park Old Gloucester Road Hambrook Bristol South Gloucestershire	<b>Date Reg:</b>	14th February 2018
<b>Proposal:</b>	Erection of front, side and rear extensions, external alterations, landscaping and associated works to form 66 no. bed dementia nursing home with provision for 10 no. resident members of staff (Resubmission of PT17/2981/F)	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	363312 180575	<b>Ward:</b>	Bradley Stoke South
<b>Application Category:</b>	Minor	<b>Target Date:</b>	11th April 2018



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## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

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

Members will also recall that the previous application PT17/2981/F was for a similar development proposal which was considered at the Development Control (West) Committee on 19 October 2017 and subsequently refused for the reason set out in paragraph 3.2 of this report.

### **1. THE PROPOSAL**

- 1.1 The site consists of the former GB Neuro Building (or Winterbourne View Nursing Home) and its associated buildings and grounds. To the southwest is the Bristol Motorcycle Training Centre and to the east lie Bristol Vantage Office Park Units A1-4 and C1-2 with parking in front. All form part of the Vantage Office Park located off Old Gloucester Road (B4427) near its junction with Winterbourne Road (B4057). To the north, beyond a large triangle of vacant, overgrown land, are houses along Ellen Hay Road in Bradley Stoke. Access to the site is from the Park's spine road.
- 1.2 Planning permission was first sought on the site for extensions, alterations, landscaping and associated works to form a 73no. bed C2 residential care home with specialist care facilities for people suffering with dementia (PT17/2981/F); the application went to the Development Control (West) Committee on 19 October 2017 with a favourable recommendation from the Council's officer but the planning committee reached a different conclusion, refusing the application on grounds of being cramped. An appeal was lodged against the decision on 14 March 2018 (APP/P0119/W/18/3194885).
- 1.3 In the meanwhile, this application acts as a resubmission of PT17/2981/F in an attempt to overcome the policy 'harm'. If planning permission was granted, it would result in a 66no. bed dementia nursing home with provision for 10no. resident members of staff. Within this application, the access, car and cycle parking arrangements would remain the same but the building's internal layout, external appearance and outdoor space has been modified.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS2 Green Infrastructure



CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS6 Infrastructure and Developer Contributions  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS11 Economic Development Land Distribution  
CS12 Safeguarding Economic Development Areas  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS18 Affordable Housing  
CS20 Extra Care Housing  
CS23 Community Infrastructure and Cultural Activity  
CS24 Green Infrastructure, Sport and Recreation Standards  
CS25 Communities of the North Fringe of Bristol

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP3 Trees and Woodland  
PSP8 Residential Amenity  
PSP11 Transport Impact Management  
PSP16 Parking Standards  
PSP20 Flood Risk, Surface Water and Watercourse Management  
PSP21 Environmental Pollution and Impacts  
PSP44 Open Space, Sport and Recreation

- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007  
Revised Landscape Character Assessment SPD (Adopted) 2014  
Waste Collection SPD (Adopted) 2015 (updated March 2017)

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

- 3.1 The site has been subject to a large number of planning applications in the past but the following are the most relevant:

- 3.2 PT17/2981/F  
Erection of front side and rear extension, external alterations, landscaping and associated works to form 73 no. bed Dementia Nursing Home with provision for 10 no. resident members of staff  
Refusal  
25.08.2017

Reason 1:

By virtue of the increase in size the proposal represents a cramped form of development and is poorly located on a safeguarded employment area. Access to amenity space on site is cramped. There would be poor access to off-site amenity space and other community facilities when the likely needs of the occupants are taken into account. It is considered that the proposal would be contrary to the objective of

paragraph 69 of the NPPF which seeks to facilitate social interactions and create healthy, inclusive communities. It is further considered that the proposal would run counter to a Core planning principle in paragraph 17 of the NPPF in that it would not result in a high quality design and a good standard of amenity for all existing and future occupants of the building. This is therefore contrary to policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013.

Appeal: APP/P0119/W/18/3194885  
*Pending*

- 3.3 PT12/2711/CLP  
Application for certificate of lawfulness for the proposed internal works to create 6no. additional bedrooms (30no. bedrooms total) for existing Class C2 use.  
Approval  
19.09.2012
- 3.4 PT05/1266/F  
Erection of 24 bed unit (Class C2) (as defined in the Town & Country Planning (Use Classes) Amended Order 2005).  
Approval  
05.07.2005
- 3.5 PT03/2952/O  
Erection of new office units (Class B1a) and nursing home (Class C2) of the Town & Country Planning (Use Classes Order 1987) on 2.37 hectares of land. Construction of new vehicular access on land at Junction of Winterbourne Road and Old Gloucester Road (Outline).  
Approval  
16.09.2004

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

- 4.1 Stoke Gifford Parish Council  
No comment
- 4.2 Winterbourne Parish Council  
Objection:  
- parking would be inadequate for the proposed development
- 4.3 Bradley Stoke Town Council  
No objection
- 4.4 Highway Structures  
No objection
- 4.5 Lead Local Flood Authority  
No objection
- 4.6 Sustainable Transport  
Attach conditions requiring submission of full travel plan within 3 months and securing electric charging points

- 4.7 Community Infrastructure and Public Open Space  
No objection
- 4.8 Housing Enabling  
No comment
- 4.9 Wales and West Utilities  
Attach informative advising of Wales and West Utilities apparatus on site
- 4.10 Police Community Safety  
No comment
- 4.11 Environmental Protection  
Attach investigative/remedial land contamination condition and an informative relating to construction site working practices
- 4.12 Tree Officer  
No objection
- 4.13 Landscape Officer  
No objection:  
- recommend climbers are trained up the building or wire supports and window boxes are used
- 4.14 MST Public Open Spaces  
No comment

### **Other Representations**

- 4.15 Local Residents  
4no. letters in total have been received from members of the public. 3no. of these are comments of support which raise the following points:
- benefit of providing local high quality care facility for dementia sufferers
  - resident benefit from improved facilities and quality of life from proposed uses in building
  - would be a well run nursing home given the applicants currently own another residential care home specialising in dementia care
- 1no. comment of objection has been received which is summarised below:
- neighbour amenity harmed from loss of privacy due to overlooking; could be mitigated by opaque glazing
  - the impact of the building's size and bulk could be mitigated by additional planting or boundary treatment
  - construction likely to impact on the amenity of existing occupiers

## **5. ANALYSIS OF PROPOSAL**

- 5.1 The proposed development consists of the redevelopment of an existing residential care home into a 66no. bed dementia care facility with provision for 10no. resident members of staff. The site is located within the North Fringe

Urban Area and a Safeguarded Area for Economic Development as allocated under Policy CS12 of the Core Strategy.

5.2 Principle of Development

Policy CS5 of the Core Strategy identifies that most new development will take place within the Bristol urban areas. The site is located within the North Fringe (policy CS25 of the Core Strategy) which is an area specifically identified first and foremost within policy CS5 as being appropriate for new development. Paragraph 14 of the NPPF makes it clear that where proposals for development accord with the development plan, these should be approved without delay. As the development of this site would accord with the locational strategy, the application can safely continue to be considered.

