



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY
THE DIRECTOR OF ENVIRONMENT AND COMMUNITY SERVICES**

CIRCULATED SCHEDULE NO. 31/18

Date to Members: 03/08/2018

Member's Deadline: 09/08/2018 (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 providing details of

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE 03 August 2018

-

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/5385/F	Approve with Conditions	Hall End Farm Hall End Lane Wickwar Wotton Under Edge South Gloucestershire GL12 8PD	Ladden Brook	Wickwar Parish Council
2	PK18/2205/F	Approve with Conditions	73 Tower Road South Warmley South Gloucestershire BS30 8BW	Parkwall	Oldland Parish Council
3	PK18/2547/F	Approve with Conditions	Chertsey Cottage 1 Yate Rocks Yate South Gloucestershire BS37 7BT	Yate North	Yate Town
4	PK18/2557/F	Approve with Conditions	30 Ravenswood Longwell Green South Gloucestershire BS30 9YR		Oldland Parish Council
5	PK18/2768/F	Approve with Conditions	39 Highview Road Kingswood South Gloucestershire BS15 4QN	Rodway	None
6	PT17/4472/F	Refusal	The Council Offices Castle Street Thornbury South Gloucestershire BS35 1HF	Thornbury North	Thornbury Town Council
7	PT17/5647/F	Approve with Conditions	Barnes Court Whitley Mead Stoke Gifford South Gloucestershire BS34 8XT	Frenchay And Stoke Park	Stoke Gifford Parish Council
8	PT18/2184/RVC	Approve with Conditions	24 Footes Lane Frampton Cotterell South Gloucestershire BS36 2JQ	Frampton Cotterell	Frampton Cotterell Parish
9	PT18/2603/F	Approve with Conditions	Grange Farm Old Gloucester Road Winterbourne South Gloucestershire BS36 1RR	Frampton Cotterell	Frampton Cotterell Parish
10	PT18/2670/F	Approve with Conditions	4 Greenhill Gardens Alveston South Gloucestershire BS35 3PD	Thornbury South And	Alveston Parish Council
11	PT18/2845/CLE	Approve with Conditions	Land At The Granary, Court Farm Church Lane Winterbourne South Gloucestershire	Winterbourne	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 31/18 – 03 AUGUST 2018

App No.:	PK17/5385/F	Applicant:	Messrs Isaac
Site:	Hall End Farm Hall End Lane Wickwar Wotton Under Edge South Gloucestershire GL12 8PD	Date Reg:	19th December 2017
Proposal:	Demolition of existing cow kennel. Erection of mobile home for use as an agricultural workers dwelling and associated works.	Parish:	Wickwar Parish Council
Map Ref:	371160 187122	Ward:	Ladden Brook
Application	Minor	Target	9th February 2018
Category:		Date:	



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PK17/5385/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under the Circulated Schedule procedure as a result.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the demolition of an existing cow kennel and the erection of a mobile home for use as an agricultural workers dwelling and associated works. The application relates to Hall End Farm, Hall End Lane, Wickwar
- 1.2 The application site consists of an existing cow kennel, forming part of Hall End Farm, Wickwar. The farm extends to approximately 161 acres (65 hectares) of agricultural land. The agricultural activities of the business include an existing 12,000 bird free range egg poultry enterprise, and the growing of various cereals and feed crops for an all year round calving suckler herd.
- 1.3 The main farmhouse, situated to the north of the application site, is a Grade II Listed Building. The application site therefore forms part of the curtilage of a listed building. The site is situated outside of any defined settlement boundary, and is not subject to any further land designations.
- 1.4 A revised site location plan was requested and received by the Local Planning Authority on 20th February 2018. The application site was amended to include a means of access on to the highway. The change to the application site boundary was considered to trigger a further round of consultation, which was undertaken during the period 9th March 2018 – 16th March 2018.
- 1.5 Acorus Rural Property Services Limited were instructed by the Local Planning Authority to undertake an independent review of the submitted Agricultural Appraisal. A summary of the findings are set out in section 4 of this report.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance (2014)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP28	Rural Economy
PSP29	Agricultural Development
PSP40	Residential Development in the Countryside
PSP41	Rural Workers Dwellings

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

3. RELEVANT PLANNING HISTORY

3.1 **PK10/0057/F**

Erection of agricultural building for free range hens.

Approved: 22.04.2010

4. CONSULTATION RESPONSES

4.1 Wickwar Parish Council

First Round of Consultation

No objection

Second Round of Consultation

No comment

4.2 Other Consultees

First Round of Consultation

Sustainable Transport

No objection subject to conditions

Conservation

No comment

Economic Development

No objection

Second Round of Consultation

Sustainable Transport

No comment

Conservation

No comment

Economic Development

No objection

4.3 Acorus Rural Property Services

Labour

A labour calculation has been provided by the agent which suggests a theoretical labour requirement for Hall End Farm of 2.5 full time labour units. Allowing for a further increase in bird numbers (12,000 to 16,000 hens), the theoretical labour requirement equates to approximately 3 full time units and a part time member of staff.

My calculations would broadly be comparable with those quoted by the agent. These calculations, whilst not reflecting actual labour levels, do enable the scale of the business to be considered fairly against other similar ventures. I am content that the scale of the activity relates to a full time worker.

Evaluation of Business – Functional Need

A functional test is needed to understand what it is about the running of the business that requires someone to be present most of the time. This need must relate to the business based on the stocking and cropping requirements and not the personal needs of those running the business.

In this case, given the nature of the agricultural activities concerned, i.e. the rearing of cattle and the free range poultry enterprise, there is a general functional need accepted based on animal welfare grounds.

Evaluation of Business – Financial Viability

The agent has provided me with a copy of trading accounts for the past 3 years as opposed to a business plan projecting the activity over the next three years. Having viewed the trading accounts for 2015, 2016 and 2017 I can confirm that there has been a profit shown, after depreciation, in two out of the last three years.

Evaluation of Business – Other Accommodation

It is understood that although there would appear to be a number of residential properties in close proximity to Hall End Farm, there is only the existing farmhouse occupied by Mr and Mrs Isaac which is in the same ownership as the farm.

The application documentation states that there are no suitable buildings on the farm for conversion. Having not undertaken a site, I am unable to comment on

this matter. A search of the Rightmove property website has identified that there are no properties available for sale or rent within 1 mile of the postcode which concurs with the information provided by the applicant's agent.

Evaluation of Business – Siting

The siting of the proposed mobile home accommodation within the farm yard is within sight and sound of the housed livestock. I am content that the position is acceptable and within close proximity to meet any identified functional need.

Conclusion

Notwithstanding the above, it is not clear why this application for an agricultural workers dwelling has been submitted now, and it would appear at best to be premature. I accept that overall there is a functional need for someone to be resident on site, however I have the following concerns:

- Whilst there is a stated intention to increase number of free range laying hens, no information regarding ability of holding to provide sufficient range area or building space. Aside from general statement, no evidence of intent to develop business, e.g through submission for planning application for additional poultry building.
- Existing dwelling on holding occupied by two partners in business. Assumed that functional needs of business have been met to date by this dwelling. No information or commentary as to why dwelling is insufficient to continue to meet functional requirements of this business.
- Accounts show profit in two of last three years; however this profit has been lower than that of a standard agricultural worker's wage in the most recent year, with a loss shown in the previous year.
- Nothing in accounts which appear to show the wages which would, it is assumed, have to be paid to the part time worker employed on the holding. Any wages paid to current or future staff would affect the profit levels of the business.

Other Representations

4.4 Local Residents

First Round of Consultation

No comments received

Second Round of Consultation

One comment of objection was received following the second round of consultation. The main concerns raised are outlined below:

- The applicant lives in a bungalow adjacent to the farm – why can they not continue living there?

- Surely a farm cannot have two agricultural workers dwellings.
- This information has been omitted from the Agricultural Appraisal.
- The business has been running successfully for 9 years, what has changed? Cannot see this explained.

5. **ANALYSIS OF PROPOSAL**

5.1 Background

Mr Steven Isaac farms the land in partnership with his parents Mr DB & Mrs MO Isaac. The farm occupies 161 acres (65 hectares) of arable and permanent pasture. The agricultural activities of the business include an existing 12,000 bird free range poultry enterprise, the growing of various cereals and feed crops and beef production from an all year calving suckler herd.

5.2 The 12,000 bird free range poultry enterprise produces approximately 11,000 eggs daily. There is an existing contract in place with Bowlers who provide a full turnkey operation which includes supplying the Hy-Line hens at point of lay and then purchasing the eggs produced. The birds are housed in a specialised poultry building which is divided into two with the egg packaging unit in the centre. The applicants are proposing to increase flock numbers to 16,000.

5.3 The beef enterprise consists of a 25 head suckler herd that calves all year round. The heifers are put to bull at 20-24 months with all calves then going into the beef enterprise once weaned. The cows are put back to bull once calved.

5.4 Principle of Development

The development proposal relates to an existing agricultural enterprise. The National Planning Policy Framework makes a presumption in favour of sustainable development and has placed a strong emphasis in respect of supporting economic growth in rural areas. In particular the document sets out that planning policies should enable;

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) *the development and diversification of agricultural and other land-based rural businesses.*

5.5 In terms of the Development Plan, policy PSP28 of the Policies, Sites and Places Plan is, subject to certain criteria, supportive of the intensification, extension or alteration of existing businesses located within the rural area.

5.6 As the application relates to the erection of a new dwelling, Policies CS5 and CS34 of the South Gloucestershire Core Strategy are also of relevance. These policies state that new build housing should be limited to urban areas and

established settlement boundaries. In this regard, the proposal is contrary to the adopted development plan as it proposes a new dwelling outside of any established settlement boundaries as shown on the Proposals Map and is located within the open countryside.

- 5.7 The Development Plan policies discussed above set out the Council's general position in terms of rural development and new housing, which are both of relevance to this case. However a policy within the adopted Development Plan relates more specifically to applications for agricultural worker's dwellings. Policy PSP41 of the Policies, Sites and Places Plan supports the erection of dwellings for permanent workers in agriculture, forestry or other rural businesses outside of defined settlement boundary, provided that the applicant can demonstrate that:

- 1) the dwelling is required to satisfy a clearly established existing functional need to live at the place of work or within the immediate area, which can't be met within the defined settlement boundaries; and*
- 2) the rural business has been established for at least three years, has been profitable for at least one of them, is financially sound, and has a clear prospect of remaining so; and*
- 3) the need could not be fulfilled by another existing dwelling or building capable of conversion on the unit, or any other accommodation or building capable of conversion in the area, which is suitable and available for occupation by the worker concerned; and*
- 4) the proposal(s) is satisfactorily sited in relation to the rural business and wherever possible, is sited within a hamlet or existing group of buildings.*

- 5.8 This approach is reflected in national policy. Paragraph 79 of the National Planning Policy Framework (July 2018), outlines that planning policies and decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply. One such circumstance is when there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

- 5.9 In order to determine whether the proposal for an agricultural workers dwelling is acceptable in principle, the development must be assessed against the criteria set out above. This assessment, as set out below, is made in light of the comments provided by the rural surveyor.

Functional Need

- 5.10 The applicant has outlined their intent to expand the poultry business. The applicant has also listed a number of reasons as to why a worker is required to reside in close proximity to where the livestock are kept and within sight and sound of the sheds and access thereto. These largely relate to ensuring the welfare of the livestock. In this respect, the rural surveyor accepts that the

proposed expansion of the business would result in an additional labour requirement, and that there is some functional need for a worker to reside on site.

Financial Viability

- 5.11 The financial records submitted by the applicant show the business to have been profitable for two of the past three years. However the rural surveyor has identified that this profit has been lower than that of a standard agricultural worker's wage. It must also be acknowledged that any wage paid to an additional worker would further impact the overall profit level of the business. As such, whilst the business has shown profit in the past, there is some concern regarding its overall financial viability.

Existing Buildings and Other Accommodation

- 5.12 It is acknowledged that there is an existing farmhouse on the site, and that this appears to have met the functional requirements of the farm up until this point. The farmhouse is currently occupied by Mr DB and Mrs MO Isaac, who are both partners of the business but are looking to retire. The applicant has outlined that it would not be suitable for an agricultural worker to reside within the farmhouse with Mr and Mrs Isaac. Furthermore, the farmhouse is situated towards the northern end of the site, and is not within sight or earshot of the chicken shed.
- 5.13 Mr Steven Isaac resides in Elm Croft Cottage, to the north-east of the site. However this property is not in the ownership of the farming business nor does the business have any control over it. Furthermore, the dwelling is located approximately 250m from poultry unit, and is also not within site or earshot.
- 5.14 A search on the Rightmove property website has identified that there are no properties for sale or rent within one mile of the application site. This concurs with the searches carried out by both the applicant and the rural surveyor.

Siting

- 5.15 The proposed dwelling would replace an existing cow shed, and would be situated within a clutch of agricultural buildings, and in close proximity to the large chicken shed. Overall it is considered that the dwelling would relate well to existing buildings, and the overall siting is considered appropriate.

Is there an essential need for a key worker to live at or near to the place of work in the countryside?

- 5.16 The case has been assessed under the guidance set out in paragraph 79 of the National Planning Policy Framework, i.e. whether there is an essential need for a worker to live at or near to the place of work in the countryside.
- 5.17 Having reviewed the submitted information together with the assessment made by the rural surveyor, it is not considered that sufficient information has been provided at this stage to justify the erection of an agricultural worker's dwelling on a permanent basis. Whilst submitted information shows the business to have been profitable for two of the past three years and to currently be financially sound, there is some concern as to whether, on the basis of the financial information submitted, there is a clear prospect of the remaining

business remaining so. Furthermore, the current living arrangements appear to have satisfied the functional requirements of the business up until this point, and it is not immediately clear why the increase in the poultry flock from 12,000 to 16,000 bird now requires a worker to permanently reside at the location proposed.

- 5.18 However policy PSP41 states that in cases where permanence is still to be demonstrated, a period of temporary consent may be permitted. It is acknowledged that the proposed expansion of the poultry enterprise would increase labour requirements at the farm. The advantages of having a worker in close proximity to the livestock has also been given due consideration.
- 5.19 On balance, it is considered appropriate in this case to issue a temporary permission for a period of 5 years. This would allow for the business to expand as proposed, and would present the applicant with the opportunity to compile an evidence base, to justify why a dwelling is required on a more permanent basis. The onus would then be on the applicant to submit this evidence towards the end of the 5 year period, as part of an application to retain an agricultural worker's dwelling on the site on a more permanent basis.
- 5.20 Whilst the essential need has not been demonstrated, the proposal is considered to accord with policy PSP41 to some extent, and the granting of a temporary permission is considered to be the most appropriate action in this case. However the application is to be assessed against other relevant areas of consideration in order to identify any harm. In this case, the further areas of consideration include design, visual amenity, conservation, residential amenity and transport. Should the application satisfy all other requirements, a condition will be attached to any consent, requiring the building to be removed from the site and the land returned to its former state within 5 years of the date of the permission.
- 5.21 Design, Visual Amenity and Heritage Impacts
Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.22 Policy PSP17 of the Policies, Sites and Places Plan and policy CS9 of the Core Strategy relate to conservation, and seek to protect the character and appearance of conservation areas and the significance and setting of heritage assets.
- 5.23 The existing cow kennel is not considered to be of any significant visual or architectural interest, and is such it is not considered that its demolition would have any detrimental impacts in terms of design or visual amenity. In terms of the new structure, it is noted that on the submitted application form, the dwelling has described as a mobile home. However the structure does not appear as a typical mobile home, with the design being more comparable to that of a log cabin. In any case, a simple design is proposed, with the proposed

- dwelling being single storey in nature, and taking on a rectangular form with a pitched overhanging roof. The building would be finished in cedar cladding.
- 5.24 Given its rather plain form, the dwelling is not considered to represent a high standard of design, and would not, from a visual perspective, contribute positively to the character of the site. Whilst the design proposed would unlikely be accepted for general market housing, it is considered to be more suitable for an agricultural worker's dwelling. Furthermore, the proposed design approach is considered to be more appropriate for a temporary dwelling as opposed to a more permanent structure. As mentioned previously, the issuing of a temporary permission is considered to be the most appropriate course of action in this case.
- 5.25 The proposed dwelling would also be situated away from public areas, and within a clutch of existing buildings. As such, any impacts on the character and appearance of the immediate locality or surrounding rural landscape would be limited.
- 5.26 Notwithstanding the above, it is considered that the incremental extension of a dwelling of the design and form proposed would have a detrimental impact on visual amenity. On this basis, it is considered reasonable to attach a condition to any consent granted, restricting the permitted development rights of the property. This will provide the Local Planning Authority with the opportunity to assess any extensions proposed in the future.
- 5.27 In terms of any heritage impact, the proposed dwelling would be significantly separated from the main farmhouse. As such, it is not considered that the proposal would have any material impact on the significance or setting of the listed building, and as such the development is acceptable from a conservation perspective.
- 5.28 Overall, whilst the proposal is not considered to represent a high standard of design, it is not considered that the proposal would cause any significant harm in this respect. As such, the development proposal is considered to be broadly consistent with policy CS1 of the Core Strategy and PSP17 of the Policies, Sites and Places Plan.
- 5.29 Residential Amenity
Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.30 The proposed dwelling would be set well away from any existing residential properties. As such, it is not considered that its erection would have any prejudicial impact on the residential amenity of any existing residents. The main area of assessment is the level of residential amenity afforded to the prospective occupier of the worker's dwelling.