5.3 The site is within an area marked under policy CS12 of the Core Strategy as being a 'Safeguarded Area' for economic development; policy CS25 also supports employment/economic development being brought forward in the North Fringe. Nonetheless, the site and its associated buildings are known to have been in use as a residential care home (Class C2) previously, but were shut in June 2011. To this end, the lawful use of the site remains C2 Residential Care under PT05/1266/F as referred to in section 3 of this report. In relation to 'safeguarded' sites, policy CS12 indicates that residential use is not acceptable within such areas as provision has been made elsewhere in the Core Strategy. However, given the present legal position, Officers are satisfied that further development of the site for C2 residential care would not undermine but even broadly accord with the scope of policy CS12 as redevelopment will make more efficient use of the land, enhance the character and appearance of the area through better design (provided the revised layout and design has overcome the previous shortcomings) and improve the number and range of jobs available. Officers are also satisfied that the development is consistent with the objectives of policy CS25 to diversify uses in this area.

5.4 Turning back to policy CS5, it allows for new residential development including C2 Residential Care Homes within the existing urban area – provided it is in accordance with policy CS25. Notwithstanding the existing C2 care use established at the site, weight can be given in favour of the scheme to reflect that it would address the increasing demand for care within the population and, specifically, dementia care.

5.5 Design

The site comprises a large three and two storey brick/rendered building set halfway up a steep overgrown hillside to the south of properties along Ellen Hay Road. Although the site is in a prominent location, views of the building from the wider area are reasonably restricted largely due to much of the lower lying existing commercial office development in front blocking many views of the site.

5.6 In refusing the previous application, the Council noted the proposal would have a cramped layout and poor quality external finish due to utilising materials which would not age well. In response, the present proposal seeks to reduce the number of beds from 73 - 66, increase the number of external resident accesses from 5 - 7, and introduce 3no. themed rooms (teashop, pub and

lounge), a new library/cinema space, a new faith room, a new hair salon, a new gym, 8no. activity zones and 2no. quiet rooms. Furthermore, externally the existing two storey brick/render link will be timber clad and the proposed window panels will no longer be all light green but multi-coloured. However, the footprint of the proposed building appears to be the same as that of the refused scheme. Please see a breakdown of the new facilities on each floor below:

#### **Ground floor**

- library/cinema
- 2no. resident activity areas
- hair salon

#### **Upper ground floor**

- quiet room
- 2no. resident activity areas
- faith room
- 2no. themed rooms (teashop and pub)
- 7no. resident access points

#### **First floor**

- quiet room
- 2no. resident activity areas
- gym
- themed room (lounge)

#### **Second floor**

- 2no. resident activity areas

5.7 With regard to the revised design, particularly internally, it appears to the officer that the applicant has listened to the Council's concerns, namely the provision of shared destinations for residents, beyond the confines of their accommodation yet in an accessible, safe and sheltered environment. It would provide dedicated spaces for ongoing activity and use throughout the day as a leisure venue, social area and therapeutic facility which could be used on an informal and an organised basis by residents together with their care workers and visitors. Furthermore, wrapping the two storey link provides a strong sense of uniformity throughout whilst the varied size and design of the fenestration, and the occasional use of double height coloured panelling, breaks up the massing and depth of the building plus providing visual interest. Officers are also satisfied that the main external treatment i.e. western red cedar would mellow well with age.

5.8 In conclusion, it is considered the revised scheme has overcome the Council's previous concerns relating to layout and design. Weight is therefore given to the fact that this is an existing building that is being adapted and improved and the overall visual appearance has been found acceptable.

5.9 Open Space  
Concern was previously raised against development on the site with regard to the living conditions of future residents relating to the lack of open space. Existing open space within the community is very limited so it was considered

important residents, and their families, had access to a range of high-quality open space on-site. Going outdoors has been shown to have multiple benefits including providing physical exercise, helping to maintain normal sleeping patterns and daily rhythms, improving mood and helping people cope with street.

- 5.10 In response, the scheme has been remodelling so that the open space becomes an integral component of the overall design of the development, rather than being left to a planning condition. Improvements include:
- additional resident access points to the outside amenity areas;
  - looped paths edged in contrasting colour and wide enough for two users walking or in wheelchairs to pass easily;
  - seating areas with space for wheelchairs;
  - raised production beds, edible planting and fruit bearing trees;
  - flexible areas for activities such as table tennis, beanbag toss, games etc.

Please see the table below for how this translates into quantity (and how it compares to the rejected 73no. bed scheme):

Open space type	Refused 73no. bed scheme PT17/2981/F	Current 66no. bed scheme PT18/0653/F
Informal recreational open space	Adequate space provided on site	Adequate space provided on site
Natural and semi natural open space	Adequate space provided on site	Adequate space provided on site
Outdoor sports facilities	Shortfall in provision by 174.58 square metres	Adequate space provided on site
Provision for children and young people	No additional need generated	No additional need generated
Allotments	Shortfall in provision by 86.96 square metres	Adequate space provided on site

- 5.11 Based on the above, Officers are satisfied that the proposal overcomes the previous policy 'harm'. It would provide a good level of open space of a much higher quality than was previously proposed and that exists at the site. Weight is therefore given to the fact that policy CS24 is fully complied with.

5.12 Landscaping

Landscaping was not previously cited as a reason for refusal because the landscape proposals at the time were improved in accordance with the majority of Officer comments. It has, however, again been suggested (from specialists and local residents alike) that climbers and window boxes could be used to soften the bulk of the proposed retrofit. The applicant was approached about these suggestions under rejected application PT17/2981/F but they were unwilling to include them because of maintenance difficulties, for example, having to through residents bedrooms to tend window boxes. Furthermore, it is already considered that the proposal would make a positive contribution to the area, respect its surroundings and represents good design. Weight is therefore given to the fact that additional amendments not considered necessary.

5.13 Amenity

The 73no. bed scheme was not refused on its impact on neighbour amenity. However, a local resident has objected to the revised scheme on the grounds of loss of privacy and noise and disturbance from construction. Properties along Ellen Hay Road are sited to the rear of the application site. Given the degree of separation and topography, Officers are not persuaded that the living conditions of occupiers of properties along Ellen Hay Road would be affected by the development through overlooking. Furthermore there is nothing to suggest that these houses, which are modern, are not well insulated against noise. However, it is acknowledged that during the construction phase heavier vehicles would visit the site and there could be some additional noise associated with building operations. This is common to most building developments and is temporary. Conditions can be imposed which would restrict the hours of working to ensure that construction is effectively managed to keep any disturbance to a minimum.

5.14 On that basis, it is not considered that the proposal would result in any significant harm to the living conditions of nearby occupiers. Therefore in terms of the presumption in favour of sustainable development this is given favourable weight.

5.15 Transport

The Council's rejection of the 73no. bed scheme was also hugely based on the remoteness of the site. Clearly the distance from many facilities would make the application site unsuitable for housing that would be available on the open market. However, in its assessment the Council did not consider the existing or future need for specialist dementia care. Neither did it recognise the benefits of remodelling an existing, formerly established care home that would provide future occupants with a significant range of services that those residents would need.

5.16 In Officers view the fallback position of returning it to full operation as it, which has a reasonable prospect of happening, is a significant material consideration. Residents would be provided with most of their daily and weekly needs through the care home, and it is unlikely many would have needs that require them to travel further afield. Visitors would have to travel further for the occasional shopping or social visit, but could do so knowing that their relatives would be adequately cared for. Staff would be likely to travel to the site by car in order to work, but the submitted preliminary Travel Plan indicates the applicant would seek to maximise the opportunity for combined trips, walking, cycling and the use of public transport and restrict the number of trips taken by private car; a full travel plan can be secured by way of condition as can electric charging points. This would enable them to serve the needs of many residents whilst being sustainable. All these factors suggest that the application site is an exceptional one, where the benefits of co-location with improved facilities would outweigh the disadvantages associated with its otherwise rather remote and isolated location.

- 5.17 While Officers can understand the concerns of the Parish Council, who unsurprisingly equate greater number of residents and staff with more vehicle movements, the nature of the scheme suggests that the proposal is unlikely to be materially different in this respect to the previous 73no. bed scheme. Neither the Council previously nor the Highways Officer now raise objections in respect of highway safety or the capacity of the local roads to satisfactorily cope with the level or nature of the traffic likely to be generated. Therefore while increased vehicular activity would in all probability be at levels which would be noticeable, there is nothing to suggest that it would be to an extent which would materially increase the prospect of highway danger or cause an unacceptable degree of noise and disturbance for local people.
- 5.18 It is therefore concluded that notwithstanding the apparent conflict with CS12 of the Core Strategy, the site would be a suitable location for provision of dementia/extra care accommodation. The proposal would accord with policy CS20, insofar as it would address the needs of a particularly vulnerable group within the wider population. Weight is therefore given to the fact that, subject to condition, the proposal would not be materially harmful to sustainability matters.
- 5.19 Potential Contamination  
The previous application was not refused on the grounds of land contamination, however, it still poses an unacceptable risk to the health of future occupiers. Previously it was considered reasonable and appropriate to carry out investigation to establish whether there was any contamination on site and Officers again consider that this matter can be appropriately addressed by condition. Weight is therefore given to the fact that any significant harm can be mitigated.
- 5.20 Impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.21 With regards to the above this planning application is considered to have a neutral impact on equality.
- 5.22 Conclusions  
The principle of using the site at Hambrook for a significant expansion of specialist dementia care has been found acceptable. It is considered that there is a realistic prospect of this happening since the proposed building is already in residential care operation. The revised scheme has been designed for dementia sufferers through specifically orientated facilities. On that basis, it is considered that there is every probability that there will be a continuing and



increasing demand for this specialist residential dementia care unit in both the wider and more local area. The proposed development would make a significant contribution towards meeting those needs.

5.23 From the analysis above, it has been concluded that the proposal would not have an adverse impact upon the character and appearance of the area or residential amenity. Additionally, it would promote sustainable patterns of development. While the scheme would be somewhat contrary to development plan policy CS12, it would provide substantial benefits in contributing to the residential care needs of dementia sufferers. It is considered that those benefits to be of substantial weight to justify setting aside the disadvantages of the site's employment location. Furthermore, Officers conclude that the revised proposal has adequately addressed the previous refusal reason.

5.24 In reaching this conclusion, Officers have had regard to all other matters raised in representations made but found nothing to alter the view that on balance the proposed development is acceptable. Therefore it is recommended that planning permission is granted subject to conditions.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

7.1 It is recommended that planning permission is GRANTED subject to the conditions listed below.

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

## **CONDITIONS**

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

Reason

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

2. A) Prior to commencement a ground gas risk assessment shall be carried out. This shall include a review of any ground gas risk assessments carried out for the

original building. If information with regard to any protection required for the original building is not available then the risk assessment should include monitoring in accordance with current best practice and guidance. 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 (Remediation Strategy). The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures.

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

C) 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 with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

#### Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework. This is required prior to commencement of development as there is the potential for ground gases from an infilled clay pit which is within 50 metres of the site.

3. Within 3 months of first use of the building, a full travel plan shall be submitted to the Local Planning Authority for approval. The agreed scheme shall thereafter be implemented, monitored and reviewed as agreed in the travel plan.

#### Reason

In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

4. Prior to first occupation of the development hereby permitted, details of electric charging points for all staff and visitor parking bays shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

#### Reason

In the interests of environmentally and sustainable travel and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP6, PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

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

Reason

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

6. The development shall be implemented strictly in accordance with the following documents:

Received 07.02.2018:

Correspondence  
Correspondence  
Design & Access Statement  
Planning Statement  
Transport Assessment  
Travel Plan  
Landscape Masterplan (1222-01 Rev D)  
Existing Ground Floor Plan (PL01)  
Existing Upper Ground Floor Plan (PL02)  
Existing First Floor Plan (PL03)  
Existing Roof Plan (PL04)  
Existing SE SW Elevations (PL05)  
Existing NE NW Elevations (PL06)  
Proposed Ground Floor Plan (PL11 Rev A)  
Proposed First Floor Plan (PL13 Rev A)  
Proposed Second Floor Plan (PL14 Rev A)  
Site Location and Existing Block Plan (PL20)  
Proposed Block Plan (PL22)  
Photograph and 3D Drawing

Received 09.02.2018:

Correspondence  
Planning Statement

Received 13.02.2018:

Proposed SE and SW Elevations (PL15 Rev B)  
Proposed NE and NW Elevations (PL16 Rev B)  
Proposed SE and NW Part Elevation Plans (PL17)  
Proposed Roof Plan (PL18)  
Existing Block Plan (PL21 Rev A)

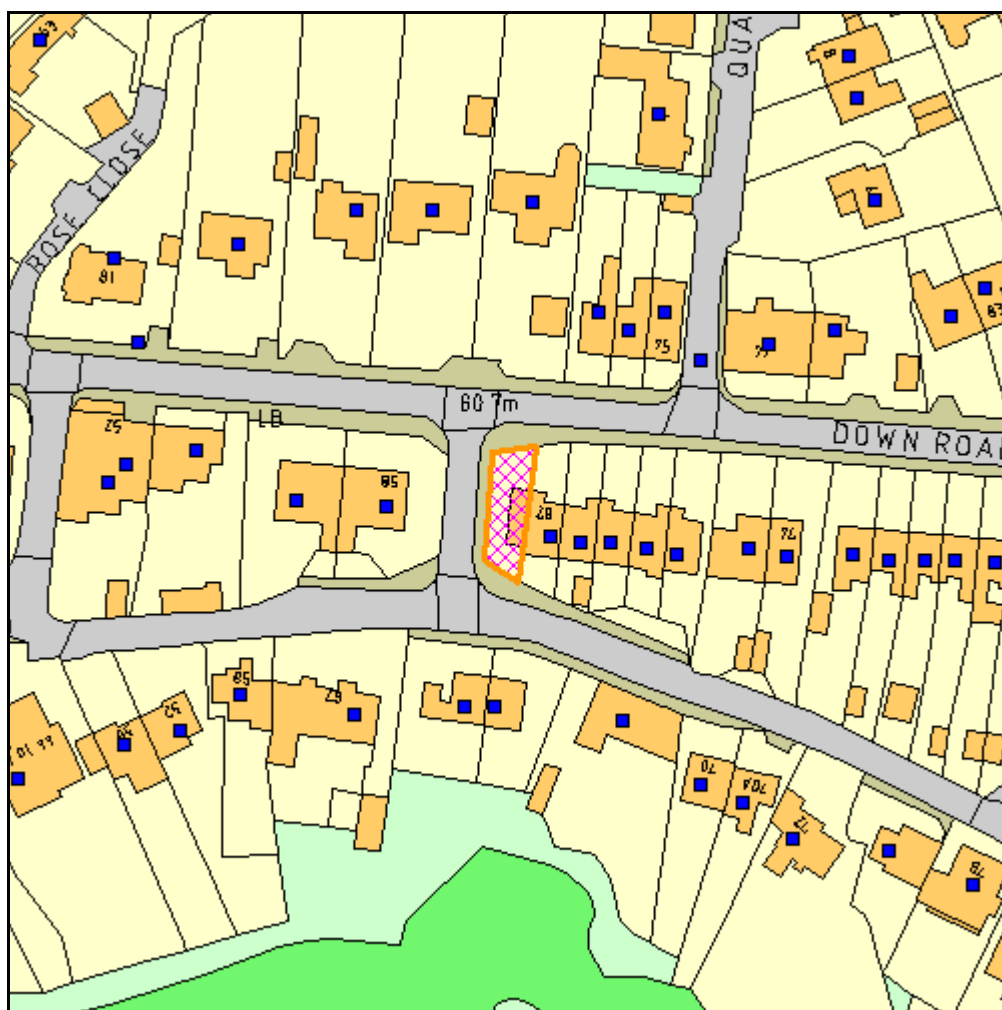
Received 14.02.2018:  
Existing Part NW and SE Elevation Plans (PL07 Rev A)  
Proposed Part NW Elevation Plan (PL19)