- 5.31 In terms of the appropriateness of the location for a residential unit, it is acknowledged that the site would not, ordinarily, be considered appropriate. The new dwelling would be situated within a farmyard, in close proximity to the large agricultural building used to house chickens.
- 5.32 A narrow strip of external amenity space would be provided to the north of the proposed dwelling. The strip of land has an area of approximately 35m². This falls below the standard for a two bed dwelling, as set out in policy PSP43 of the Policies, Sites and Places Plan. That said, it is considered that the occupant would have an adequate area of accessible, functional space to sit outside and to perform typical domestic outdoor tasks.
- 5.33 Given the siting of the dwelling away from other residential units, the space would be relatively private. It is acknowledged that the amenity value of the external space would be relatively low, given the location of the dwelling within the farm buildings and the sounds and smells associated with farming activities. However the dwelling would not be marketed to the general public, and would only be available for an agricultural worker, who would most likely expect their living conditions to be compromised to some extent given the location of the dwelling.
- 5.34 On balance, it is acknowledged that the living conditions of anyone residing within the property would be negatively affected, by virtue the siting of the building and the minimal provision of amenity space. However regard has been given to the specific nature of the application, and the fact that the property would only be occupied by a worker at the farm, who would be closely associated with the farming activities. Whilst the proposal does not comply with policies PSP8 and PSP43 of the Policies, Sites and Places Plan, the circumstances surrounding the application have been taken in to account and the harm to residential amenity is not considered to sustain a reason for refusing the application.
- 5.35 Transport
The existing access of Hall End Lane would be utilised to provide vehicular access to the proposed worker's dwelling. This is considered to be appropriate, and it is not considered that the minor intensification of the use of the access would have any material impact on highway safety.
- 5.36 With regards to on-site parking provision, a total of 2 parking spaces would be provided. This would meet the minimum standards set out in policy PSP16 of the Policies, Sites and Places Plan, and the proposed parking arrangements are considered acceptable.
- 5.37 As per the recommendation of the transport officer, a vehicle charging point and secure cycle storage area have been indicated on the submitted block plan. Further details regarding the proposed cycle storage and vehicle charging point will be requested by condition. Subject to the agreement of details, the application is considered to be acceptable from a transportation perspective.

5.38 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.

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

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

2. The occupation of the dwelling hereby approved shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason

The site is not in an area intended for development and the development has been permitted solely because it is required to accommodate a person working in agriculture or forestry, to accord with the provisions of the National Planning Policy Framework 2018 and Policy PSP41 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

3. The use hereby permitted shall be discontinued and the building removed from the site and the land restored to its former condition on or before 10th August 2023, in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

The functional need for a worker to live permanently on site, and the financial viability of the holding is yet to be fully established. Permission for a limited period will allow the Local Planning Authority to re-assess the development in the light of experience of the use, the provisions of the Local Plan, and any other material considerations on expiration of the temporary permission, to accord with Policy PSP41 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the provisions of the National Planning Policy Framework.

4. 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, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To manage any future development at the site in the interests of visual amenity, to accord with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

5. Prior to the first occupation of the dwelling hereby approved, two covered and secure cycle parking spaces shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To promote sustainable transport choices and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

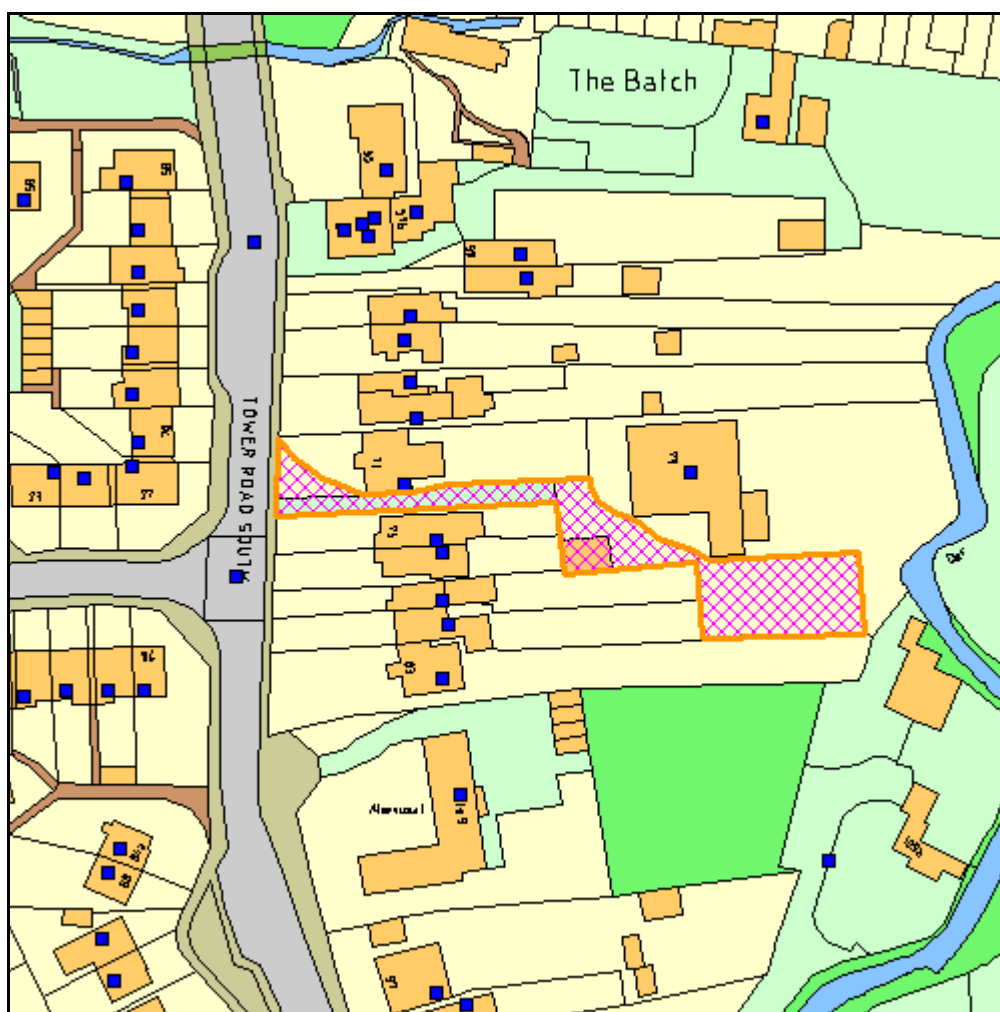
6. Prior to the first occupation of the dwelling hereby approved, an electric vehicle charging socket shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To promote sustainable transport choices and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

CIRCULATED SCHEDULE NO. 31/18 – 03 AUGUST 2018

App No.:	PK18/2205/F	Applicant:	Mr Matthew Presland
Site:	73 Tower Road South Warmley Bristol South Gloucestershire BS30 8BW	Date Reg:	25th May 2018
Proposal:	Erection of 1 no. dwelling with new access and associated works (Resubmission of PK17/5259/F).	Parish:	Oldland Parish Council
Map Ref:	366971 172319	Ward:	Parkwall
Application Category:	Minor	Target Date:	20th July 2018



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008.

N.T.S.

PK18/2205/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The proposal has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be referred to circulated schedule as a result.

1. THE PROPOSAL

- 1.1 The proposal seeks to erect a new detached dwelling with associated works to the side of 73 Tower Road South.
- 1.2 The application is a resubmission of a withdrawn application.
- 1.3 73 Tower Road South is a modern property constructed at the end of a rear access lane. The property is partially subterranean as the land drops away to the east of the site and towards Siston Brook.
- 1.3 The proposal site is situated within the built up residential area of Warmley adjacent to Siston Brook and within the 'Coal Referral Area'.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
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 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
PSP42 Custom Build Dwellings
PSP43 Private Amenity Space

2.3 Supplementary Planning Guidance

Residential Parking Standards SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK17/5259/F – Withdrawn – 14/03/2018 – Erection of 1no dwelling with balcony, new access and associated works.
- 3.2 PK15/1614/F – Refusal – 10/06/2016 – Erection of 3no. Eco-dwellings with parking and associated works.
- 3.3 PK02/1327/F – Approval – 29/10/2002 – Erection of 1no dwelling.
- 3.4 P97/4797 – Refusal of Outline – 13/02/1998 – Erection of 1no. dwelling and garage (Outline)

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

Objection:

- 1. inadequate provision is made for access and egress from the site.
- 2. inadequate provision is made for off-street car parking.
- 3. over-development of and already congested site.
- 4. use of flat roof design is not in keeping with neighbouring properties.
- 5. concern regarding the proximity to Siston Brook.

Bitton Parish Council

Councillors objected to this application. It is not clear from the plans how the site of the new dwelling is accessed by car or where the parking allocation for the existing and new dwellings is located. The plans show two bedrooms but also a study and a dressing room: Councillors feel that it is possible to use either or both of these rooms as additional bedrooms, yet as proposed the increased level of parking would not be required. No bathroom is shown on the plans. Councillors note that much of the roof is designed to be flat: they feel this is impractical and out of keeping with the street scene, particularly as viewed across Siston Brook.

4.2 Other Consultees

Transport Officer

No objection subject to the inclusion of a condition to secure parking provision.

Ecological Officer

No objection subject to the inclusion of conditions and an informative

Tree Officer

No objection following the submission of further information

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.

Lead Local Flood Authority

No objection in principle

Wales and West Utilities

Suggests the inclusion of an informative as there are main lines nearby the proposal site.

The Coal Authority

No objection in principle but requests the inclusion of a condition for intrusive works to be undertaken.

Other Representations

4.3 Local Residents

One comment has been received objecting to the proposal. The comment has concerns over the loss of light and privacy as a result of the structure. Additionally the comments raise concerns with regard to access and parking arrangements and the associated noise and odour resulting from movement of vehicles. Lastly the comments suggest the location is not appropriate for further development.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Residential development is directed to the urban areas on the North and East fringes of Bristol as these locations would benefit from the range of services required by potential occupiers. The proposal site falls within the established urban area to the east of the district and is therefore considered an acceptable location under policy CS5, 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

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.

- 5.4 The proposal site is located to the rear of a well-established row of houses along Tower Road South. Policy PSP38 seeks to restrict development in such a location as it can have an adverse impact on the amenity of neighbours and could result in a pattern of development inconsistent with the existing pattern of development nearby, that said the host property (73 Tower Road South) is similarly located and is considered to have already established this pattern of development. The proposal is largely in line with this property, additionally there are number of other structures nearby that don't fit with the relatively regimented row to the west of the site. Given the existing sporadic pattern of development locally, the proposal is not viewed to result in any harm to the character of the area as a result. Furthermore it is noted that the proposal site is in a discreet location away from the public realm and its impact must therefore be seen as diminished.
- 5.5 Comments have been received concerned with the proposed appearance of the dwelling. Again it is noted that the location is discreet and would only be visible from the east of the site and the other side of Siston Brook, where there is a large amount of vegetative screening. Furthermore the proposal would be adjacent to the host property which follows a similar contemporary 'villa' type appearance that is partially subterranean. The proposal is seen as being consistent with this contemporary style and would also be similarly subterranean and no objection is raised to the appearance of the structure. In fact officers view the proposed design as an improvement on the appearance of the existing property that utilises design features of more historic properties nearby.
- 5.6 Comments from Bitton parish council note the proposal would have a largely flat roof. It must be made clear that the host property has an entirely flat roof and no objection should be raised to such a structure where it is not visible from the public realm and must be seen as a typical construction method when trying to achieve a low profile build. The proposal is not viewed to be visible in the 'streetscene'. Furthermore the proposal would have a pitched roof to the east and west elevations, so from outside of the proposal site it would not be apparent that it is in fact a flat roof. Lastly the proposal would utilise a parapet wall to the side elevations and this is a features consistent with the character of a number of nearby historic properties, such as 65 Tower Road South.
- 5.7 Comments have also been received concerned that the proposal would represent overdevelopment. It is acknowledged that the proposal would introduce another dwelling to the rear of the row of properties fronting Tower Road South, however these properties are afforded extremely large rear gardens and the subdivision is not viewed to result in the provision of a substandard rear garden. The proposal site, following development would represent a similar density, if not lower, than sites to the west of Tower Road South and officers therefore fail to find that is the case. No objection is raised in this regard.

- 5.8 Materials in the locality vary and the proposal would utilise a render. This is viewed as consistent with the materials used in the host property and other surrounding properties and no objection is raised to the proposed material palette. On this basis the proposal is considered to accord with the provisions of CS1, PSP1 and PSP38.
- 5.9 Residential Amenity
Policy PSP8 of the adopted Policies Sites and Places DPD gives the Council's view 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.
- 5.10 The proposal site is situated to the rear of 77 and 79 Tower Road South. The level of the ground drops away to the east and consequently would be at a lower elevation than these properties. Comments have been received concerned that the proposal would result in harm to the amenity of these dwellings as a result of loss of light and privacy. Technical guidance suggests that where primary windows face one another a minimum distance of 20 metres is retained to prevent close and direct inter-visibility. The proposal would be around 35 metres from the nearest structure and consequently is viewed to be well within acceptable parameters. The comments also suggest that there is a right to light under various legislation. It is not within the remit of the LPA to consider specific legislative rights, but whether the proposal would have an unreasonable impact upon the living conditions of those nearby has been considered. It is concluded that the proposal would not result in any material harm with regard to this. As a result no objection is raised with regard to this.
- 5.11 There are no dwellings directly to the east and as a result the proposal is not viewed to result in any harm to dwellings in this direction. The host dwelling would be set slightly to the west of the proposal; technical guidance suggests that an unobstructed angle of at least 45 degrees from the centre of primary windows is retained to prevent proposals having an overbearing impact on its neighbours. The proposal would fall outside of this angle and consequently is viewed as acceptable in this respect.
- 5.12 Comments have suggested that there would be no bathroom provided and also that there is potential for the development to be converted to apartments. The purpose of the application is consider the development proposed and not to speculate on what may happen in the future. If it were converted into two apartments a further permission would be required and consideration of the impact of this change would take place at that stage. Additionally the proposal has not specifically noted on the floor plans however the ground floor room to the north-west would provide a bathroom with a high level window. This is evidently a bathroom and notation has just been omitted. Furthermore the first floor W.C. is thought to be of a sufficient size to house a shower. The attachment of a condition to secure a bathroom was considered, however not thought necessary.
- 5.13 The existing curtilage would be subdivided in order to provide a new garden and curtilage. Adequate provision will be given to both properties and this

would be consistent with the provisions of PSP43. No objection is raised in this regard.

5.14 Transport

According to the South Gloucestershire Residential Parking Standards SPD (adopted) December 2013 proposals must provide parking in accordance with the following table:

Type	Spaces
1 Bed dwelling	1
2 Bed dwelling	1.5 ¹⁵
3 Bed dwelling	2
4 Bed dwelling	2
5+Bed dwelling	3

- 5.15 The proposal would form a new 2no bedroom dwelling, it is acknowledged that the study could be utilised as a 3rd bedroom and potentially also the proposed consequently a total of 4 spaces would be required on site for the existing and proposed dwellings. 6no parking spaces have been specifically identified on the plans provided and further spaces could be accommodated without obstructing the turning area. Consequently the proposal satisfies the requirements of PSP16.

- 5.16 A number of the objection comments have noted that the access arrangements could cause conflict, noise and odour. The comments of the transport officer held no objection and note that there is sufficient space on either end to allow vehicles to pass one another, the case officer shares this conclusion. Paragraph 109 of the Revised NPPF (2018) states permission should only be withheld where the highway safety impact is unacceptable and the residual impact on the road network is severe. Given the above consideration, this is not viewed to be the case and no objection is raised in this respect.

5.17 Arboriculture

The proposal site is located adjacent to Siston Brook where there a number of mature trees that add amenity value to the area. The proposal would not be within falling distance of any of these trees however due to the slope of the site there is potential for chemicals leeching and storage to impact these trees and the brook itself. Further information has been provided with regard to methodology and following this the Council's tree officer has held no objection to the proposal. A condition will be attached to ensure development is carried out in accordance with this information.

5.18 Ecology

Siston Brook has ecology value. An ecology report was submitted in support of the application. Subject to this being adhered to there would be no adverse impact on local wildlife, consequently a condition will be attached to that effect.

5.19 Ground Stability and Utility Lines

As noted above the proposal site falls within the Coal referral area. A Coal Mining Risk Assessment was submitted in support of the application. This has

not identified any features that would affect land stability, however it is suggested further intrusive works are undertaken. A condition will be attached to require these works to take place, prior to the commencement of the development.

- 5.20 The proposal site also lies nearby a Wales and West Utilities main gas line. This appears to be within the Tower Road South highway and consequently it is not expected that the proposal would affect this feature. An informative will be attached requesting the developer to liaise with the authority directly.

5.21 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.

5.22 Planning Balance

The proposal is for a new residential unit within the built up urban area of Warmley. Policy CS5 directs new development to such locations and therefore the location and the principle of development of the site for residential purposes is considered acceptable. Added weight is given in light of the current housing land supply, as this would make a small contribution of one additional dwelling in a sustainable location. The proposal is for a tandem dwelling within the rear garden of the host property, such proposals need careful consideration in terms of the impact. In this case given the existence of other structures adjacent to the site, the siting of the proposal is viewed as acceptable. No negative weight has been attached to any other considerations. Consequently the modest benefit to housing land supply in the current shortfall is considered to significantly and demonstrably outweigh any negative impact of permitting development and therefore permission should be granted.

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 off-street parking facilities (for all vehicles, including cycles) shown on the plan received on the 9th May 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.

3. All works shall proceed in accordance with the methods laid out in Section 5.2, 6 and 7 of the Preliminary Ecological Appraisal by Smart Ecology (July, 2017). This includes avoiding disturbance and/or harm to nesting birds, hedgehogs, amphibians and Siston Brook, installing a bat and otter friendly lighting scheme, installing bird boxes and new native planting. Any deviation from these methods shall be submitted to the local planning authority for approval in writing. Prior to first occupation, details of the lighting scheme and location and type of two bird boxes shall be submitted to the local planning authority for approval in writing. The lighting plan should follow guidance set out in Section 6 of the Preliminary Ecological Appraisal by Smart Ecology (July, 2017) and section 5.2 for the bird boxes.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of, and to protect local wildlife and ecology and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP18 and 19 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework.

4. Development shall be carried out in accordance with the Arboricultural Method Statement received by the Local Planning Authority on 28th June 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; Policy PSP3 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework.

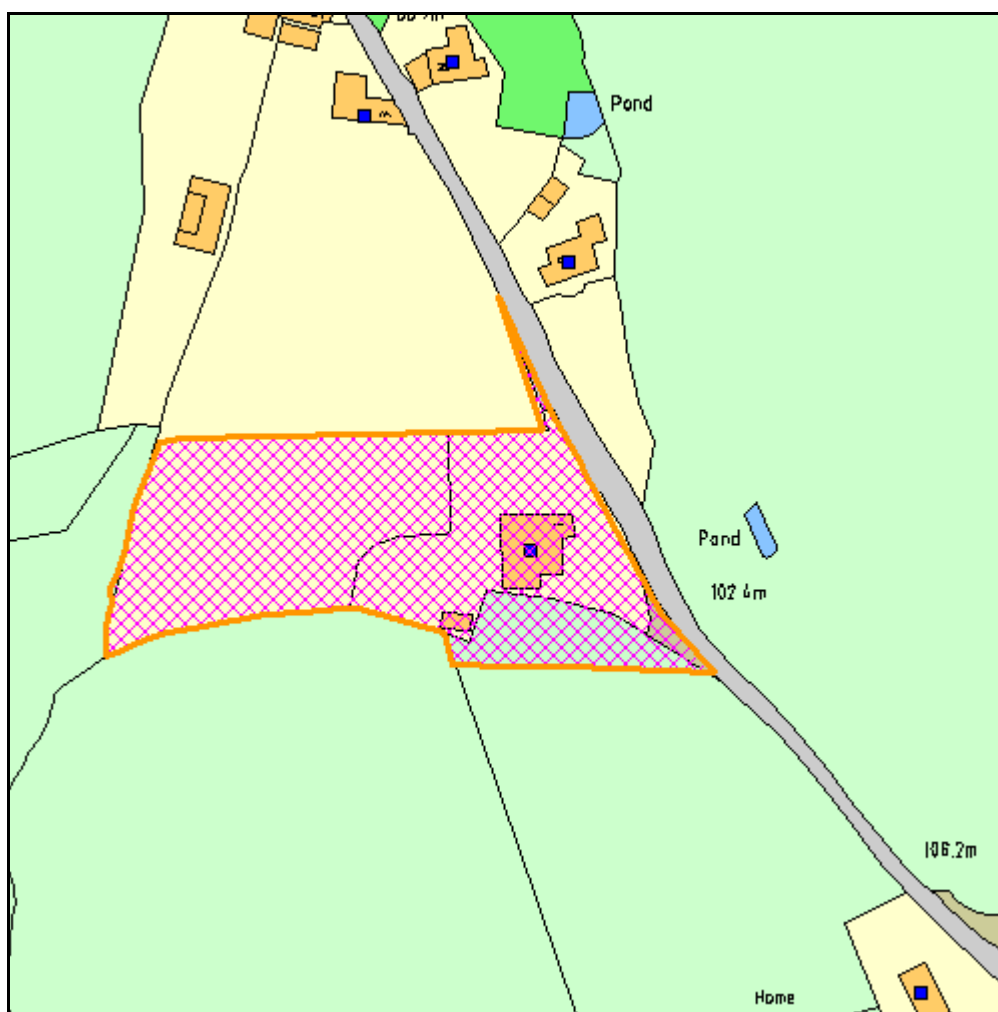
5. Prior to the commencement of development a scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity shall be undertaken. A report detailing those findings and any necessary remedial work or mitigation measures shall be submitted to the Local Planning Authority for written approval. Thereafter any such agreed remedial works or mitigation measures shall be carried out as agreed prior to the occupation of the dwelling.

Reason:

To ensure the proposal has an acceptable impact on land stability and the proposal is safe for habitation and to accord with the provisions of Policies CS9 of the Core Strategy; Policy PSP22 of the Policies Sites and Places DPD; and the provisions of the NPPF (2018). This information is required prior to commencement as it relates to whether the proposal can be implemented in a safe manner.

CIRCULATED SCHEDULE NO. 31/18 – 3 AUGUST 2018

App No.:	PK18/2547/F	Applicant:	Mr Shipp
Site:	Chertsey Cottage 1 Yate Rocks Yate South Gloucestershire BS37 7BT	Date Reg:	5th June 2018
Proposal:	Erection of a two storey front extension to form entrance hall and two storey rear and single storey side extensions to form additional living accommodation.	Parish:	Yate Town Council
Map Ref:	372046 184438	Ward:	Yate North
Application Category:	Householder	Target Date:	24th July 2018



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PK18/2547/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following comments received from the local town council contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a two storey front extension, two storey rear extension and single storey side extension to form additional living accommodation at Chertsey Cottage, 1 Yate Rocks, Yate.
- 1.2 The application site relates to a two storey, detached property which is located within a residential area of Yate.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

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 PK04/2917/F – Approved - 27.09.2004
Erection of replacement side porch to main building and detached summerhouse for disabled use.
- 3.2 N4922/2 – Approved - 03.07.1980
Erection of three domestic garages.
- 3.3 N4922/1 – Approved - 12.07.1979

Erection of a single storey extension to provide hall and W.C.

- 3.4 N4922 – Approved - 05.10.1978
Erection of two storey extension at the rear to provide lounge/diner and two bedrooms.

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No Comment

Yate Town Council

No Objection providing condition on off-street parking spaces sufficient for 6 bed house and turning space provided so that vehicles can enter and leave the highway in forward gear.

Tree Officer

No Objections

Public Rights of Way

No Objection

Archaeology

No comment

Other Representations

- 4.2 Local Residents

This application received a total of 1 comment that shown both support and objection to the proposal, these are outlined below.

Support

- This is a good way to update and expand the property

Object

- The round windows and glazing to the East elevation is not in keeping with Yate Rocks.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

The application seeks full planning permission for the erection of a two storey front extension, two storey rear extension and single storey side extension to form additional living accommodation.

5.3 *Two storey front*

The proposed two storey front extension will have a maximum height of 5.1metres, have a width of approximately 4.1 metres and extend approximately 3.5metres from the principal elevation. The proposal will feature a gable roof with glazing to the front elevation and use materials that match the existing dwelling.

5.4 *Two storey rear*

The proposed two storey rear extension will have a maximum height of 6.2metres, extend approximately 3metres from the existing rear wall and have a width of approximately 9.3metres. The proposal will introduce a rear balcony and feature a gable roof.

5.5 *Single storey side*

The single storey side extension will have a maximum height of 3.5 metres, a total width of 4.4metres and a depth of approximately 3.2metres. The proposal will replace the existing porch and use materials to match the existing dwelling.

5.6 *Side dormers*

The proposal also includes 2.no side dormer windows, the dormer windows will be situated on the north and south elevations and match in terms of scale and design. The dormer windows will have a depth of 2.1metres, a maximum height of 2.1metres and a length of approximately 2.4metres. The case officer feels this is a modest addition to the dwellinghouse.

5.7 An objection comment raised concerns that the proposed works were not in keeping with the Yate Rocks, more specifically the introduction of round windows on the south elevation and large glazing on the proposed east elevation. The Case Officer understands these concerns, however, it was noted during a site visit that round windows are present on the principal elevation of The Old Chapel and glazing similar to the proposal can be seen at No.3 Yate Rocks, adjacent the host property.

Overall, it is considered that the design, scale and finish of the proposed extensions results in an addition that sufficiently respects the character and distinctiveness of the host dwelling and its immediate context.

5.8 Residential Amenity

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

- 5.9 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Due to the location of the extensions, it is not considered that its erection would materially harm the residential amenity at any of the adjoining properties. Due to levels of separation, it is not deemed that the proposed extensions would impact upon the residential amenity enjoyed at properties.
- 5.10 The proposal will occupy additional floor space, however sufficient private amenity space will remain following development and there is no objection with regard to this.
- 5.11 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. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with Policy PSP38 of the PSP Plan (November 2017).
- 5.12 Sustainable Transport and Parking Provision
The comments of the Town council have been taken in to account. However in this instance it is considered that the existing driveway is of sufficient size to allow vehicles to manoeuvre and exit the property in forward gear. The existing parking arrangements would not be affected by the proposed development and it is considered that the minimum parking provision for a 5-bed property can be provided on-site. Therefore, there are no objections on highways grounds, and it is not considered that a condition is necessary in these circumstances.
- 5.13 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

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: Westley Little
Tel. No. 01454 862217

CONDITIONS

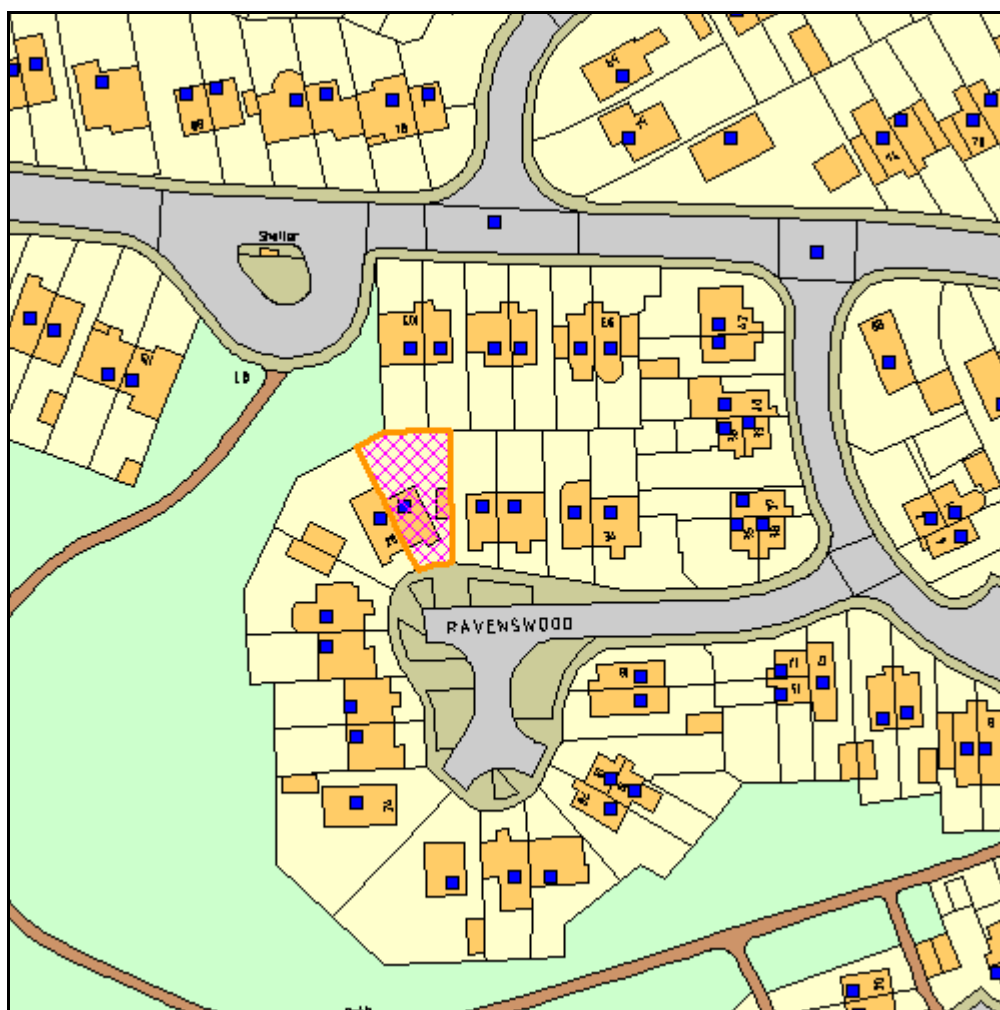
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 31/18 – 3 AUGUST 2018

App No.:	PK18/2557/F	Applicant:	Mr & Mrs O Kendall
Site:	30 Ravenswood Longwell Green Bristol South Gloucestershire BS30 9YR	Date Reg:	31st May 2018
Proposal:	Erection of two storey side extension to form additional living accommodation.	Parish:	Oldland Parish Council
Map Ref:	366450 171232	Ward:	
Application Category:	Householder	Target Date:	25th July 2018



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PK18/2557/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following comments received contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for erection of a two storey side extension to form additional living accommodation at 30 Ravenswood, Longwell Green.
- 1.2 The application site relates to a two storey, semi-detached property which is located within a residential area of Longwell Green.

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

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 K1088 – Approved - 24.03.1976
Residential development on approx 104 acres. Construction of new vehicular and pedestrian access. (previous id: k1088)
- 3.2 K1088/45 – Approved - 18.09.1979
Erection of 276 dwellinghouses on approx 9.3 hectares (23.25 acres). Construction of estate roads and footpaths (previous id: k1088/45)

- 3.3 K1088/6 – Approved - 19.08.1977
Residential development on approx. 87 acres . Construction of estate roads & footpaths. (previous id: k1088/6)
- 3.4 K4384 – Approved - 21.12.1983
Erection of garage (previous id: k4384)

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
The Parish Council objects to this application on grounds of over development and inadequate provision for off-street car parking.

Sustainable Transport

The development proposes to demolish an existing garage to facilitate the erection of a two storey side extension. If permitted the bedrooms within the dwelling would increase to four.

The Councils residential parking standards state that a dwelling with up to four bedrooms requires a minimum of two parking spaces. Each space needs to measure 2.4m by 4.8m and be provided within the boundary of the site. The block plan submitted only shows one parking space to the frontage of the site which falls short of the minimum parking requirements.

A transportation objection is raised to this development, as it removes existing vehicular parking and fails to provide adequate alternative vehicular parking, complying with the Councils residential parking standards, for the size of the extended dwelling.

Other Representations

- 4.2 Local Residents
None Received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.
- 5.2 Design and Visual Amenity
The application seeks full planning permission for erection of a two storey side extension to form additional living accommodation.

- 5.3 The two storey side extension will have a maximum height of 7.3metres, a total width of 5.5 metres and a depth of approximately 8.2metres. The proposal will feature a gable roof and introduce 1no. Up and over garage door and 1no. window to the principal elevation, 3no. windows and bi-fold doors to the rear elevation and 2no. windows to the side (east) elevation
- 5.4 The proposed materials are set to match that of the existing dwelling, as such it is considered that the proposed extension would appear as an appropriate addition within the immediate streetscene. Overall, it is considered that the design, scale and finish of the proposed extension results in an addition that sufficiently respects the character and distinctiveness of the host dwelling and its immediate context.
- 5.5 Residential Amenity
Policy PSP38 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.6 An objection raised concerns about overdevelopment of the site, it should be noted that the majority of dwellings in the area have been altered incorporating a 2 storey extension over the years, more specifically, No's 26, 31 and 32 Ravenswood. This property is however at an angle and will incorporate a cranked design in view of the wedge shape of the plot. The host property benefits from a large rear garden due to its location and plans show that ample amount of outdoor space will remain following development. Furthermore the spaciousness felt in the street scene are unlikely to be materially affected. Overall, the proposal is not considered to represent overdevelopment.
- 5.7 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Due to the location of the extension, it is not considered that its erection would materially harm the residential amenity at any of the adjoining properties. Due to levels of separation, it is not deemed that the proposed extension would impact upon the residential amenity enjoyed at properties nearby.
- 5.8 The proposal will occupy additional floor space, however sufficient private amenity space will remain following development and there is no objection with regard to this.
- 5.9 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. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with Policy PSP38 of the PSP Plan (November 2017).
- 5.10 Sustainable Transport and Parking Provision
As a result of the proposed development, the number of bedrooms within the property would increase from a total of 3 to 4. South Gloucestershire

Residential Parking Standards SPD outlines that properties with 4 bedrooms must make provision for the parking of a minimum of 2 vehicles, with each parking space measuring a minimum of 2.4m x 4.8m.

- 5.11 The current garage measures 2.6m wide internally. This means that the current garage does not accord to the South Gloucestershire Parking Standards SPD and would not count towards the dwelling's off street parking provision. Indeed on a site visit the Case Officer noted that most cars were parked outside the garages in this area and not within them as most of the garages are substandard to accommodate a modern motor vehicle. As such, only one usable space is currently present at the property, and once constructed, one usable space would remain. Thus the status quo would not change. Moreover, there are no parking restrictions on Ravenswood, and there is some on street parking available within the residential street
- 5.12 The fact that the proposal does not accord with the parking standards advocated certainly counts against the scheme, but this in itself should not result in an automatic refusal. There must be a resulting harm that justifies such a refusal. In this case it is not considered that in these circumstances it would be reasonable to reject the extension on the basis that there is a lack of parking (which already exists) when the requirement for parking would not be materially different in policy terms. The property remains in a predominantly residential area meaning that any additional on-street parking may be inconvenient to other road users but is unlikely to cause a highway safety problem. Overall whilst this counts against the proposal it is not considered that it amounts to a severe highway impact (NPPF) that would justify the refusal of the scheme.
- 5.13 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

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: Westley Little
Tel. No. 01454 862217

CONDITIONS

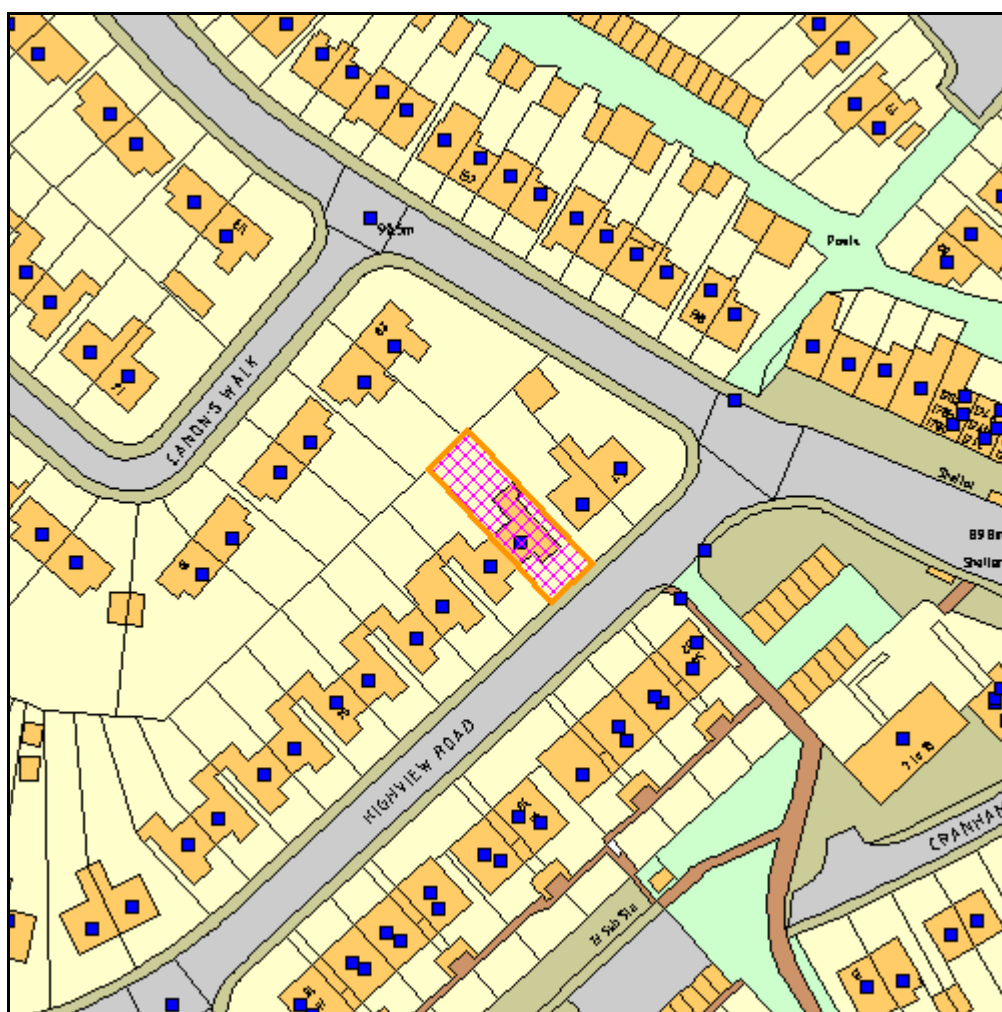
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 31/18 – 03 AUGUST 2018

App No.:	PK18/2768/F	Applicant:	Mr Joseph Ogidan
Site:	39 Highview Road Kingswood Bristol South Gloucestershire BS15 4QN	Date Reg:	12th June 2018
Proposal:	Conversion of existing dwelling to form 2 no. self contained flats with new access and associated works	Parish:	None
Map Ref:	365607 174723	Ward:	Rodway
Application Category:	Minor	Target Date:	2nd August 2018



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008.