Received 06.04.2018:  
Proposed Upper Ground Floor Plan (PL12 Rev C)  
Correspondence

Reason  
For the avoidance of doubt.

**CIRCULATED SCHEDULE NO. 20/18 – 18 MAY 2018**

<b>App No.:</b>	PT18/0759/F	<b>Applicant:</b>	Mr And Mrs Stevens
<b>Site:</b>	62 Down Road Winterbourne Down Bristol South Gloucestershire BS36 1BZ	<b>Date Reg:</b>	19th February 2018
<b>Proposal:</b>	Sub division of existing dwelling to include erection of two storey side extension to form 2no. dwellings.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365301 179625	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th April 2018



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 100023410, 2008. N.T.S. PT18/0759/F

## **REASONS FOR REFERRING TO CIRCULATED SCHEDULE**

Comments have been received contrary to the findings of this report. Under the current scheme of delegation, it is required to be taken forward under circulated schedule as a result.

### **1. THE PROPOSAL**

- 1.1 The proposal seeks to erect a two storey side extension in order to subdivide the property to form 1 no new dwelling.
- 1.2 The subject property is a terraced mid to late-20th century property with a gabled roof, part rendered and part brick elevations. The property has been extended over two storeys to the side.
- 1.3 The subject property is situated in the built up residential area of Winterbourne Down.
- 1.4 Pre-application discussions were held prior to the submission of the planning application.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance

#### 2.2 Development Plans

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

CS1 High Quality Design  
CS4a Sustainable Development  
CS5 Location of Development  
CS6 Infrastructure and Developer Contributions  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS23 Community Infrastructure

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

PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP11 Transport Impact Management  
PSP16 Parking Standards  
PSP20 Flood Risk and Water Course Management  
PSP38 Development within Existing Residential Curtilages  
PSP39 Residential Conversions and Subdivisions  
PSP42 Custom Build Dwellings  
PSP43 Private Amenity Space

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

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

- 3.1 PRE17/1095 – Enquiry – 29/11/2017 – Extend the existing extension and split the property into two separate dwellings.  
3.2 P97/2304 – Approval – 06/11/1997 – Erection of first floor side extension and extension to garage.  
3.3 P86/2107 – Approval – 03/09/1986 – Erection of single storey extension to form an attached single garage.

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
Objection due to insufficient parking for 2no properties.

4.2 Other Consultees

Transport Officer

Requested a further parking space is provided. This is discussed in the transport section of the report.

Lead Local Flood Authority

No objection in principle but requests further information is provided with regard to connection to the mains systems.

Highway Structures

If the application includes a structure that will support the highway or support the land above a highway. No construction is to be carried out without first providing the Highway Structures team with documents in accordance with BD2/12 of the Design Manual for Roads and Bridges that will allow formal Technical Approval of the proposals to be carried out. The applicant will be required to pay the fees associated with the review of the submission whether they are accepted or rejected.

Or

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

### **Other Representations**

- 4.3 Local Residents  
None Received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy CS5 of the Core Strategy directs most new development to the urban areas on the North and East Fringes of Bristol and settlements with defined settlement boundaries. The proposal site is located within Winterbourne Down and is therefore viewed as an acceptable location for residential development subject to site specific consideration.

5.2 PSP38 states development within existing residential curtilages will be acceptable provided that it would not harm the character and amenity of the area; would not prejudice the residential amenity of neighbours; provide adequate amenity space; and the proposal would provide parking in line with the parking standards. The proposal is subject to the consideration below.

### 5.3 Design

The proposal would extend the existing property almost as far as the boundary with the highway. The extension would match the scale and appearance of the existing structure and the remainder of the terrace and would therefore be viewed as in keeping with the design of the existing property and its context. The proposal would also be the same width to the other properties in the terrace and brick quoins will be introduced to the party boundary in a similar manner to other party boundaries in the row. There is no objection to the appearance of the proposal.

5.4 The proposal would utilise matching render and roof tiles on both properties and as a result there no objection to the proposed material palette. On this basis the proposal is considered to accord with the provisions of CS1, PSP1 and PSP38.

### 5.5 Residential Amenity

Policy PSP8 of the adopted Policies Sites and Places DPD gives the Council's view on the impact on residential amenity. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers whilst providing adequate private amenity space.

5.6 The proposal would replace an existing two storey side extension. This existing extension is around half the width of the existing property. The proposal would extend to around the full width of the original dwelling. Dwellings to the front and rear are separated by the public highway and the dwelling to the side is oriented with the same aspect as the host property and is set at a higher ground level. As a result the amenity of neighbours is not seen to be adversely affected by the proposal.

5.7 The proposal would result in subdivision of a relatively small plot. There are gardens to the front and rear but some of this space will be occupied by parking provision. Nevertheless the proposed new dwelling would be provided around 56m<sup>2</sup> of garden to the front and the existing dwelling would retain the circa 36m<sup>2</sup> to the rear plus around 20m<sup>2</sup> to the front. PSP43 requires that 60m<sup>2</sup> is provided to 3no bedroom dwellings. While the garden spaces would fall just below this, it is by a very small amount and consequently it is thought sufficient



space would be provided for a reasonable living standard and is similar to the provision for other properties in the terrace and therefore no objection is raised in this respect.

5.8 On this basis the proposal is generally acceptable in consideration of residential amenity and therefore accords with the provision of PSP38, PSP43 and PSP39.