N.T.S.

PK18/2768/F

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule due to 1no. objection received which is contrary to the Officer's recommendation.

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The application seeks planning permission for the conversion of an existing dwelling to form 2no. self-contained flats with new access and associated works, at 39 Highview Road, Kingswood.
- 1.2 The development relates to a semi-detached dwelling, which has render elevations, some brick detailing, UPVC windows and a tiled roof. The property benefits from front and rear gardens.
- 1.3 The site is located in a built up residential area of Kingswood and in part of the East Fringe of Bristol Urban Area.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Adopted Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

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

South Gloucestershire 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
PSP39 Residential Conversions, Sub-Divisions and Houses in Multiple Occupation
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007
Residential Parking Standard SPD (Adopted) December 2013
South Gloucestershire Waste Collection: guidance for new development SPD (Adopted) January 2015

3. RELEVANT PLANNING HISTORY

3.1 No relevant planning history.

4. CONSULTATION RESPONSES

4.1 Highway Structures
No comment

4.2 Lead Local Flood Authority
No objection.

4.3 Sustainable Transport
"I do not have a transportation objection to the principle of conversion of this dwelling into two bed flats. However, I do have concerns that there is inadequate space to the frontage of the building to provide two parking spaces which each measure at least 5.3m long. A revised plan is therefore requested which clearly shows the available space to the frontage of the building along with pedestrian accesses to the building."

Other Representations

4.4 Local Residents
1no. objection has been received. Comments as follows:
- Concerns regarding the loss of off-street parking

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, and where relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. Notwithstanding the above, the adopted development plan remains the starting point for assessment

5.2 In general, the development plan supports residential development within the established urban areas. This can include the subdivision of existing residential properties into smaller units of self-contained accommodation. However, whilst there is general support for such developments, each proposal is assessed on its own merits and should meet the policy requirements for such conversion. PSP39 states that subdivision of existing dwellings to form flats could be acceptable. However, this would be providing that they would:

- 1) Not harm the character and amenity of the area within which they are located; and

- 2) Not prejudice the amenity of neighbours; and
 - 3) Provide adequate amenity space; and
 - 4) Provide parking in accordance with the Councils parking standards.
- 5.3 The proposed flat conversion which is submitted as part of this application is considered to be acceptable in principle subject the considerations involving impact on the character of the area, residential amenity and highway safety. This will be discussed below.
- 5.4 Design and Visual Amenity
This application involves minimal external alterations to the property to facilitate the conversion. There would be alterations the fenestrations to the rear and some closing up of a number of openings. The flats would be accessed separately from the western side elevation. The ground floor flat would utilise the existing entrance, and a new entrance would be introduced for the first floor flat. Further to this, plans show that bike and bin storage would be introduced to the west of the site.
- 5.5 It is proposed that the existing rear garden would be separated to provide 2no. separate private gardens, each property would be provided with a small shed. It is proposed that the boundary treatment separating the properties would comprise timber boarded fencing, this reflects the existing and is considered acceptable.
- 5.6 A dropped kerb and parking to the front of the property would be introduced as part of the proposal. This would involve the loss of a low brick wall. While this is regrettable, Officers note that there a number of other examples of parking to the front of properties along Highview Road, and as such it is not considered that it would be unacceptable in this instance.
- 5.5 Given the above, it is considered that these changes would not harm the character or amenity of the surrounding area. Thus, no objection is raised in relation to design and visual amenity.
- 5.6 Residential Amenity
The proposed entrance arrangements, introduction of parking to the front of the property and bin/bike storage may be noticeable to nearby occupiers. However, it is not considered that this conversion to 2no. flats would result in harmful impacts to the residential amenity of neighbours.
- 5.7 PSP43 sets out guidance as to the level of private amenity space all new residential units are expected to have. The standards of such are as follows;
- 1 bedroom flat – 5sqm
 - 2+ bedroom flat – 5sqm + private shared communal space
 - 1 bedroom house 40sqm
 - 2 bedroom house – 50sqm
 - 3 bedroom house - 60 sqm
 - 4+ bedroom house - 70sqm

- 5.8 The development would involve the creation of 2no. 2 bedroom flats. Plans show that the ground floor flat would have approximately 70m² of private amenity space and the ground floor flat would have approximately 50m² of private amenity space. Accordingly, the provision for both flats would be in excess of the standards and are considered acceptable.
- 5.9 Highway Safety
The existing property has no off-street parking provision. This development proposes to introduce 1no. off-street parking space for each flat to the front of the property. PSP16 sets out that for a 2 bedroom flat 1.5 spaces would be required. This would amount to 2no. allocated spaces and 1no. unallocated visitor space. In this instance no visitor parking would be proposed. It is not considered that this would result in an unacceptable impact on highway safety, especially given the amount of on-street parking in the vicinity.
- 5.10 The transport officer raised concerns that the spaces would not be up to standard in terms of dimensions. However, the site location and block plan demonstrated that each space would be in excess of the 2.4 x 4.8 metres required, as set out in PSP16. Accordingly, no objection is raised.
- 5.11 Comments from local residents raising concerns with the loss of on-street parking is understood. However, Officers did note on a site visit that there is large amount of unrestricted on-street parking in the close proximity. It is not considered that the introduction of the driveway as part of this application would be detrimental to highway safety. Further, Officers are mindful that the creation of hardstanding for use incidental to the dwelling could be considered under the Town and Country Planning (General Permitted Development) (England) Order 2015.

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

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

CONDITIONS

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

Reason

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

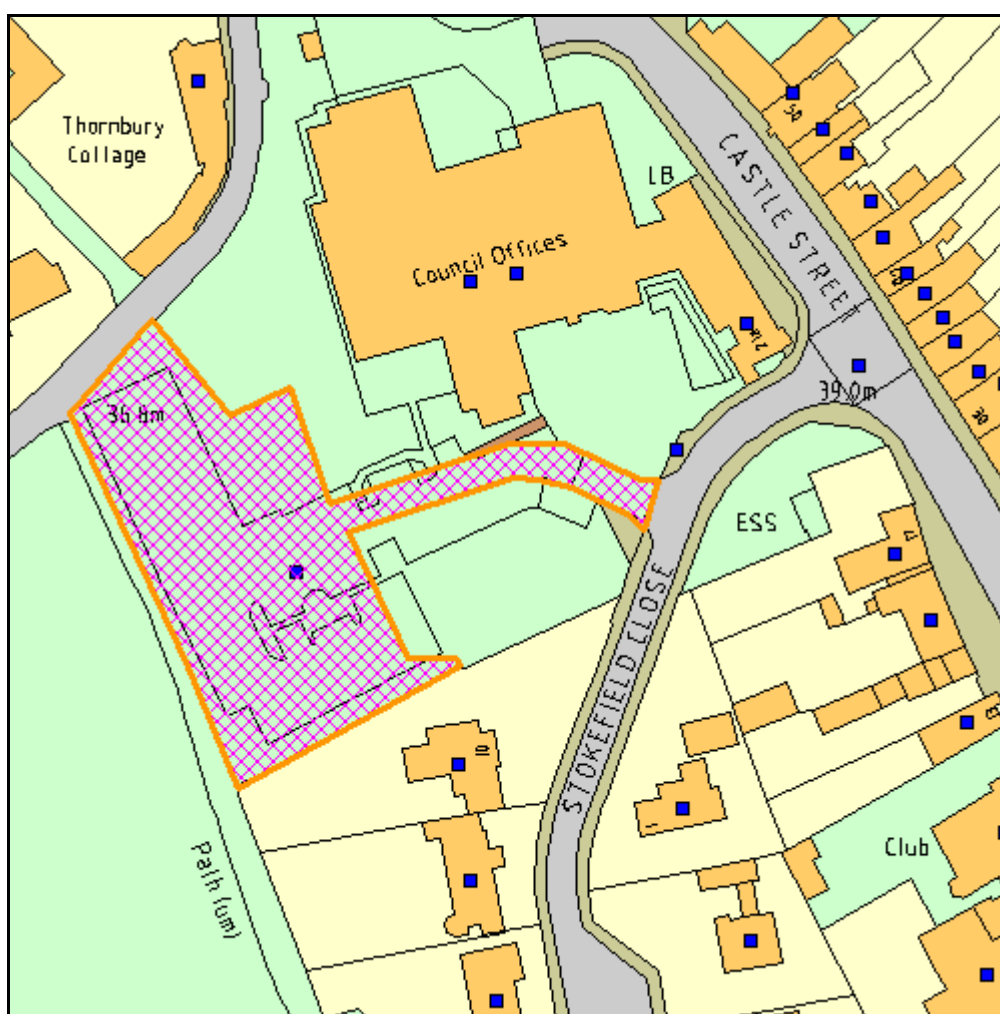
2. The flats hereby permitted shall not be occupied until the parking arrangements have been completed, and made available, in accordance with the submitted Site Location and Block Plan (dwg no. 9588.01, as received by the Council 7th June 2018). They shall be retained as such thereafter.

Reason

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

CIRCULATED SCHEDULE NO. 31/18 – 3 AUGUST 2018

App No.:	PT17/4472/F	Applicant:	Churchill Retirement Living
Site:	The Council Offices Castle Street Thornbury South Gloucestershire BS35 1HF	Date Reg:	20th November 2017
Proposal:	Erection of 7 no. retirement dwellings to include landscaping, parking and associated works.	Parish:	Thornbury Town Council
Map Ref:	363521 190362	Ward:	Thornbury North
Application Category:	Minor	Target Date:	8th January 2018



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PT17/4472/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule for determination as an appeal against the non-determination of the application has been received. Therefore, the position taken by officers needs to be ratified by Members. Once a resolution as to what the decision of the Local Planning Authority would have been (should the application have been determined) is given, this will form the basis for the Authority's case during the appeal proceedings.

1. THE PROPOSAL

- 1.1 Planning permission was sought for the erection of 7 'retirement' dwellings (Class C3) on land which was formally the car park of the Council Offices in Thornbury. This site is undergoing redevelopment by Churchill Retirement Living following the grant of planning permission on appeal for the demolition of the office building and the erection of flats and a terrace of 'cottages'. In that scheme, the western side of the site was left open and formed part of the amenity area provided for residents. This application is also made by Churchill Retirement Living and would seek to develop the western side of the site referred to above.
- 1.2 The site is within the defined boundary of Thornbury. The site is also within the Thornbury Conservation Area. The site is safeguarded for economic purposes under Policy CS12 (38). Although not within it, the northern extent of the Bristol and Bath Green Belt runs along the western boundary of the site. A public right of way also runs adjacent to the western boundary of the site. The western and northern boundaries of the site form and/or follow the course of the historic town wall of Thornbury. The site is subject to an area based Tree Preservation Order. The site is indicated as being development on the 1836 tithe map of the area.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
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
CS32	Thornbury

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP5	Undesignated Open Spaces
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
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

Landscape Character Assessment SPD (Adopted) November 2014

CIL and S106 SPD (Adopted) March 2015

Waste Collection SPD (Adopted) January 2015 (updated March 2017)

Thornbury Conservation Area Advice Note (Approved) March 2004

3. RELEVANT PLANNING HISTORY

- 3.1 PT18/2930/F Under consideration
Erection of 6 retirement cottages, including landscaping, parking, and associated works.
- 3.2 PT16/0982/F Allowed at appeal 30/05/2017
Demolition of existing buildings. Erection of 5 cottages and 57 sheltered apartments for the elderly including communal facilities, landscaping, parking, access and associated works.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
Object: sensitive location within conservation area; contrary to previous site layout; loss of green space and mature trees; harmful impact on character of area; loss of parking.

Internal Consultees

- 4.2 Archaeology
No objection subject to condition
- 4.3 Community Infrastructure
The site is able to provide sufficient information recreational, natural and semi-natural and outdoor sports; subject to the agreement to provide the above the development is acceptable.

4.4 Conservation

Object: area of site previously identified as providing high quality amenity space; identified in initial design concept as being 'very sensitive'; applicant has previously identified the site as making a very important contribution to the area; site provides open area with Conservation Area and is important to its character/significance; heritage statement has moved away from previous position without explanation; development would be harmful to the character and appearance of the conservation area; the level of harm is less than substantial.

4.5 Ecology

No objection subject to condition

4.6 Environmental Protection

Conditions should be applied in relation to land contamination.

4.7 Highway Structures

No objection; technical information should be provided on decision notice.

4.8 Housing Enabling

Represents subdivision of the site; affordable housing requirements should be assessed on the site as a whole including the development previously permitted. Two additional affordable homes would be required as a result of this development.

4.9 Landscape

Object: loss of trees; intrusion of built form into open and transitional areas; lack of compensatory measures.

4.10 Lead Local Flood Authority

Seek clarification as to the method of SuDS to be utilised

4.11 Public Rights of Way

No objection. Applicant should be advised on restrictions on the public right of way.

4.12 Sustainable Transport

No objection with regard to traffic generation or parking provision. The development has not demonstrated that access would be provided for service vehicles; this should be reassessed.

4.13 Trees

Object: to facilitate the development 2 category 'A' cedars and a group of category 'B' birch trees would need to be removed; loss of trees would be detrimental.

Statutory / External Consultees

4.14 Historic England

No objection; application site is sensitive; most impact would be in views from Kington Lane which helps to provide the rural setting for the town; development likely to be prominent over the boundary wall but so was the office building and so will be the approved buildings; statutory duty of section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise need to be considered in the assessment of this proposal.

4.15 Office of Nuclear Regulation

No comment; the consultation zone around the former Oldbury nuclear power station was removed in December 2017.

Other Representations

4.16 Local Residents

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

- application should be considered in conjunction with PT16/0982/F, which was allowed following a public inquiry
- earlier applications had outlined the area as being landscaped grounds
- no public consultation undertaken by developer
- harmful impact on the conservation area
- insufficient parking
- poor visibility
- damage to highway caused by existing building operations
- loss of trees
- lack of rear access to properties
- privacy issues
- scale of development should be reduced
- proposal is contrary to advice received at pre-application stage
- age restriction should be enforced
- reserved matters are outstanding
- intentions of developer were not declared at the inquiry
- damage to trees has occurred; greater precaution is necessary
- future occupiers may choose to remove vegetation
- encroachment toward the western edge of the town
- additional pollution
- traffic increase
- highway safety issues
- development has been previously turned down by the council
- trees are protected and should be retained
- proposed development had been planned from outset
- urbanising impact
- cynical attempt to develop site
- over development
- standard (not bespoke) design

- lack of consultation
- proposal shown in the earliest version of redevelopment proposals
- pre-application advice should be made available
- impact on green belt
- impact on boundary (town) walls
- loss of views
- impact on residential amenity

5. ANALYSIS OF PROPOSAL

- 5.1 This report has been prepared to confirm the Local Planning Authority's position regarding an appeal against the non-determination of a planning application for the erection of 7 dwellings at the Former Council Offices in Thornbury.

Principle of Development

- 5.2 The site is within the settlement boundary of Thornbury. Under policy CS5, development is directed to the existing urban areas and defined settlements. Therefore, the principle of residential development on this site is acceptable. Furthermore, the overall acceptability of the redevelopment of this site for residential purposes is established by the appeal decision for PT16/0982/F. That appeal decision has removed the site from employment uses and therefore while still safeguarded under policy CS12, with regard to this particular site the policy is out of date and should not act as a constraint to development.
- 5.3 Therefore, the acceptability of the proposed development should be assessed against site specific considerations and the site context. The most significant constraint to development is its location in the Thornbury Conservation Area. Other relevant policies includes design, landscape, and affordable housing provision.
- 5.4 It is noted that the council cannot at present demonstrate a 5-year supply of deliverable housing land. However, as the site is within a defined settlement it is not considered that the development plan is out of date for the purposes of assessing this development proposal and therefore can be afforded full weight.

Heritage, Design and Landscape

- 5.5 Policy CS1 requires development in the district to meet the 'highest possible' standards of site planning and design and proposals must be informed by, respect and enhance the character, distinctiveness and amenity of the site and its context. In specific relation to the conservation area, the design standard expected by policy CS1 should reflect the special architectural and historic interest of the area and seek to preserve or enhance the character and appearance of the locality. Policy PSP17 states that development in a conservation area will be expected to preserve or enhance the elements of the area which contribute to its special character or appearance. It goes on to require the position of new development to be carefully considered and 'open spaces, building lines, views [...] boundary walls which contribute to the

character or appearance of the conservation area are retained; and existing trees [...] green spaces which contribute to the character of the conservation area will be retained and protected.'

Site Character

- 5.6 Over the previous applications and appeals, the site's character has been assessed and identified. The applicant's submissions associated with PT16/0982/F and appeal previously identified the whole site as being 'very sensitive'. The heritage consultant's proof of evidence for the inquiry stated at paragraph 2.4.9

'the openness of the site, established by the set-back of the buildings and views into the rear of the site, combined with the mature trees and stone walling are considered to afford an informal and rural edge that makes an important contribution to the sense of transition between Castle Street (Area 2 of the CAA) and the open closes around the historic town (Area 5 of the CAA)'

- 5.7 Churchill Retirement Living's design representative also identified the character of the site and considered it to make 'an important contribution to the character of the area'. Part of the design rationale for the initial redevelopment proposal was that the character of the site would be retained and the new building would be set in a high-quality landscaped environment. Included in this was, according to the applicant, 'an area undeveloped on the western boundary of the site adjacent to open fields to allow views in and out of the site'. It is upon this area that the current proposal would stand.

- 5.8 The application site has therefore previously been identified by the applicant as a sensitive location which plays an important transitional role between the open countryside and the historic town. The openness of the site and its mature vegetation are important landscape factors which were identified as being worthy of retention. In the application and appeal, the applicant's heritage consultant identified that the openness of the site, the mature vegetation, and the historic wall made an 'important' contribution to the character of the conservation area

- 5.9 A different point of view has been put forward by the applicant and their consultants for the current development proposal. The heritage statement accompanying this application states that (paragraph 5.2.8):

'in assessing the special character and appearance of the Conservation Area it is considered that the application area does not contribute meaningfully towards the significance or special interest of the Conservation Area'

- 5.10 Other than the demolition of the former office building, nothing else has changed in respect of the western part of the site.

- 5.11 No explanation is provided to explain the differences in the assessment of the same area of land, nor is there any acknowledgement of the original viewpoint that was identified as being sensitive to the encroachment of development in the initial application and subsequent appeal to redevelop the wider site. Furthermore, different viewpoints have been selected by the applicant in assessing the impact of the proposal; unsurprisingly the selected viewpoints present a different case to that previously advanced by the applicant.
- 5.12 Nevertheless, officers have taken an objective view on the proposed development and assessed its impact accordingly.

Heritage Impact

- 5.13 The set-back nature of the former and approved buildings within the wider site means that the western area remains a positive contributor to the openness of this edge of the conservation area and protects the character of this transitional area from rural countryside into the built-up urban area of Thornbury. The absence of buildings coupled with the mature trees within the site creates an attractive, green edge to the settlement enclosed by the town walls; something which has been eroded to the south by the prominence and intrusiveness of the Stokefield Close development. This is an important reminder of the historic settlement pattern in this part of Thornbury, with burgage plots, orchards and paddocks being located between the medieval town wall and the properties fronting Church Street. Along with the closes (paddocks, meadows, orchards and market gardens) situated to the west just outside the town walls, this pattern of development created a visually permeable, open edge to the town which is reinforced by the open edge of the application site. All parties previously agreed that this zone was important to protect as open garden space and there is nothing submitted in the present application which would convince officers that this is no longer the case.
- 5.14 The loss of trees (discussed in more detail below) and the introduction of buildings into this part of the site will result in the encroachment of built form in an incongruous and discordant pattern of development; this will only reinforce the harm already caused by the adjacent twentieth century development. The impact will likely be limited to the Thornbury Conservation Area as opposed to designated listed buildings but the development will harm the character and appearance of the conservation area through the urbanisation of an area that historically has remained open as private garden and orchards, enclosed by the medieval town walls. As a result, the development is harmful and would fail to accord with policy PSP17. In terms of the National Planning Policy Framework, the harm identified is less than substantial and the paragraph 196 test would therefore apply.

Landscape and Trees

- 5.15 The development plan identifies that trees are important contributory factors to the character of an area, whether or not in a conservation area, under policy CS9 and PSP2 and PSP3. As identified above, the site is characterised by its open nature and mature vegetation. It was previously used for car parking but under the redevelopment proposal would become a landscaped garden for the residents. The site contains a number of large trees of high quality.

Due to the quality of the trees and the contribution that they make to the area, a Preservation Order is in place. The stone boundary wall demarcating the western boundary of the site defines the historic edge of the medieval. Stone boundary walls are important features within the Thornbury Conservation Area and add to the special character of the adjacent landscape.

- 5.16 Four of the proposed dwellings will be a terrace in line with the previously approved cottages and will be perpendicular to the boundary wall. The other three dwellings will be a terrace parallel and within approximately 5 metres of the stone boundary wall. Parking will be provided in the central area formed by the new buildings and those already approved.
- 5.17 To enable the development, a number of trees would need to be removed. These include 3 category 'A' cedars and a group of category 'B' trees. Trees of high quality should be considered a constraint to development and proposals should retain such trees and make adequate provision for them. Other properties would be in close proximity to trees which have potential to be sizeable when mature (+20 metres in height and similar width).
- 5.18 The area to the south-west and west of the development site is sensitive to change due to its open nature, its historic context and character and its high recreational value due to its proximity to the residents of Thornbury. The proposed development will have a detrimental visual impact due to the proximity of the terraces to the boundary wall, the loss of open space between existing developments and the removal or screening of trees which make a significant contribution to the landscape character of the surrounding area.

Site Layout

- 5.19 Policy CS1, which is the principal design policy, requires development proposals to be informed by, and respect and enhance, the character, amenity and distinctiveness of a site and its context. It goes on to require existing features of landscape, nature conservation, heritage, and amenity to be safeguarded and enhanced through incorporation into the development.
- 5.20 The site layout proposes a continuation of the building line formed by the approved cottages under the earlier application. It also then seeks to form another built form to the north and west. While it is accepted that the site is to be redeveloped, this should not be at the sake of securing a high quality and well-designed environment.
- 5.21 The open, green, nature of this part of the site is important in terms of the setting of the town and its conservation area. An important contributor to the character of the site are the trees contained within it. A basic appraisal of the site should have identified that the trees may act as a constraint to development. Further constraints would have sought to minimise the visual intrusion of any development in to the open countryside beyond (which does form part of the green belt).

- 5.22 In turn, using such an appraisal, including the recognition of the value of the site from a heritage and landscape point of view, an alternative layout could have come forward which sought to retain the trees. It is therefore considered that the highest possible standards of design and site planning have not been achieved and that the context of the site, its amenity and distinctiveness have not informed the design and would not be retained and respected through it.

Affordable Housing

- 5.23 This proposal includes 7 dwellings; it would not on the face of it trigger an affordable housing contribution. However, the area of the site subject to this proposal was to be laid out as landscaped gardens under PT16/0982/F for the erection of 57 sheltered apartments and 5 cottages; that development did trigger an affordable housing contribution and was subject to a planning obligation.
- 5.24 When the earlier application was being considered, a viability case was presented by the applicant. It was accepted by all parties that a fully policy compliant contribution of 35% delivered on-site without public subsidy would be unviable. As an alternative, the local planning authority accepted an off-site contribution of £219,254 in lieu.
- 5.25 Given the recent nature of the earlier application and the fact that the current proposal is made by the same developer and would form part of the overall redevelopment of the site, officers are of the opinion that the current proposal represents the subdivision of the site. This is addressed in policy CS18 and the Affordable Housing and ExtraCare SPD.
- 5.26 The supporting text to policy CS18 (at paragraph 10.37) states:
- ‘[...] where it is proposed to phase development, sub divide sites or where recent subdivision has taken place, or where there is a reasonable prospect of adjoining land being developed for residential purposes in tandem, the Council will take the whole site for the purpose of determining whether the schemes falls above or below the site thresholds for the provision of affordable housing.’
- 5.27 The site forms part of a wider landholding which is within the applicant’s ownership, therefore considering the site as a whole the proposal exceeds the NPPG affordable housing obligation and therefore is required to provide 35% affordable housing in line with the council’s policy.
- 5.28 Taking the development in its own right, this would equate to the provision of 2 affordable units. However, it is noted that the earlier application was subject to a viability appraisal and that as a result an off-site sum (which the retained the viability of the scheme but was not equivalent to 35% contribution) was accepted by the authority. No revised viability information has been provided based on the expanded development proposal.

- 5.29 Given that the site was previously found to be viable with a financial contribution towards affordable housing, and that the proposal would increase the quantum of development, officers consider it reasonable to seek an affordable housing contribution. The policy position is that, in the first instance, provision should be made on site without public subsidy. No such provision has been made. In the absence of any supporting viability information (to reflect development across the site as a whole) officers have no evidence to suggest that the affordable housing policies should not be applied in full.
- 5.30 This development should therefore make a contribution to affordable housing in line with the requirements of policy CS18 and the Affordable Housing and ExtraCare SPD. In the absence of any such contribution the development fails to accord with the above policy.

Other Planning Considerations

Residential Amenity

- 5.31 Development should not be permitted that has a prejudicial impact on residential amenity or which provides less than satisfactory living conditions for future occupiers.
- 5.32 Turning back to the landscape discussion for a moment, one of the design criticisms is that the layout does not take into account the existing highly valued trees. While not a reason to raise objection to the proposal, this is also a residential amenity matter. Residential amenity issues often arise from poor design. The highest standards of design require the designer to consider the position of buildings with regard to their orientation but also the impact of other surrounding factors, such as other buildings. In this case the impact would be caused by the proximity to the trees. Where a tree is yet to mature and new development is in close proximity, this often leads to pressure to undertake works on trees to maintain light levels into houses or to improve the amenity value of external areas. The proposal does not adequately consider the impact on residential amenity of development in close proximity to trees which are yet to mature; however, this is considered to be a symptom of the design rather than a standalone amenity issue.
- 5.33 Returning to look at specific amenity issues, the proposal would be situated on land previously identified as serving an amenity function. Under policy PSP43, new residential units are expected to have private amenity space. The cottages would have their own garden and this requirement is met for that aspect of the proposal. Consideration nonetheless should be given to the impact of the proposal on the amenity of the flats in the adjacent building. An audit of on-site spatial provision has indicated that there is sufficient space on site to meet amenity and public health requirements. While it is desirable to retain the large landscaped area as part of a good design, it is not required to serve as amenity land for the wider redevelopment of the site. As a result, no amenity issues are identified for the retirement apartments (either consented or subject to this appeal).

- 5.34 Furthermore, while the view from nearby properties would change, the development would not have a prejudicial impact on the living conditions of nearby occupiers. There is sufficient separation between the existing building and the proposed cottages to prevent any noticeable loss of privacy.

Transport

- 5.35 In terms of traffic generation, the proposal is has not been concluded to result in significant levels of additional movements. The access remains safe and suitable and adequate visibility is provided.
- 5.36 Concern has been raised about the level of on-site parking provision. The development is located where under the previous application 9 parking spaces had been identified. Plans indicate the provision of 18 spaces as part of the proposal. Discounting the 9 required for the earlier development, this results in the provision of 9 spaces to serve the 7 residential units.
- 5.37 Each unit would contain 2 bedrooms. To accord with policy PSP16 a 2-bedroom dwelling requires the provision of 1.5 parking spaces. A visitor parking space is also required per 5 units. The development generates a demand for 10 (rounded down) residents' spaces and 1 visitor space. The proposal is therefore 2 spaces below the policy expectation.
- 5.38 It is noted that the development would be age restricted. It is further noted that the site is in close proximity to the services in Thornbury town centre, which is in walkable distance and that there is a bus stop on Castle Street outside the development site. On-street parking around the site is restricted through limited waiting periods and residential parking permits. Officers accept that development of this nature may lead to a lower parking demand than non-age restricted residential development. The nature of the surrounding area and the restrictions on parking within the highway mean that there is limited scope for additional on-street parking. As a result, it is not concluded that the provision of parking would be a significant issue in this instance and should not form the basis of a reason for refusal.
- 5.39 No details of any vehicle tracking of the site layout have been provided. There is a concern that large service vehicles may not be able to satisfactorily manoeuvre within the site. This is an issue of layout and, in a similar vein to comments about the impact of trees on residential amenity, can be easily overcome through a high quality and well considered design approach to the development proposal. This issue should be addressed at the same time that the layout is revised to take better account of the site's context and character and therefore should not form a reason for refusal on its own.

Ecology

- 5.40 The site had provided habitat for protected species in the former office building. This was considered in the earlier application and mitigated. There are no remaining ecological constraints. Biodiversity gain should be achieved and therefore the use of planning conditions should be considered to secure ecological enhancement.

Drainage

- 5.41 A drainage strategy was previously required for the whole site. It is not clear whether or not the proposed development would require this to be updated and revised. However, given that drainage has previously been considered, officers are satisfied that it is likely an acceptable solution can be reached. Therefore, this matter can be suitably addressed through the use of planning conditions.

Planning Balance

- 5.42 The proposed development would result in the provision of 7 additional residential units to the overall housing supply in the district. These units would provide specialist accommodation for older people being occupied by people aged 55 and older. The provision of specialist housing is of clear benefit to the district and should be given substantial weight. However, in terms of the overall supply of housing, at only 7 units, the overall benefit must be considered moderate.
- 5.43 A number of socio-economic harms have been identified. This include heritage (discussed specifically below), landscape, and design. These issues are all interlinked. High quality design is a fundamental of the planning system. Design expectations are expressed in policy CS1; the above assessment has indicated that the proposal does not accord with this policy. The contribution that trees make to the character and distinctiveness of a locality is well established. This contribution is even more significant in a conservation area. Various policies seek to protect trees including CS1, CS9, PSP2, and PSP3. The development as proposed would lead to the significant loss of high quality specimens.
- 5.44 An objection has been raised from the conservation officer but the overall harm is concluded to be less than substantial. Under paragraph 196 of the NPPF the harm to the heritage asset – in this case the Thornbury Conservation Area – should be weighed against the public benefits of the proposal. In conducting that exercise, great weight should be given to the conservation of a heritage asset in accordance with paragraph 193 of the NPPF which enshrines the statutory duties contained in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.45 Therefore, the development would result in harm to the visual amenity and landscape of the locality and the special character and appearance of the conservation area. The weight that should be applied to the identified harm is significant. The public benefits of the proposal do not outweigh the harms identified and it therefore follows that if the authority was in a position to determine this application, officers would recommend that the application is refused.

Impact on Equalities

- 5.46 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.

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

Other Matters

- 5.48 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.
- 5.49 The development needs to be assessed in light of the former use of the site as a council office and the consent and implemented uses for residential. The appeal documentation is a material consideration and this is set out where appropriate in the report.
- 5.50 While the authority encourages developers to engage with the local community, as set out in the Statement of Community Involvement, there is no validation requirement for a development of this size to demonstrate that engagement has taken place. Concerns over the lack of consultation undertaken by the planning authority have been rectified as the consultations mimic those for the earlier application.
- 5.51 Damage to private property is a civil matter and cannot be managed through the planning process. Damage to the public highway is a matter for the relevant highway authority who can seek reimbursement for any costs associated with the repair of the highway where damage has been caused by building operations.
- 5.52 Each application must be assessed on its own merits. Whether or not this particular element was proposed by the developer at the outset or known during the time of the inquiry is immaterial in the consideration of the proposal's planning merits although the drip-feeding of planning applications often does little to foster neighbourly relations or confidence.
- 5.53 Pre-application discussions have previously been released as part of the public inquiry documentation. Pre-application advice is material in the determination of a planning application but the level to which any advice given is taken on board would be borne out during the assessment of the planning application.
- 5.54 Issue of the scale of development have been discussed in detail above. There is no requirement for rear accesses to be provided. Future occupiers may choose to remove vegetation but where a tree is protected, consent would be necessary. Comments of overdevelopment are noted as is the urbanising

effect. There is no objection to the appearance of the properties given that similar units have been consented on the wider site.

- 5.55 It is not considered that the development would result in significant levels of pollution. There are no reserved matters as the previous application was made in full. The views of the town council have been noted. Although the green belt runs along the western boundary of the site, the development is not within the green belt itself.

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 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, should the authority have determined this application, it would have been REFUSED for the reasons listed below and the appeal is defended on that basis.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

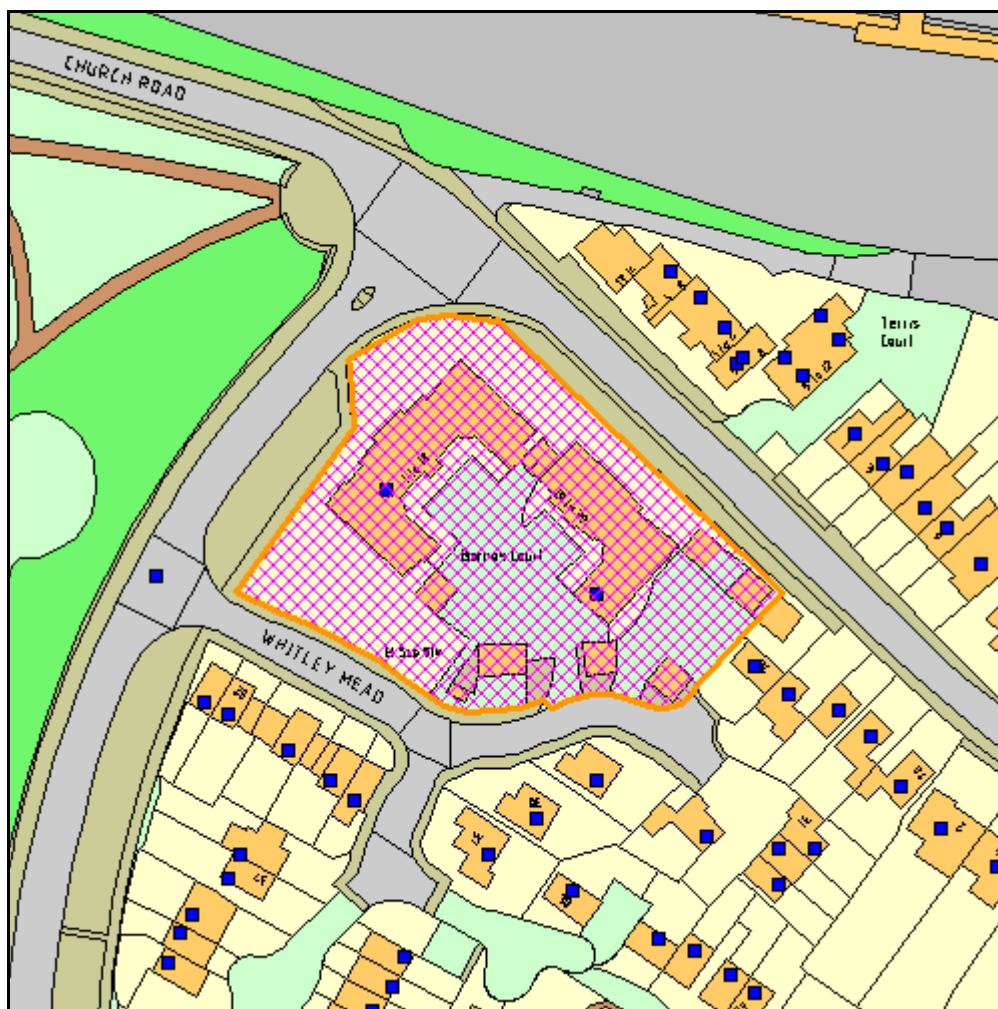
REASONS FOR REFUSAL

1. The proposed development fails to respect and enhance the character, distinctiveness and amenity of the site and its context. The proposal would lead to harm to the Thornbury Conservation Area through the loss of the open, transitional, character that the site provides between the rural setting and historic core of the town and the urbanisation of the sensitive western edge of the town in this location. The proposed development would lead to the loss of high quality tree specimens that make a valuable contribution to the visual amenity of the locality for which no justification is made. The layout of the proposal fails to adequately assess the constraints of the site and safeguard existing features of landscape, heritage, and amenity value. The harm identified as resulting from the development, if permitted, outweigh the benefits of the proposal. The proposed development is therefore contrary to policy CS1, CS4a, CS9, and CS32 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP1, PSP2, PSP3, PSP5, and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework, July 2018.