5.9 Transport

According to the South Gloucestershire Residential Parking Standards SPD (adopted) December 2013 proposals should provide parking in accordance with the following table:

Type	Spaces
1 Bed dwelling	1
2 Bed dwelling	1.5 <sup>18</sup>
3 Bed dwelling	2
4 Bed dwelling	2
5+Bed dwelling	3

5.10 The proposal would form a new 3 bedroom dwelling. As a result a total of 4 spaces should be provided on site. The proposal has identified 3no spaces on the plan. Objection has been received from the parish and comments from the transport officer have requested an additional space. The proposal would result in the loss of the garage space and 3no spaces in total would be provided following development. While this would fall below the standard it is by a single parking space. The proposal site is located on a slow moving road where there is some on-street parking available to the rear, additionally there is on-street parking to the front of the property on Down Road. Furthermore it is expected that any such on street parking will be used by residential uses as there are few commercial uses in the locality. As a result it is expected sufficient on-street parking is available so as not to result in obstruction or conflict between road users. Paragraph 32 of the NPPF states that developments should only be refused on highways reasons where the cumulative highway impact is severe. For the reasons outlined above that has not be found to be the case.

5.11 Planning Balance

The proposal site is located within the built up residential area of Winterbourne Down. As such it is considered to be an acceptable location for residential development subject to consideration of impacts on design, residential amenity and transport. The appearance of the building has been found to be acceptable and the impact on residential amenity is within acceptable parameters. It is acknowledged that the overall site would fall below requirements in terms of parking provision however sufficient space is provided for one of the dwellings and there are opportunities for on-street parking to the front and rear of the property. Consequently the proposal is not viewed to significantly worsen the situation and therefore this highway impact is not viewed as severe. As stated above paragraph 32 of the NPPF states development should only be refused on transport grounds where the residual highway impact is severe. While some negative weight should be applied to this consideration, overall the modest

benefit to housing land supply has been found to outweigh this transport impact and as no other negative impacts have been identified, permission should be granted.

#### 5.12 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services. With regards to the above this planning application is considered to have a neutral impact on equality.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

**Contact Officer: Hanni Osman**  
**Tel. No. 01454 863787**

### CONDITIONS

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

Reason

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

2. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS shall be submitted for approval in writing to the

Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP20 of the Policies Sites and places DPD (Adopted) November 2017 and the National Planning Policy Framework. This is required prior to commencement as it relates to the resilience of the site in terms of flooding and sewerage.

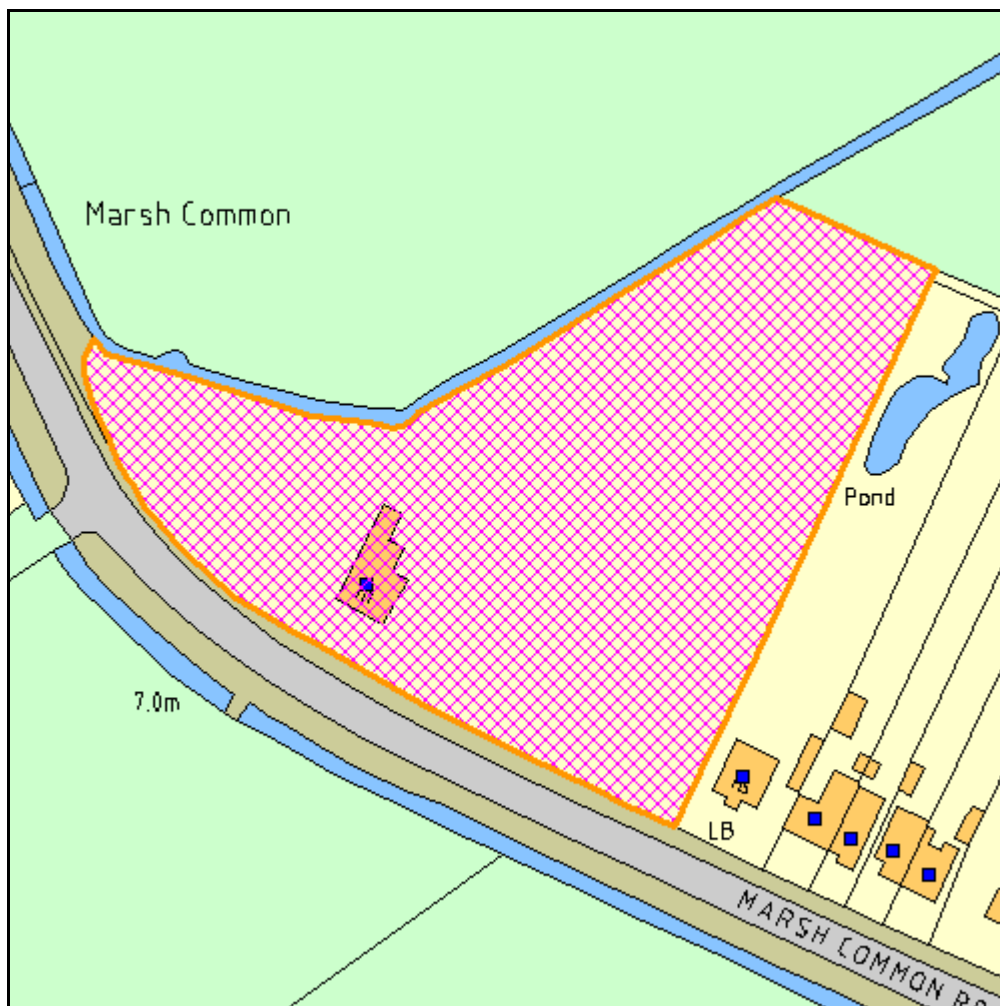
3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan received by the Local Planning Authority on the 14th February 2018 and hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

**CIRCULATED SCHEDULE NO. 20/18 – 18 MAY 2018**

<b>App No.:</b>	PT18/1082/CLP	<b>Applicant:</b>	Mr Terry Whittingham
<b>Site:</b>	Homeland Cottage 111 Marsh Common Road Pilning Bristol South Gloucestershire BS35 4JU	<b>Date Reg:</b>	14th March 2018
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed erection of 3no domestic outbuildings.	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	356285 183522	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>		<b>Target Date:</b>	8th May 2018



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 100023410, 2008. N.T.S. PT18/1082/CLP

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of 3 no. domestic outbuildings at Homeland Cottage, 111 Marsh Common Road, Pilning, would be lawful under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

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

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

- 3.1 PT18/1022/CLE  
Approved: 24/04/2018  
Continued used of land as residential (Use Class C3) (resubmission of PT17/0540/CLE)

- 3.2 PT17/0540/CLE  
Refused: 22/03/2017- Appeal Dismissed  
Application for a certificate of lawfulness for existing use of land as residential curtilage (Use Class C3).

Appeal A (APP/P0119/X/17/3177336)

Appeal Dismissed- Reason:

Since it was found the appeal land was not part of the curtilage of the dwelling, it follows that the material change of its use to domestic garden did not benefit from the exception from “development” contained in s.55 (2)(d) of the 1990 Act, and so amounted to development that required permission.

It follows that because this breach of planning permission took place fewer than ten years before the date of the LDC application, the use of the appeal land as domestic garden has not acquired immunity from enforcement action by virtue of s.171B(3) of the 1990 Act.

- 3.3 PT16/6094/CLP  
Refused: 10/01/2017- Appeal Dismissed.  
Application for certificate of lawfulness for the proposed erection of 3no. domestic outbuildings

Appeal B (APP/P0119/X/17/3176432)

Appeal Dismissed- Reason:

For the reasons set out in my determination of Appeal A, that the appeal land does not form part of the curtilage of Homeland Cottage. That being the case, it is not necessary to go on to consider whether or not the outbuildings would be used for purposes incidental to the dwellinghouse, since their construction on the appeal land would not in any event constitute Permitted Development within the terms of Class E of the GPDO. In the absence of an express grant of planning permission, then, the proposed development would not have been lawful on the date of the LDC application.