2. In the opinion of the Local Planning Authority, the proposed development triggers a contribution towards affordable housing. The application site is a subdivision of PT16/0982/F and therefore – in accordance with the Development Plan and adopted guidance – the whole site should be used for determining whether or not the affordable housing threshold is exceeded; in this instance it is. In the absence of an appropriate planning obligation to secure affordable housing provision or an appropriate contribution, the proposed development fails to mitigate its impact or contribute towards sustainable development. The proposed development is therefore contrary to policy CS4a, CS6, and CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; the Affordable Housing and ExtraCare SPD (Adopted) May 2014; and the provisions of the National Planning Policy Framework, July 2018.

CIRCULATED SCHEDULE NO. 31/18 – 03 AUGUST 2018

App No.:	PT17/5647/F	Applicant:	Harwood Bristol Limited
Site:	Barnes Court Whitley Mead Stoke Gifford Bristol South Gloucestershire BS34 8XT	Date Reg:	29th January 2018
Proposal:	Erection of new building to form 10no self contained flats with access parking, landscaping and associated works.	Parish:	Stoke Gifford Parish Council
Map Ref:	362318 179499	Ward:	Frenchay And Stoke Park
Application Category:	Major	Target Date:	24th April 2018



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PT17/5647/F

REASON FOR REFERRAL TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule for determination as a comment of objection has been received by the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a building to contain 10 flats. The proposed building would join onto the existing building (which contains flats). To enable this development, a number of existing carport structures would need to be demolished. The proposal would also be an alternative to a previously approved scheme, being located in the same position albeit this proposal is larger.
- 1.2 The application site is Barnes Court in Stoke Gifford. It is situated behind the AXA Sunlife building on the corner of Church Road, Westfield Lane, and Whitley Mead. The existing buildings on site are 2½ to 3-storey finished externally in a mix of brown and tan brick, slate roof, with brown casement windows, some of which form projecting bays.
- 1.3 Located in the north fringe of Bristol, the site is within the existing urban area. The site is very close to Bristol Parkway Station. There are no other land designations that cover the site.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2018
National Planning Practice Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS3	Renewable and Low Carbon Energy Generation
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS25	Communities of the North Fringe of Bristol

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

PSP1	Local Distinctiveness
------	-----------------------

PSP3	Trees and Woodland
PSP5	Undesignated Open Spaces
PSP6	Onsite Renewable and Low Carbon Energy
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) August 2007
Residential Parking Standard SPD (Adopted) December 2013
Renewables 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 PT16/5382/CLE Approved 09/12/2016
Application for a Certificate of lawfulness that development (as defined by Section 56 of the Town and Country Planning Act 1990) has commenced prior to 31st July 2016 in accordance with condition 1 of planning permission PT13/2304/EXT.
- 3.2 PT15/0552/CLE Approved 12/06/2015
Certificate of lawfulness that development approved under PT11/2434/F has been lawfully implemented in accordance with Section 56 of the Town and Country Planning Act 1990 prior to 7th October 2014.
- 3.3 PT13/2304/EXT Approved 31/07/2013
Erection of three storey link extension between existing flats to form 2 no. additional flats and laundrette and office on ground floor. (Consent to extend time limit implementation for PT10/1499/F).
- 3.4 PT11/2434/F Approved 07/10/2011
Erection of 4 no. self-contained flats with revised access arrangements (Resubmission of application PT10/1498/F)
- 3.5 PT10/1499/F Approved 28/09/2010
Erection of three storey link extension between existing flats to form 2 no. additional flats and laundrette and office on ground floor.
- 3.6 PT10/1498/F Refused 20/10/2010
Erection of 10 no. self-contained flats and associated works. Alterations to access. (Resubmission of PT08/2013/F).

Refusal Reasons:

- (1) The proposed development, by virtue of its position and large scale would infill an existing area of open landscaped space at a prominent position to the front of Barnes Court that is considered to make a positive contribution to the quality, distinctiveness and character of the area. The proposal is therefore considered to

be contrary to the provisions of PPS1 and PPS3, Planning Policies D1, L1 and L5 of the South Gloucestershire Local Plan (Adopted) January and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

- (2) The proposed development, by virtue of its layout, size, design and detailing would comprise an over development of the site that would fail to integrate with the existing Barnes Court development. The proposal would therefore detract from the visual amenity of the locality and is considered to be contrary to the provisions of PPS1 and PPS3, planning policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.
- (3) The proposed development, by reason of its size, design and position in relation to the existing Barnes Court would have an unacceptable overbearing impact on the residential amenity of the existing residents. The proposal is therefore considered to be contrary to the provisions of PPS1 and PPS3, Planning Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

There are 2 further refusal reasons related to the lack of a planning obligation.

- 3.7 PT08/2013/F Refused 30/09/2008
Erection of 10 no. self-contained flats. Erection of link extension to existing flats to form 2 no. additional flats, office and launderette. Alterations to access. (Re-Submission of PT07/2048/F)

Refusal Reasons

- (1) The proposed development, by virtue of its poor design and large scale would over-dominate the site to the detriment of the character and visual amenity of the site and the surrounding locality. As such the development is contrary to policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006; PPS1 and PPS3; and the South Gloucestershire Design Checklist SPD (adopted)
- (2) The proposed development by virtue of its scale and position in relation to the existing development on site and the nearby residential properties would have an unacceptable over-bearing impact upon the residential amenity of the occupants of the existing dwellings; and would allow views into the surrounding residential properties to the detriment of the privacy and residential amenity of the occupants of those dwellings. As such the development is contrary to policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.
- (3) Inadequate provision is made towards the mitigation of the development upon the local transportation network in the North Fringe of Bristol. As such the proposed development is contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 3.8 PT07/2048/F Refused 12/10/2007
Erection of 12 no. self-contained flats. Erection of link extension to existing flats to form 2 no. additional flats, office and laundrette. Alterations to access.

Refusal Reasons

- (1) The proposed development, by virtue of its poor design and large scale would over-dominate the site to the detriment of the character and visual amenity of the site and the surrounding locality. As such the development is contrary to policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006; PPS1 and PPS3.

- (2) The proposed development by virtue of its scale and position in relation to the existing development on site and the nearby residential properties would have an unacceptable over-bearing impact upon the residential amenity of the occupants of the existing dwellings; and would allow views into the surrounding residential properties to the detriment of the privacy and residential amenity of the occupants of those dwellings. As such the development is contrary to policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.
- (3) Given the highway constraints surrounding the development site, there is a need in this instance to provide a minimum of 1 motor vehicle parking space per dwelling within the development site. The proposed development will result in less than 1 motor vehicle space per dwelling and as such would add to the existing congestion problems within the locality to the detriment of highway safety and amenity. As such the proposed development is contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- (4) No financial contribution is made towards the provision of the North Fringe Development Major Scheme (Transport Matters) as identified in the South Gloucestershire Local Plan (Adopted) January 2006 as part of this development proposal. As such the proposed development is contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

Objection: additional parking and cycle storage welcome; increase in massing of development will be overbearing on amenities of existing properties.

Internal Consultees

4.2 Archaeology No comment

4.3 Arts and Development No comment

4.4 Environmental Policy and Climate Change No energy statement has been provided; the development fails to demonstrate how it complies with PSP6.

4.5 Highway Structures No comment

4.6 Housing Enabling No objection

4.7 Landscape Landscaping scheme should be required by condition

4.8 Lead Local Flood Authority No objection in principle; location of soakaways requested

4.9 Sustainable Transport

No objection subject to condition

Other Representations

- 4.10 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of an extension to the existing flats to provide 10 additional units.

Principle of Development

- 5.2 The application site is located within the existing urban area of the north fringe of Bristol. Under policy CS5 development of this nature is directed to the existing urban areas and therefore the proposed development accords with the locational strategy and is acceptable in principle.

Design

- 5.3 The principal design policy for the district is CS1. This policy requires new development to meet the 'highest possible' standards of site planning and design. The proposed development consists of the erection of a three-storey building to the south of the site adjacent to Whitley Mead. The building would have a hipped roof to broadly match in appearance the building to which it joins.
- 5.4 Although the design is broadly acceptable, there are a number of areas of concern or which warrant specific discussion. The first is the indicated external finish. Whitley Mead is a late 1980s/early 1990s residential development typical in architectural style and appearance of its age. The whole development is finished exclusively in two colours of brick and the estate has a homogenous appearance. It has been indicated in the Design and Access Statement and the Application Form that the proposed building would be finished externally in a 'light coloured render'. The introduction of render is unacceptable. It is an alien material within the estate and in view from the estate into the surrounding area. While render is a common building material across the district and in close vicinity to the application site, its absence in the estate is notable.
- 5.5 Planning guidance states that permission should not be refused when the issue can be overcome through the use of appropriate planning conditions. Conditions are often used to agree materials; a condition can therefore be imposed on any consent given for details of the external facing materials to be agreed at a later date. Such a condition will be imposed. For the avoidance of doubt, this condition will seek to secure a brick finish to the development that matches the bricks used on the existing building and throughout the Whitley Mead development.

- 5.6 Another issue is the fenestration. The existing building has quite a characterful fenestration with the use of projecting box windows with hipped dormers, oriel windows, eaves skylights, and more traditional casements. Ideally, the proposed development would replicate these examples to add interest to the building. However, it is acknowledged that some of the existing apertures are fairly small. The argument presented by the agent that the design of the exiting building (including its fenestration) also creates a complicated roofscape. This is accepted in part by officers. Prior to the publication in July 2018 of the revised NPPF, national guidance stated that decision takers should not impose architectural styles or particular taste. This application was submitted in that policy context. While specific reference to the imposition of architectural styles have not been carried forward into the latest government guidance, officers consider it reasonable to still give some weight to the previous wording.
- 5.7 A design of high quality would have sought to reflect some of the character of the existing building. However, only where there is a clear local distinctiveness would the local planning authority be able to robustly refuse development on the basis that a particular architectural style should be imposed. The assessment, therefore, is would the proposed fenestration have such a marked impact on the distinctiveness of the locality that planning permission should be refused. In this case it is concluded that it would not.
- 5.8 Turning to discuss layout, this development is on the site of a previously consent scheme although it is significantly larger than that scheme. Development has previously been refused due to the overbearing impact of the development and the loss of the open grounds in which Barnes Court is set. There has recently been a move towards increasing housing densities in sustainable locations. This site is sustainable in nature. There is a tension in this approach between preserving open areas within built environments for the benefit of local residents and increasing housing supply. The land around the building does provide amenity space for residents but it is of poor quality being adjacent to the highway and parking areas. The open space provides a setting to the building rather than relief from the intensity of the surrounding urban environment. Sufficient open space would be retained to safeguard the setting of the building. The development would bring forward additional residential units to meet the council's housing requirements (and at present the council cannot demonstrate a 5-year supply of housing land) and the benefit of housing provision outweighs concerns about the loss of the open land surrounding the site.
- 5.9 While the design of the proposed development is not of the highest possible standard, the concerns listed above can either be adequately managed through planning conditions or are outweighed by the positive benefit of additional housing in a sustainable urban location. Therefore, while the proposed development could be improved, officers do not raise an objection to this proposal in terms of design.

Living Conditions

- 5.10 Development should not be permitted that has a prejudicial impact on residential amenity or which fails to provide adequate living conditions for future occupiers.
- 5.11 The proposed development is not considered to have a prejudicial impact on the amenities of nearby occupiers. While the building has a slightly greater scale and is set forward of the existing southern building line, it is not considered to be overbearing or prejudicial to outlook. Neither is it considered to lead to a material loss of privacy.
- 5.12 Under policy PSP43, new residential development is expected to provide private amenity space for each unit. It is recognised in the policy that there is an inherent difficulty in doing so for flatted development and the suggested approach is a terrace or balcony. No other unit in Barnes Court has a terrace or balcony; even the ground floor units have no external access to amenity areas. While it would be desirable for the proposed units to have private amenity areas, the other units in the development do not. Any harm resulting from the lack of provision is not considered to outweigh the positive benefit of additional housing supply.

Transport and Parking

- 5.13 The site is in a sustainable location with good access to public transport. The proposal would involve alterations to the car parking arrangements. Sufficient parking is provided on site to meet the needs arising from the development and no objection is raised from the highways engineer with regard to car parking.
- 5.14 A request has been made to secure electric vehicle charging points. There would be limited opportunity for residents to install their own charging points in the future (as opposed to dwellinghouse development where the opportunity is greater). Therefore it is not unreasonable for this request to be carried forward and to form the basis of a planning condition in the interests of sustainability.
- 5.15 With regard to the wider highway network, access to the site is safe and the increase in traffic is limited and would not pose a severe impact on highway safety.

Conditions

- 5.16 There are a number of trees which would be removed and others which would be retained. While the character of the open land around the building is mainly formed through lawn, a landscaping scheme is still required. A landscaping scheme has been submitted; this is acceptable. The carrying out of the landscaping scheme shall be secured by condition.
- 5.17 The climate change officer has requested that details of on-site energy generation is provided. This development is not on a greenfield site and therefore this policy on seeks to encourage the minimisation of end-user energy requirements. Given that the development would need to comply with

the Building Regulations it is not considered that further energy information can be justified on this occasion.

- 5.18 A condition restricting the operation hours of the site is recommended to protect residential amenity.

Planning Obligations

- 5.19 This development does not trigger a contribution towards affordable housing or public open space as it does not exceed the relevant threshold.
- 5.20 The development would be CIL liable. CIL receipts are used to fund general infrastructure and therefore is considered to mitigate its impacts on the local environment.

Impact on Equalities

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 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. Notwithstanding the submitted details, prior to the application of any external finish, 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. For the avoidance of doubt, the building should be finished in a matching brick and the use of render is unacceptable.

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 scheme of landscaping shown on plan 6318/1c as accompanied by the Landscape Management Plan and Soft Landscape Specification shall be implemented in full within the first planting season following the first occupation of any dwelling hereby permitted.

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.

4. Prior to the first occupation of any dwelling hereby permitted, the revised access shall be completed in full as shown on the submitted drawings. This includes consolidated paving, drainage of hardstanding, and the reinstatement of full height kerbs over redundant vehicle crossovers.

Reason

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

5. Prior to the first occupation of any dwelling hereby permitted, the car and cycle parking (as shown on plans 1734.12E and 1734.32A) shall be completed in full. Thereafter, the car parking across the site as a whole shall be retained on an unallocated basis.

Reason

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

6. Prior to the first occupation of any dwelling hereby permitted, a minimum of five electric vehicle charging points shall be provided to serve the unallocated vehicle parking spaces and thereafter shall be retained.

Reason

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

7. 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 Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites, and Places Plan (Adopted) November 2017 and the provisions of the National Planning Policy Framework.

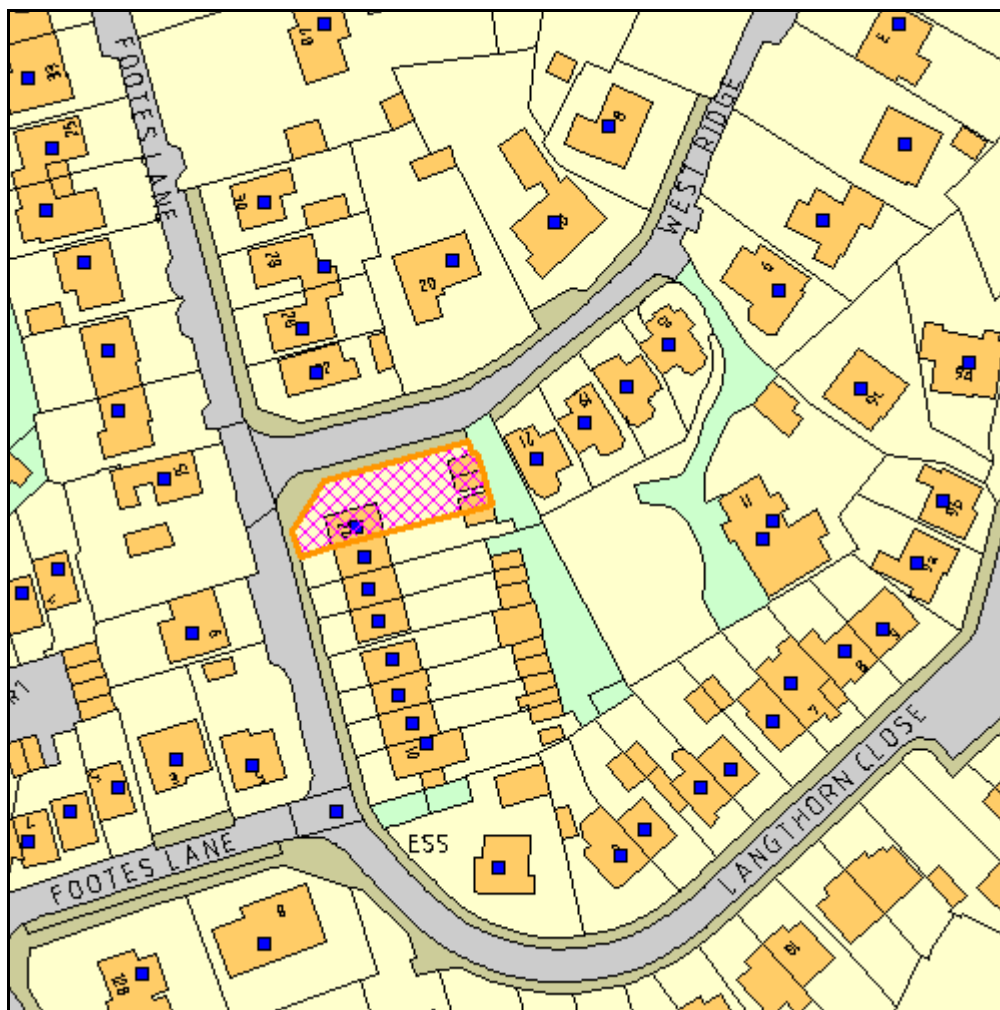
8. The development hereby approved shall be carried out in accordance with the following plans:
1734.11 Proposed Block Plan; 1734.13 Proposed Ground Floor Plan; 1734.14 Proposed First Floor Plan; 1734.15 Proposed Second Floor Plan; 1734.21 Proposed Site Sections; 1734.25 Proposed Elevations; and, 1734.31 Proposed Bike Store; received 6 December 2017; and, 1734.12E Proposed Site Plan, received 2 August 2018.

Reason

In the interests of clarity and proper planning.

CIRCULATED SCHEDULE NO. 31/18 – 3 AUGUST 2018

App No.:	PT18/2184/RVC	Applicant:	DB Property Limited
Site:	24 Footes Lane Frampton Cotterell Bristol South Gloucestershire BS36 2JQ	Date Reg:	11th May 2018
Proposal:	Variation of condition 3 attached to planning permission PT16/0867/F allowed on appeal APP/P0119/W/16/3154354, to retain existing side window of 24 Footes Lane, whilst ensuring it is fitted with non-opening level 3 obscured glass.	Parish:	Frampton Cotterell Parish Council
Map Ref:	366982 181199	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	5th July 2018



© South Gloucestershire Council 2007. all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to a consultation response received, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for the variation of condition 3 attached to planning permission PT16/0867/F. This application was allowed on appeal (Ref. APP/P0119/W/16/3154354). That permission was for the demolition of existing garages and erection of 1no. dwelling and associated works. Condition 3 of the permission granted by the Inspector states:

'Prior to the first occupation of the dwelling hereby approved, the existing first floor window in the side gable elevation of No 24 Footes Lane shall be removed, the resultant aperture permanently blocked up and rendered to match the existing wall of the dwelling as shown on the House Plans and Elevations drawing No 'FL/PO1b'.

- 1.2 This application is to vary that condition to retain existing side window of 24 Footes Lane, whilst ensuring it is fitted with non-opening level 3 obscured glass. 24 Footes Lane was the host property for the above development. The curtilage and garden area of the new dwelling extends down the side of 24 Footes Lane. One side window exists at first floor level and the condition of permission sought its removal. The planning permission has been implemented and the dwelling constructed and completed.

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

South Gloucestershire Local Plan: Submission: Policies, Sites and Places Plan
November 2017
PSP8 Residential Amenity

3. RELEVANT PLANNING HISTORY

- 3.1 PT16//0867/F - demolition of existing garages and erection of 1no. dwelling and associated works. Refused 4/7/16. Approved on appeal 14/9/16
- 3.2 PT17/3284/NMA – Non-material amendment to PT16/0867/F, to retain side window and fix permanently shut with Pilkington Level 3 obscure glazing.

Objection/Refused 28/11/17 on the basis that it did not constitute a non-material amendment.

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council

Objection. This window was not on the original plan and should be removed and blocked up.

Sustainable Transportation

We note that this planning application seeks to vary a condition placed on the permission granted PT16/0867/F for development at 24 Footes Lane, Frampton Cotterell. As we understand that this will permit the retention of an existing window, we have highways or transportation comments about this application.

Highways Structures

No comment

Lead Local Flood Authority

No objection

Archaeology

No comment

Other Representations

4.3 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of the demolition of the garages and the erection of dwelling at this location have been established through the appeal process. This development has been implemented. In approving the development the Inspector considered it necessary to impose the condition securing the removal of the existing first floor side window. Although no reasons are given with the recommendation of conditions and the issue does not appear to have been specifically identified in the Inspectors report, it is considered and assumed that this would have been for privacy and amenity issues and to prevent overlooking of the curtilage now associated with the new dwelling. The issue for consideration is therefore whether the retention of the window in the manner sought by the applicants i.e. obscure glazing and non-opening would give rise to any material amenity or overlooking concerns.

- 5.2 In this respect it is considered that an obscure glazed fixed shut window would be an acceptable alternative to its removal whilst continuing to address and prevent amenity and overlooking issues to an acceptable degree. A condition is recommended specifying the manner of the window permitted. There are not considered to be any design issues associated with its retention.

5.3 Whilst the concern raised above is noted, it is reasonable to consider the application on its merits and harm would need to be established for it to be considered unacceptable. Given that the development has largely been completed under the original appeal decision (reference PT16/0867/F) there is not considered a need to re-apply the other conditions on that appeal decision that have already come into force in relation to the development.

5.4 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 variation of condition is approved, subject to the condition recommended.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

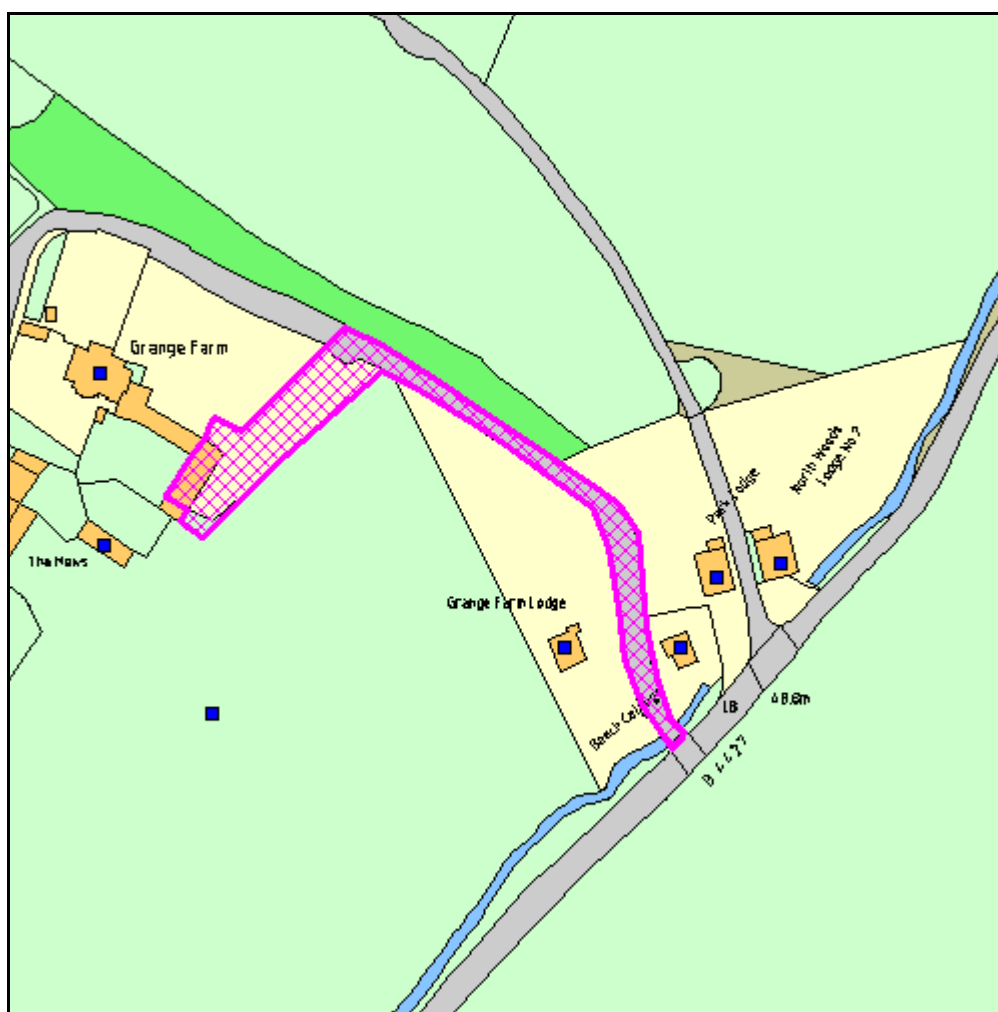
1. The first floor side window on the north elevation of no. 24 Footes Lane, shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy, PSP8 of the South Gloucestershire Policies Sites and Places Plan ; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 31/18 – 3 AUGUST 2018

App No.:	PT18/2603/F	Applicant:	Mr Geoff Bracey
Site:	Grange Farm Old Gloucester Road Winterbourne South Gloucestershire BS36 1RR	Date Reg:	12th June 2018
Proposal:	Conversion of existing barn to form 1 no dwelling with associated works (amendment to previously approved scheme PT17/4636/F).	Parish:	Frampton Cotterell Parish Council
Map Ref:	363842 182442	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	6th August 2018



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PT18/2603/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under the Circulated Schedule procedure as a result.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the conversion of an existing barn to form 1no dwelling with associated works. The application forms a resubmission of a previously approved application (ref. PT17/4636/F). The application relates to Grange Farm, Winterbourne.
- 1.2 The barn is a block and corrugated sheeting building, currently being used as a storage area.
- 1.3 The building is located within the curtilage of Grange Farm, a locally listed building. The proposal would involve the conversion of the existing building to a dwelling. The dwelling would retain the existing footprint and ridge height. A number of barns within the curtilage of Grange Farm have previously been converted to dwellings; these are listed within section 3 of this report.
- 1.4 The difference between the current application and the previously approved scheme relates primarily to the roof of the proposed dwelling. The previous proposal sought to retain a mono-pitched roof.
- 1.5 An amended site plan, involving a reduction in the width of the proposed driveway, was requested and received by the Local Planning Authority on 30th July 2018.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance (2014)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Development in the Green Belt PSD (Adopted) 2007
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

3.1 PT17/4636/F

Conversion of existing barn to form 1 no. dwelling with associated works.

Approved: 31.01.2018

3.2 PT15/4766/F

Demolition of existing dwelling. Erection of 1 no detached dwelling and associated works.

Approved: 04.04.2016

3.3 PT13/3548/F

Conversion of existing barn to 1no dwelling with associated works.

Approved: 25.11.2013

3.4 PT13/3549/F

Conversion of existing barn to 1 no dwelling with associated works.

Approved: 25.11.2013

3.5 PT13/3542/F

Conversion of existing barn to 1no dwelling with associated works

Approved: 25.11.2013

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council

Objection – Reiterate original tree officer's report: proposal will likely require applicant to undertake pruning to existing oak tree covered by tree preservation order.

4.2 Other Consultees

Conservation Officer

No objection to change in roof. Access drive layout has been adjusted, planning needs to take account of previous landscape comments. Track has been widened which makes more prominent and runs across root zone of at least one tree – possible to reduce in width?

Ecology Officer

No objection subject to informative

Lead Local Flood Authority

No objection

Environmental Protection

No comment

Sustainable Transport

No comment

Highway Structures

No comment

Other Representations

4.3 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies CS5 and CS34 of the South Gloucestershire Core Strategy state that new build housing should be limited to urban areas and established settlement boundaries. In that regard, this proposal is contrary to the adopted development plan as it proposes a new dwelling outside of any established settlement boundaries shown on the Proposals Map and is located within the open countryside. However policy PSP40 of the Policies, Sites and Places Plan does allow for certain types of residential development in the countryside.

5.2 Planning permission ref. PT17/4636/F granted permission for the conversion of the barn to a residential dwelling. The principle of the development was considered against the policy PSP40 of the Policies, Sites and Places Plan. The policy is supportive of the conversion and re-use of existing buildings for

residential purposes, subject to a number of criteria. The development was found to accord with the aforementioned policy, and was therefore considered to be acceptable in principle. The only amendment proposed to the main building is the alteration in roof form from mono-pitched to dual-pitched. Overall, this change is considered to be relatively minor, and the proposal would continue to meet the criteria set out in PSP40.

- 5.3 The principle of development was established under the previous approval, and the overall scope of the development has not altered. The development is therefore considered to be acceptable in principle. However as the application site is located within the Bristol and Bath Green Belt, the development must be re-assessed against Green Belt policy, and must accord with the principles of both local and national policy in order to be acceptable.

5.4 Green Belt

Policy CS5 and CS34 of the Core Strategy and policy PSP7 of the Policies, Sites and Places Plan support the protection of the Green Belt from inappropriate development. The NPPF also attaches great importance to the Green Belt – with development in the Green Belt generally being considered inappropriate. However, there are limited categories of development within the Green Belt that are not considered to be inappropriate.

- 5.5 One such category, as set out in paragraph 145 of the NPPF, is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The development was considered to be acceptable in Green Belt terms under the previous application, and it is not considered that the alteration to the roof form would result in a disproportionate appearance, or have any material impact on the openness of the Green Belt. On balance, the proposal is considered to fall within the predefined exception category, and would not be inappropriate development in the Green Belt.

5.6 Design, Visual Amenity and Heritage

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.

- 5.7 Policy PSP17 of the Policies, Sites and Places Plan and policy CS9 of the Core Strategy relate to conservation, and seek to protect the character and appearance of conservation areas and the significance and setting of heritage assets.

- 5.8 On balance, it is not considered that the alteration to the roof form would have a detrimental impact on the appearance of the building, or the significance or setting of the nearby locally listed building. The conservation officer did raise concern with the width of the proposed driveway. The driveway has subsequently been reduced in width, and the proposal is considered to be acceptable in this respect. Overall, the revised proposal is considered to be

acceptable from both a design and conservation perspective, and is considered to accord with policy CS1 of the Core Strategy and policy PSP17 of the Policies, Sites and Places Plan.

5.9 Landscape

Policy PSP2 of the Policies, Sites and Places Plan outlines that Development proposals should seek to conserve and where appropriate enhance the quality, amenity, distinctiveness and special character of the landscape.

- 5.10 The submitted site plan provides an indication of the proposed landscaping features. The indicative landscape plan is similar to that approved under the previous application, and is considered to be acceptable. A condition will be attached to any decision, ensuring that the proposed landscaping is implemented in accordance with the approved plan.

5.11 Residential Amenity

Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.

- 5.12 The barn sits within its own large plot, and is set well away from any existing residential properties. Furthermore, the conversion of the building would not increase its overall footprint, with only a minor increase in height proposed. On this basis, it is not considered that the conversion would have any material impact on the residential amenity of local residents. Given the remote nature of the site, it is also not considered that the conversion of the building would cause significant disturbance to residents during the construction period. As such, it is not considered necessary or reasonable to attach a condition restricting working hours.

- 5.13 In terms of private amenity space, a garden area would be provided to the front and side of the dwelling. Given the degree of separation between the proposed amenity space and any neighbouring properties, it is considered that the area of amenity space would be adequately private.

- 5.14 Overall, it is not considered that the proposal would have any unacceptable impacts on residential amenity. The proposal is therefore considered to accord with policy PSP8 of the Policies, Sites and Places Plan.

5.15 Transport

The proposed access would be similar to that previously approved, with the proposed access considered to be acceptable from a highway safety perspective. It has also been demonstrated that a minimum of two parking spaces can be provided on-site. This would meet the Council's minimum parking standards for residential development, and is considered acceptable. Overall, there are no significant concerns from a transportation perspective.

5.16 Trees

Whilst the comments of the Parish Council have been taken in to account. However during a site visit, it was acknowledged that any significant trees are set well away from the structure, and it is not considered that its conversion would cause any significant harm to protected trees.

5.17 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.

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

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

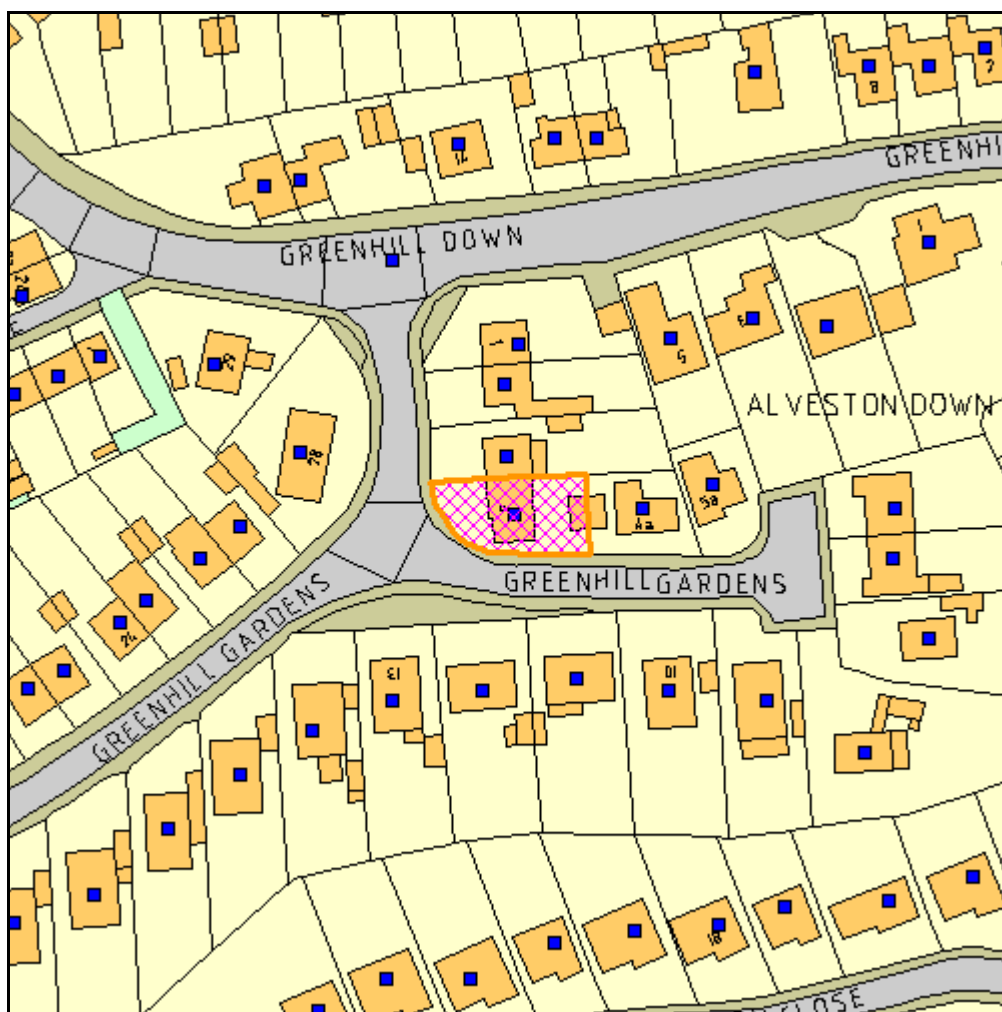
2. All hard and soft landscape works shall be carried out in accordance with the approved details, as shown on plan 6341W-01 Rev J. The works shall be carried out prior to the occupation of any part of the development, and thereafter retained as such.