- 3.4 PT14/1086/CLP  
Approved: 02/05/2014  
Application for certificate of lawfulness for the proposed erection of a detached swimming pool building.
- 3.5 PT12/3227/CLE  
Approved: 10/05/2013  
Application for Certificate of Lawfulness for existing alterations and extensions to property and garage, not in accordance with planning permission PT06/2521/F.
- 3.6 PT06/2521/F  
Approve with conditions: 06/10/2006  
Partial demolition of existing dwelling to facilitate two storey and single storey extension to form additional living accommodation, including conservatory. Complete demolition of outbuildings to facilitate erection of detached garage and workshop.

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

- 4.1 Pilning and Severn Beach Parish Council  
No comment received

- 4.2 Councillor  
No comment received

#### **Other Representations**

- 4.3 Local Residents  
No comments received

## **5. SUMMARY OF EVIDENCE RECEIVED TO SUPPORT THE APPLICATION**

5.1 The application is supported by the following drawings:

Received by the Council on 7<sup>th</sup> March 2018:

Site Location Plan

Building 1: Plans & Elevations

Building 2: Plans & Elevations

Building 3: Plans & Elevations

Received by the Council on 9<sup>th</sup> May 2018:

Proposed Site Plan

## **6. ANALYSIS OF PROPOSAL**

6.1 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 decision is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application. If the evidence submitted demonstrates that the proposed development is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming this.

6.2 The key issue is to determine whether a proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPD0). Schedule 2, Part 1, Class E of Town and Country Planning (General Permitted Development) Order 2015 (As Amended) allows for the provision within the curtilage of the dwelling house of:- 'any building or enclosure...for a purpose incidental to the enjoyment of the dwellinghouse'. The site did have its permitted development rights removed under application number PT06/2521/F, however this approval no longer stands following a Certificate of Lawfulness issued in 2013 for existing alterations and extensions to the property and garage, not in accordance with the planning permission previously approved. Therefore, the permitted development rights of the property remain intact.

6.3 The proposal is for 3 no. outbuildings. Building 1 is shown to contain a workshop and a garage large enough for 3 no. vehicles, as well as a small toilet. Building 2 consists of a gym, sauna, shower room, toilet and a home cinema to seat ten people. Building no. 3 will contain a snooker room, a bar, a wine cellar, a toilet and a playroom. The buildings are to be situated towards the north-eastern part of the site, with the closest proposed outbuilding being over 40 metres away from the existing dwelling, on the site of a large tennis court at the property. Aerial photographs of the site over the years show the area on which the buildings are proposed to have been used in the following manner:

1991	Agricultural in appearance with barn structure to south
1999	Agricultural, barn still in situ. More overgrown than 1991
2005	Barn removed. Land fenced off separately from house, grassed. Divided from residential curtilage which has trampoline visible on it.
2006	Land fenced off separately from house, small building on land. Overgrown. Divided from residential curtilage which has trampoline visible on it.
2008	Fence removed, tennis court on site, path leading from newly installed swimming pool in residential curtilage to south-west
2014	Tennis court retained on site.

Previous Application PT16/6094/CLP, alongside PT17/0540/CLE were refused for reason of the land in question not considered to form part of the residential curtilage of the dwelling and the proposed outbuildings not considered to be incidental to the enjoyment of the building. The applications were dismissed at appeal (APP/P0119/X/17/3176432) for reason of the appeal land did not form part of the residential curtilage, the inspector did not deem it necessary to consider whether or not the outbuildings would be used for purposes incidental to the dwellinghouse, since the construction on the appeal land would not in any event constitute permitted development within the terms of class E of the GDPO. A recent resubmission (PT18/1022/CLE) for the continued use of the land as residential (Use Class C3) has subsequently been approved due to the land in question having been used as the extended garden for a period in excess of 10 years.

Therefore, as it stands, the area on which the proposed outbuildings are to be sited is lawfully of residential use (Use Class C3), however the 'planning unit' and the 'residential curtilage' of the property may not necessarily cover the same area, and 'residential curtilage' is not classed as a land use. As such, whilst the certificate of lawfulness was granted for the continued use of the land as residential, it should not be construed as implying that the whole application site forms part of the residential curtilage of the property.

6.4 There is no definition within the act as to the meaning of curtilage. In *James v Secretary of State for the Environment* (1990) it was held that there are three criteria for determining whether land is within the curtilage of a building. These are:

- a) Physical Layout
- b) Ownership, past and present
- c) Use or function, past and present

6.5 In *McAlpine v Secretary of State for the Environment and another* (1995) it was found by the judge that the curtilage of a building would have three main characteristics. These are:

- a) Curtilage is constrained to a small area about a building
- b) Curtilage has an intimate association with the building
- c) Curtilage should form part of one enclosure with the house



- 6.6 Whilst it has been found that the land has been used as part of the extended garden, it does not follow that the piece of land is considered part of the dwelling's residential curtilage. With reference to the first judgement the site was previously separated from the original 'curtilage' of the dwelling by a fence and was agricultural in appearance, the use of the land as an extended residential garden has been a gradual process. Turning to the McApline decision, the land in question cannot be described as having an intimate relationship with the main dwellinghouse due to its significant distance from the main property, located in the northeast corner of the site. In conclusion, based on the above, it is not found that the land on which the proposed outbuilding would sit can on the balance of probability be considered to form part of the residential curtilage of the dwelling.
- 6.7 Officers consider that all of the proposed uses of the outbuildings could be defined as for 'a purpose incidental to the enjoyment of the dwellinghouse,' however the scale, distance from the property, and some uses which could be accommodated within the dwellinghouse and its existing outbuildings that suggests otherwise.
- 6.8 The combined floor space of the outbuildings is excessive at 320.7 square metres compared to the 116 square metres occupied by Homeland Cottage, and the outbuildings are between 40 metres and over 60 metres away from the property to which they relate. This is a significant distance, and the relationship between the proposed playroom and Homeland Cottage is particularly distant given the supervision you would expect due to the nature of the use. The applicant has cited the recent case at Woodlands, Ram Hill (APP/P0119/X/16/3145326) whereby the Inspector allowed the appeal against South Gloucestershire Council's decision to refuse to grant a Certificate of Lawfulness for two incidental outbuildings based on their scale and the distance from the dwellinghouse, however this proposal is materially different as the floor space of the outbuildings are much larger in comparison to the dwelling and the distance between the two is much greater than the previously allowed Woodlands appeal.
- 6.9 In the *Emin v Secretary of State for the Environment and Mid-Sussex County Council*, QBD, 1989, 58 P&CR judgement, Sir Graham Eyre QC refers to the need to address "*the nature of the activities to be carried on in the proposed building to ensure that they are incidental or conducive to the very condition of living in the dwellinghouse.*" He explains that the scale of those activities is an important matter and "*in that context the physical sizes of buildings could be a relevant consideration in that they might represent some indicia as to the nature and scale of the activities.*" "*When a matter is looked at as a whole, size may be an important consideration but not by itself conclusive.*" Whilst it is a matter primarily for the occupier to determine what incidental purposes they propose to enjoy, an objective test of reasonableness should be applied having regard to the circumstances of a particular case. Whether a building is required for a purpose associated with the enjoyment of the dwellinghouse "*cannot rely on the unrestrained whim of he who dwells there.*" It was considered that the test to be applied is whether the use of the proposed buildings, when considered in the context of the planning unit, are intended to be, and will

remain, incidental or subordinate to the main use of the property as a dwellinghouse. The scale of the three buildings hereby proposed are not subordinate and the distance from the dwellinghouse prevents them from being considered incidental.

- 6.10 It should also be noted that there is a games room in the existing outbuilding to the front of the site, and so the provision of a 'snooker room' in addition to this is considered to equate to the '*unrestrained whim*' of the occupier, as identified by the Emin case detailed above. Similarly, the garage proposed for a 'car collection' could be accommodated within the existing double garage, and no justification for the additional space has been provided. Furthermore, it is not considered that a ten seater cinema is of an appropriate size for a family living within a four bedroom property and is therefore also considered to equate to the '*unrestrained whim*' of the occupier'. On the balance of the evidence therefore the proposal would not fall within the remit of Class E given that it is not accepted that they would be incidental to the enjoyment of the dwellinghouse.
- 6.11 The remainder of the report is primarily in the interest of fullness of information in order to show that had the proposed outbuildings considered to be incidental to the enjoyment of the host dwelling, both buildings would otherwise have fallen within the remaining criteria of Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 2015.

**E.1 (a) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house);**

The application property is shown to be set within a large plot, and so the existing and proposed buildings (excluding the original dwellinghouse) would not exceed 50% of the total area of the curtilage. The application therefore meets this criterion.

**(b) Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwelling house;**

In establishing the 'principal elevation' the Government's Permitted Development for Householders Technical Guidance (2013) states the following:

*In most cases, the principal elevation will be that part of the house which fronts the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually but not exclusively the principal elevation will be what is understood to be the front of the house.*

The principal elevation of the dwellinghouse is identified as the elevation facing Marsh Common Road – the south west elevation. It exhibits the typical features of a principal elevation such as a front door and prominent windows to habitable rooms. Other houses on the street have the same road facing

principle elevation. It is however noted that there are other entrances which, due to their closer proximity to the drive way, will be used as the main entrance by the occupiers most often. Notwithstanding this, the large door on the south east elevation was not part of the original dwellinghouse, as seen in plans of the existing dwellinghouse as it stood in May 2004 in application number PT06/2521/F. It is the elevation facing the road that sets the postcode for the dwelling.

In conclusion, it is considered that the south west elevation facing Marsh Common Road is, for the purpose of the GDPO, the 'principal elevation'. The three proposed outbuildings would not be forward of this elevation and as such the application meets this criterion.

**(c) The building would have more than one storey;**

The proposed buildings would be single storey.

**(d) The height of the building, enclosure or container would exceed-**

- (i) 4 Metres in the case of a building with a dual-pitched roof,**
- (ii) 2.5 metres in the case of a building or enclosure or container within 2 metres of the boundary of the curtilage of the dwelling house, or**
- (iii) 3 metres in any other case;**

The buildings are not within two metres of the boundary to the site and do not exceed four metres. As the buildings are proposed to have a hipped roof, they are considered to meet this criterion.

**(e) The height to eaves of the building would exceed 2.5 metres;**

The eaves height of the proposed building would not exceed 2.5 metres.

**(f) The building, enclosure, pool or container would be situated within the curtilage of a listed building;**

The dwelling is not a listed building.

**(g) It would include the construction or provision of a veranda, balcony or raised platform;**

The plans do not indicate that a veranda, balcony, or raised platform are proposed.

**(h) It relates to a dwelling or microwave antenna; or**

No microwave antenna is proposed.

**(i) The capacity of the container would exceed 3,500 litres.**

Not applicable.

**E.2 In the case of any land within the curtilage of the dwelling house which is within-**

- (a) A World Heritage Site,**
- (b) A National Park,**
- (c) An Area of Outstanding Natural Beauty, or**
- (d) The Broads,**

**Development is not permitted by Class E if the total area of ground**

covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwelling house would exceed 10 square metres.

The application site is not located within any of the above.

- E.3 In the case of any land within the curtilage of the dwelling house which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwelling house and the boundary of the curtilage of the dwelling house.**

The application site is not located on article 1(5) land.

## **6. RECOMMENDATION**

- 6.1 That a Certificate of Lawfulness for Proposed Development is **REFUSED** for the following reasons:

**Contact Officer: James Reynolds**

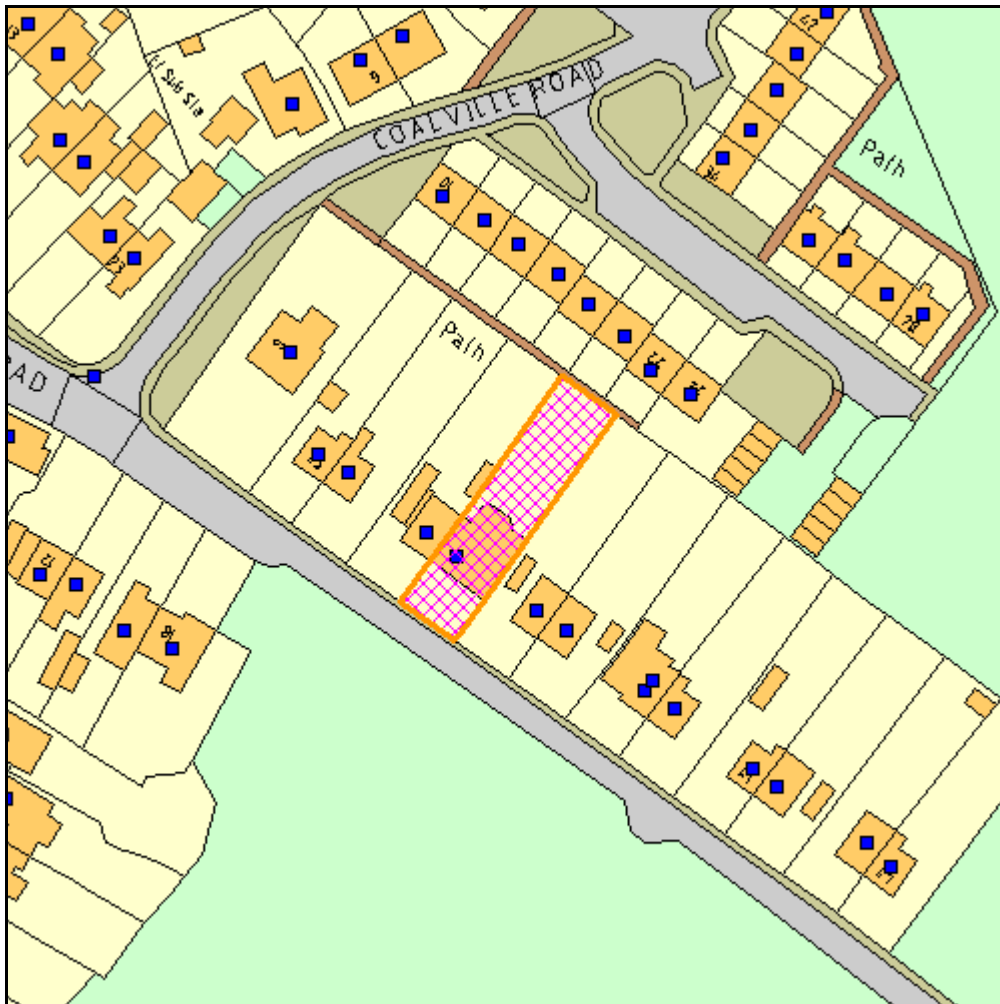
**Tel. No. 01454 864712**

### **REASONS FOR REFUSAL**

1. It is concluded that, on the balance of probabilities, the proposed development could not reasonably be described as for purposes incidental to the enjoyment of the dwellinghouse (Homeland Cottage) due to the scale and location of the proposed buildings. The likely uses in relation to the modest size of the dwellinghouse would go beyond that which may be considered incidental. Accordingly, the development would not constitute permitted development within Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 2015.
2. **Notwithstanding the decision of PT18/1022/CLE to lawfully approve the contained use of land as residential (Use Class C3), it is concluded that the development is proposed on land outside of the lawful residential curtilage of the dwellinghouse (Homeland Cottage). Accordingly, the development would not constitute permitted development within Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 2015.**