Reason

To protect the character and appearance of the surrounding landscape, to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1 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. 31/18 – 03 AUGUST 2018

App No.:	PT18/2670/F	Applicant:	Sue Templar
Site:	4 Greenhill Gardens Alveston Bristol South Gloucestershire BS35 3PD	Date Reg:	12th June 2018
Proposal:	Demolition of existing single storey extension, erection of two storey side extension to form additional living accommodation to include rear dormer window to form loft conversion. Creation of new access and hardstanding.	Parish:	Alveston Parish Council
Map Ref:	363114 187943	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	6th August 2018



© South Gloucestershire Council 2007. all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following representations from the public which are contrary to the officer recommendation in this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of the existing single storey extension, to facilitate the erection of a two storey side extension and a rear dormer window at 4 Greenhill Gardens. A new access and area of hardstanding is also proposed.
- 1.2 The additional living accommodation is proposed to provide two additional bedrooms, one with an en-suite, and a study.
- 1.3 The application site is situated within the settlement boundary of Alveston, which is washed over by the Bristol/Bath Green Belt. The area has the potential to be archaeologically significant.
- 1.4 During the course of the application, additional information was received to ensure that adequate visibility could be achieved coming out of the new parking space to the front of the dwelling. This was received on 23rd July 2018.

2. POLICY CONTEXT**2.1 National Guidance**

National Planning Policy Framework July 2018
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 Environment and Heritage

South Gloucestershire Policies, Sites and Places Plan Adopted November 2017

PSP1 Local Distinctiveness
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Space

2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) December 2013
Residential Parking Standards SPD (adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/1948/F Approve with conditions 29/06/2004
Erection of new dwelling with garage and erection of replacement garage for existing dwelling. Erection of conservatory and formation of new access. (Amendments to previously approved scheme under planning permission PT04/0838/F).
This planning permission has been implemented and the new dwelling is no. 4A to the east of the site.

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No objection.
- 4.2 Other Consultees
- Sustainable Transport
No objection to revised plans subject to conditions.
- Archaeology
No comment.

Other Representations

- 4.3 Local Residents
One letter of objection has been received stating the following:
- There is a covenant on 4 Greenhill Gardens stating that no windows will be installed facing east towards no. 4A unless they are obscure glazed. The rear windows at first and second floor level will need to be obscured to comply with this covenant
 - The large loft extension is not compatible with the surrounding bungalows, which are mainly occupied by senior citizens

One letter was also received querying the following answers within the application form:

- Q5 states no new highway access, but there must be a new dropped kerb
- Q7 states no trees will be removed, however the new parking is the same location as a crab apple tree
- Q10 states the site cannot be seen from the public realm, this is not accurate

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy PSP38 of the Policies, Sites and Places Plan (November 2017) 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. Paragraph 145 of the NPPF allows for limited extensions to existing buildings within the Green Belt. The proposal accords with the principle of development subject to the consideration below.

5.2 Green Belt

The NPPF allows for limited extensions to buildings within the Green Belt providing that they do not result in disproportionate additions over and above the size of the original building (the volume of the dwelling at construction or its volume on July 1st 1948). Policy PSP7 sets out some general guidance in relation to the proportionality test. It states that an addition resulting in a volume increase of between 30%- 50% will be subject to careful consideration and assessment. Any proposed development over and above 50% or more of the original dwelling would most likely be considered to be disproportionate. However, whether an addition is considered disproportionate or not, depends on the individual circumstances and what type of addition is proposed.

- 5.3 This application represents approximately a 70% increase over and above the original dwelling. The original dwelling is thought to include the main gable and the garage (as this was replaced when 4A was granted permission) however it does not include the single storey side extension and the rear conservatory, as these were added later. Alveston is a somewhat unusual settlement in the Green Belt in that at this point within the settlement it has established built form surrounding the site in a fairly conventional suburban form and density, such that “openness” is unlikely to be harmed. It is concluded that none of the 5 purposes of Green Belt set out in the NPPF would be affected. Alveston is a washed over settlement that had settlement boundary, and so the development plan would support infill development at this location which would be considered appropriate – and this is evidenced by the new dwelling adjacent. Accordingly, given these specific circumstances it is not considered that the application could reasonably be concluded to be inappropriate and harmful to the openness of the Green Belt at this point. On balance, development is considered proportionate and appropriate in Green Belt terms.

5.4 Design and Visual Amenity

The side extension is to be replaced with a two-storey gable extension, continuing the ridge height of the existing dwelling. A flat roof dormer is proposed on the rear roof slope of the new extension, on the rear roof slope. Objections have been received stating that the scale of the extension would not be in keeping with the adjacent bungalows, however the northern side of Greenhill Gardens has a number of two-storey properties. No 5, 6 and 20 Greenhill Gardens have had extensions of a similar size. The rear dormer window is on the rear elevation and so will not form part of the main street scene, and will only be visible from the eastern branch of Greenhill Gardens which consists of a mix of housing style.

- 5.5 The provision of a parking space to the front of the dwelling will break the existing boundary treatment and introduce additional hardstanding to the front of the property, however the neighbours at no. 2 & 3 already have use of

driveways to the front, and so the impact will be minimal. Provided that matching materials are conditioned on any approval, the development is in accordance with policy CS1.

5.6 Residential Amenity

Only a secondary window at ground floor level (to serve the utility room) is proposed facing the bungalows to the south, and this situation is existing as there is currently a utility room window in the single storey extension to be demolished. There are no facing windows on the closest neighbour at 4A Greenhill Gardens, and views from the rear windows proposed are shielded by the shared garages. The front garden of no. 4A will receive a greater degree of overlooking however as this garden can be seen from the public realm it is not considered to be harmful to residential amenity.

- 5.7 The majority of the development proposed will utilise the footprint of the existing single storey extension, and so the amount of garden available for future residents will be retained. The capacity of the dwelling is set to increase however from a three bedroom property to a five bedroom property. Properties with five or more bedrooms are required to have a minimum of 70 square metres of good quality private amenity space. Officer calculations indicate that the development will benefit from approximately 65 square metres of useable amenity space following development, however this does not include approximately 12 metres within the conservatory, which tends to be used for similar purposes. On balance, it is not considered that the slight shortfall in amenity space could be sustained as a refusal reason.

5.8 Transport

A dwelling with five or more bedrooms requires three off-street parking spaces, which have been proposed by the applicant. The existing garage does not meet the minimum internal size standards for a parking space, however two vehicles can park in front of the garage, and one new parking space is proposed to the front of the house. Amended plans have been requested to demonstrate that the third parking space proposed has adequate pedestrian visibility when reversing out onto Greenhill Gardens. A revised plan showing this was received on 24th July 2018, and so there is no transportation objection subject to a condition ensuring the parking is implemented prior to first occupation of the new extension, and that the visibility splay is kept clear of boundary treatments and vegetation above 0.9 metres, will be attached to any approval granted.

5.9 Other Matters

An objection has been received regarding a covenant on the land preventing any east facing windows being installed within the application site unless they are obscure glazed. This is a civil matter and does not affect the determination of the planning application.

- 5.10 An letter received from the public indicated that there is a tree on the area proposed for parking, however the small tree visible to the front of the site does not have a significant impact on amenity so there is no objection to its removal.

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 864735

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 shown on the plan hereby approved (Proposed Ground Floor Plan PL06B received on 23rd July 2018) shall be provided before the extension is first occupied, and thereafter retained for that purpose.

Reason

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

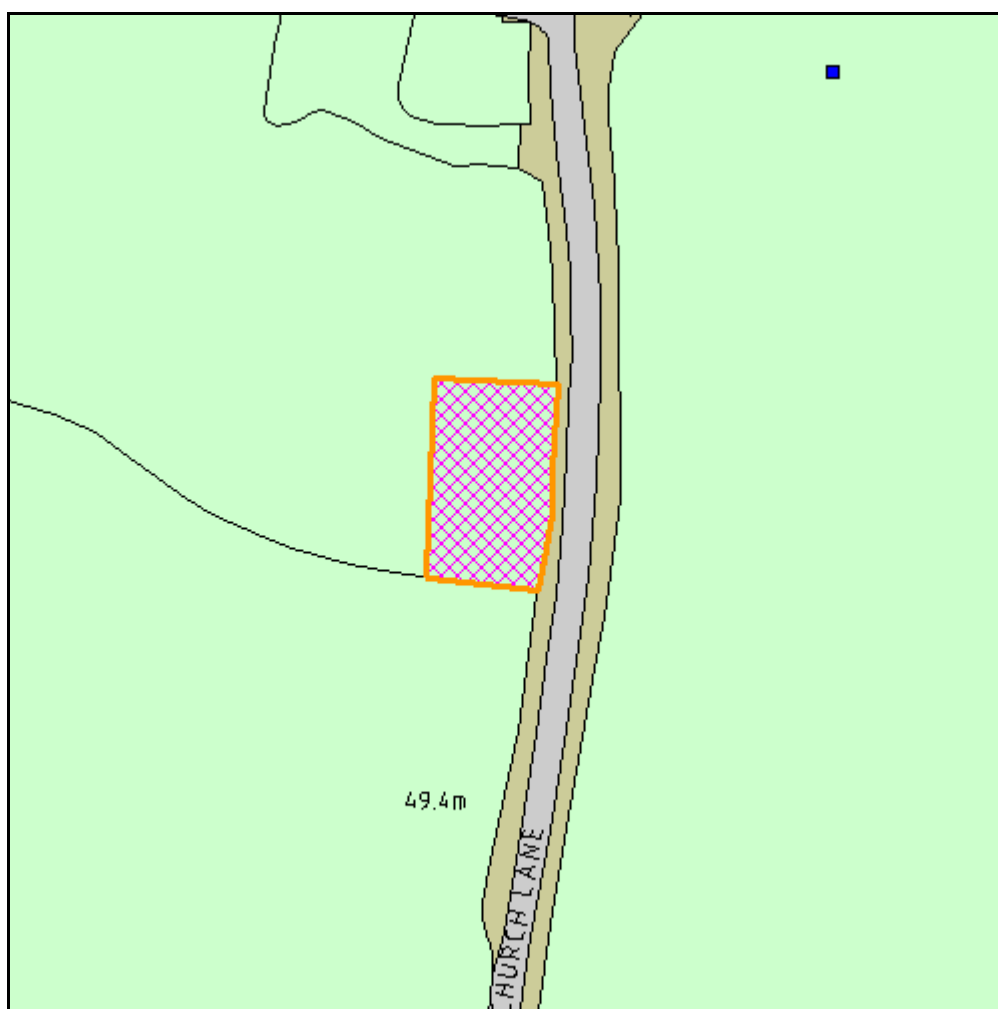
4. The wall and/or vegetation forming the front boundary to the site shall not exceed 0.9 metres in height at any time.

Reason

In order to ensure that pedestrians are visible to vehicles exiting the site, in the interests of highway safety and to accord with policy CS8 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 31/18 – 03 AUGUST 2018

App No.:	PT18/2845/CLE	Applicant:	Mr Tony Skuse
Site:	Land At The Granary, Court Farm Church Lane Winterbourne Bristol South Gloucestershire BS36 1SE	Date Reg:	25th June 2018
Proposal:	Continued use of land for Use Class B8 (storage or distribution).	Parish:	Winterbourne Parish Council
Map Ref:	364136 180924	Ward:	Winterbourne
Application Category:		Target Date:	16th August 2018



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008.

N.T.S.

PT18/2845/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is for a certificate of lawfulness, and as such, under the current scheme of delegation, is to be determined under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The application is for a certificate of lawfulness for the continued use of the land edged in red as storage or distribution (Use Class B8) from 1st May 2000 for a continuous period of 10 years.
- 1.2 The application site consists of a plot of land situated to the south east of The Granary, Court Farm, Church Lane, Winterbourne.

2. POLICY CONTEXT

2.1 National Guidance

- I. Town and Country Planning Act 1990
- II. Town and Country Planning (Development Management Procedure) Order 2015
- III. National Planning Practice Guidance

3. RELEVANT PLANNING HISTORY

- 3.1 PT15/4261/F Approved 3.12.15
Conversion of existing outbuilding to form 1 no. detached dwelling and associated works (Retrospective).
- 3.2 PT14/4399/TCA No objection 22.12.14
Works to 1 no. Willow tree to cut back from properties to give 3m clearance, remove snags and crown lift to 6m situated within the Winterbourne Conservation Area.
- 3.3 PT01/3535/LB Approved 21.3.02
Internal alterations to facilitate loft conversion and installation of 3 roof lights in front elevation.
- 3.4 P98/2518 Approved 7.1.99
Construction of new access; erection of double garage; change of use of land from agricultural to residential curtilage.
- 3.5 P86/2012 Refused 4.9.86
Erection of building to form five double garages and covered parking areas. Construction of new pedestrian and vehicular access

4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF APPLICATION

- 4.1 Statutory declaration from a Mr Tony Skuse, the applicant, signed 12.6.18 and summarised as:
 - purchased The Granary, Court Farm, Church Lane, Winterbourne with his wife in 1999

- Mr Skuse is a roofing contractor and owner of two companies: Coverall Roofing Ltd and Sun Tiles UK Ltd.
 - Started using the corner of a field for storage of materials for the businesses in spring 2000
 - The types of material stored there include tiles, scaffolding, tools, machinery and other associated building materials
 - The site is the 'operating base' where commercial deliveries are made for the businesses
 - Materials are stored here then taken to individual jobs as required – any excess being returned for storage
 - Have used a variety of containers, storage sheds, buildings and structures over the years to keep the materials dry
 - Tiles are the key component and I currently have around 20,000 on site
 - Attached a document showing historic photographs taken from Google Earth from 1999 to the present verifying the above. These aerial photographs were taken in 1999, 2005, 2006, 2007, 2009, 2013, 2014 and 2017.
- 4.2 Statutory declaration from a Mr James Maggs, of all Out Roofing, dated 12.6.18 and summarised as:
- He is a roofing contractor and has worked in conjunction with Mr Tony Skuse from 2001 to the present time
 - Confirms the land edged in red on the submitted Site Location Plan has been used as the sole storage site for Coverall Roofing Ltd and Sun Tile UK Ltd
 - Materials stored there include such items as tiles, scaffolding, tools, machinery and other associated building materials
 - The materials are stored on site and take to individual jobs and any excess is returned to the storage area
 - All the tools/machinery required for jobs is stored at the storage site
- 4.3 Signed letter from Mike England of Kent Building Plastics dated 13.5.18 and summarised as:
- The company is a specialist builders merchant
 - The company has dealt with Mr Tony Skuse for around 12 years and regularly delivers goods
 - Mainly deliver PVC fascia, rainwater and roofing sheets along with fixings to the containers and storage shed in the storage yard situated at the edge of his property
- 4.4 Signed letter from Gary Bush, SIG Roofing dated 28.4.18 and summarised as:
- Been working with Coverall Roofing for over fifteen years
 - Regularly deliver to the storage yard
 - Deliveries are roofing felt, roof tiles, rubber and smart ply which are stored in the containers in the yard
- 4.5 Signed letter from David Roughly, Travis Perkins dated 4.5.18 and summarised as:
- Known and supplied Tony Skuse's business for many years
 - Delivered wood, battens, felt tiles, plywood, sand and other building products to his storage yard situated at his property for the last 15 years

- Products are unloaded and reloaded into the containers/storage units on site

5. SUMMARY OF CONTRARY EVIDENCE RECEIVED

- 5.1 No contrary evidence has been received from third parties.

6. CONSULTATION RESPONSES

- 6.1 Winterbourne Parish Council
No objection
- 6.2 Conservation Officer
No observations
- 6.3 Historic England
Concerns regarding the application on heritage grounds.
- 6.4 Transport
No comment

Other Representations

- 6.5 Local Residents
None received.

7. EVALUATION

- 7.1 The application is for a certificate of lawfulness for the existing use of the land as a storage and distribution area. The application therefore seeks to demonstrate that the land has been in this use for a continuous period of at least 10 years prior to the date of the submission. It is purely an evidential test irrespective of planning merit. The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether in this case the land has been in a consistent use for the purposes of storage and / or distribution for not less than ten years and whether or not the use is in contravention of any Enforcement Notice which is in force.
- 7.2 The guidance contained within the National Planning Practice Guidance 2014 states that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application. This is however with the provision that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
- 7.3 Assessment of Evidence
The applicant is seeking to prove that the land edged in red has been in use as a storage/distribution area for a continuous period of not less than 10 years. Two statutory declarations have been received in support of the proposal: one from the current owner, the applicant, and one from a roofing contractor/work

colleague and three signed letters from separate suppliers. A series of aerial photographs covering the period 1999 to the present date have also been provided.

- 7.4 Overall it is considered that on the balance of probability the use of the land identified by the submitted red edge plan as storage/distribution has been proven for a consistent period of at least ten years, and the Council has no contradictory evidence. This application for a certificate of lawful development for an existing use is therefore granted.

7.5 Other matters

The comments from Historic England are noted but this is an application for a certificate of lawfulness for an existing use and is not being assessed against adopted planning policy. As such only the facts presented to demonstrate the use of the land for a period of time, in this case 10 years, can be taken into account.

8. CONCLUSION

- 8.1 Sufficient evidence has been submitted to precisely and unambiguously demonstrate that, on the balance of probability, the land has been in storage/distribution use for a consistent period of at least ten years.

7. RECOMMENDATION

- 7.1 That the Certificate of Lawfulness is **GRANTED**.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

Sufficient evidence has been submitted to precisely and unambiguously demonstrate that, on the balance of probability, the land has been in storage/distribution use for a consistent period of at least ten years