**CIRCULATED SCHEDULE NO. 20/18 – 18 MAY 2018**

<b>App No.:</b>	PT18/1403/F	<b>Applicant:</b>	Mr Kieran Austin
<b>Site:</b>	31 Woodside Road Coalpit Heath Bristol South Gloucestershire BS36 2QR	<b>Date Reg:</b>	23rd March 2018
<b>Proposal:</b>	Demolition of existing conservatory. Erection of two storey and single storey rear extension and conversion of integral garage to form annex ancillary to the main dwelling. Alterations to roofline to form gable.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367963 181105	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Householder	<b>Target Date:</b>	15th May 2018



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100023410, 2008. **N.T.S.** **PT18/1403/F**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

The application received comments that are contrary to the Officer recommendation. 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 seeks full planning permission for the demolition of the existing conservatory, the erection of a two storey rear extension, a single storey rear extension and the conversion of the integral garage to form an annex ancillary to the main dwelling. Also, alterations to the roofline to form a gable at 31 Woodside Road Coalpit Heath.
- 1.2 The property site relates to a semi-detached dwelling that is located within the established residential area of Coalpit Heath and within the settlement boundary. The front boundary abuts the Bristol/Bath Green Belt but the site is not within it.
- 1.3 This application follows pre-application advice. While the current submission is a large addition to the property. The proposal submitted with the pre-application advice was substantially larger than what is currently being proposed. In this regard the applicant has heeded the advice provided.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework  
National Planning Policy Guidance

#### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Space Standards

#### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist (Adopted) 2007

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

- 3.1. PT03/3511/F  
Approve with Conditions (24.12.2003)

Erection of two storey side and single storey rear extension to form garage and extended kitchen with bedroom over. Erection of rear conservatory.

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

##### **4.1 Westerleigh Parish Council**

“Westerleigh Parish Council echo the questions/concerns regarding onsite parking and potential increase to on street parking as this application removes the double garage and becomes a 5 Bed dwelling.”

##### **Sustainable Transport**

“Please can the applicant provide a scale plan indicating the access and off street parking available within their site boundary. Note- SGC minimum parking standards state that a 5 bed dwelling requires 3 off street parking spaces, each measuring 2.4m by 4.8m.”

##### **Archaeology**

None received.

#### **Other Representations**

##### **4.2 Local Residents**

None received.

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

##### **5.1 Principle of Development**

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

##### **Annexe test**

For a proposal to be an annexe it should only contain ancillary accommodation to the main dwelling and have some form of functional and physical reliance upon the main dwelling. In this instance the proposal has all the elements of principal living accommodation (i.e. two bedrooms, kitchen/diner, and bathroom) that would enable it to be used as an independent unit of residential accommodation. However, officers note that it would share a garden, parking area and services with the main dwelling. Also, it would be linked to the main dwelling via the utility room on the ground floor. As such, while it is tenuous, on balance it does seem to show some physical reliance on the main property. Furthermore, with the addition of a condition ensuring that the annex remains ancillary to the main dwelling, this will ensure that the development is not used separately to the main house.

5.2 Design and Visual Amenity

No. 31 is a two storey semi-detached property with rendered elevations and white UPVc windows and doors. The property benefits from an existing two storey side extension containing an integral garage, a single storey rear extension and a large conservatory.

5.3 It is acknowledged that the proposal is a large addition to the property. However, of the 12 properties along the road, three of these properties have been extended to the side and rear. Of these three, numbers 37 and 45 contain both side and rear extensions, and No.45 contains double rear gables. In this regard the proposal would be almost identical to the additions at No.45. As such the proposal will be informed by the character and design of nearby properties. Moreover, with the demolition of the existing single storey rear extension and the large conservatory, the proposed development would be contained within the existing built form.

5.4 The proposal would form an annex, albeit a large annex. As the proposal could operate as an independent dwelling due to its size and facilities, a condition will be attached to any permission granted ensuring that the annex remains ancillary to the host dwelling.

5.5 The materials proposed would match the host dwelling; and despite the large additions to the rear it is considered that the proposal is informed by nearby properties. Therefore the proposal is considered to accord with policies CS1 of the Core Strategy and PSP38 of the PSP Plan.

5.6 Residential Amenity

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

5.7 As a two storey rear extension care should be taken to ensure the amenity of the adjoining No.29 the adjacent No.33 Woodside Road and any other applicable properties are not compromised. As noted, the two storey element would form a continuation of the existing two storey element that already abuts the shared boundary with No.29. The widening of this element is unlikely to exacerbate the existing situation. When considering the distance between the proposal and No.33, the alterations are unlikely to result in a detrimental impact on the occupiers of No.33. Also, as the property is on a ribbon type development, it is unlikely that other nearby properties would be detrimentally impacted. Therefore, the development is deemed to comply with policies PSP8 and PSP38 of the PSP Plan.

5.8 Following the development, over 70m<sup>2</sup> of private outside amenity space would remain. This exceeds the requirements of policy PSP43.

5.9 Highways

The Transport Officer requested a plan showing parking provision at the property post development. As this was provided late in the process, the Case Officer was unable to source updated comments from both the Transport Officer, and the Parish Council which also related to parking. Nonetheless, the



plan shows that the driveway to the front of the property can accommodate four cars. This exceeds the requirements of PSP16. However, a hedge exists to the front of the property that would prevent the use of two of the parking spaces that are parallel with the property if they are not occupied first. While this may reinforce that the annex is dependent on the main dwelling. This is not deemed practical. As such it is recommended that this hedge is removed and this hedge removal will be conditioned. As such, following adherence to the conditions, there are no transport objections.

#### 5.10 Equalities

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

## 6. CONCLUSION

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

## 7. RECOMMENDATION

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

**Contact Officer: David Ditchett**  
**Tel. No. 01454 863131**

## CONDITIONS

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

Reason

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

2. The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 31 Woodside Road Coalpit Heath Bristol South Gloucestershire BS36 2QR

Reason

The development has been permitted on the particular circumstances of the case and the development would require further assessment to be used as a separate residential dwelling with regard to access and private amenity space, to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

3. Within one month of the development hereby approved being substantially complete, a minimum of 3 parking spaces, that accord with the Councils space standards, which are all independently accessible from the highway shall be provided and thereafter retained.

Reason

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

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

Reason

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