



**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. 27/18**

**Date to Members: 06/072018**

**Member's Deadline: 12/07/2018 (5.00pm)**

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

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

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

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

## NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

## GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

# CIRCULATED SCHEDULE 06 July 2018

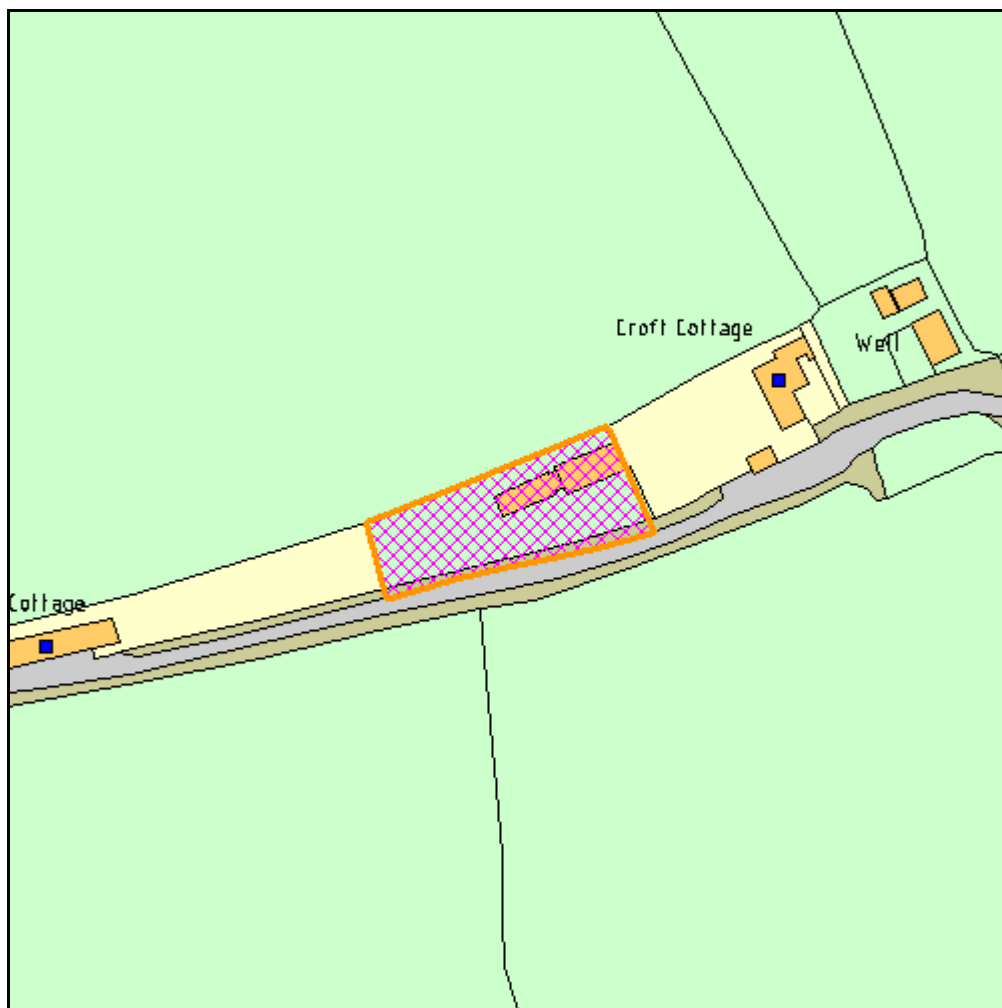
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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK17/4732/F</b>	Approve with Conditions	Croft Cottage Horwood Lane Wickwar Wotton Under Edge South Gloucestershire GL12 8NU	Ladden Brook	Wickwar Parish Council
2	<b>PK18/1181/F</b>	Approve with Conditions	Land At Ridge Farm High Street Iron Acton South Gloucestershire BS37 9UG	Frampton Cotterell	Iron Acton Parish Council
3	<b>PK18/1934/F</b>	Approve with Conditions	2 Middle Road Kingswood South Gloucestershire BS15 4XD	Rodway	None
4	<b>PK18/2116/CLP</b>	Refusal	62 Seymour Road Staple Hill South Gloucestershire BS16 4TF	Staple Hill	None
5	<b>PK18/2447/CLP</b>	Refusal	62 Seymour Road Staple Hill South Gloucestershire BS16 4TF	Staple Hill	None
6	<b>PK18/2495/CLP</b>	Approve with Conditions	127 Badminton Road Downend South Gloucestershire BS16 6NE	Downend	Downend And Bromley Heath Parish Council
7	<b>PT16/1817/HS</b>	Approve with Conditions	Flogas Britain Ltd Severn Road Hallen South Gloucestershire BS10 7SQ	Almondsbury	Almondsbury Parish Council
8	<b>PT17/5254/F</b>	Approve with Conditions	Transco Lng Storage Severn Road Hallen South Gloucestershire BS10 7SQ	Almondsbury	Almondsbury Parish Council
9	<b>PT17/5870/F</b>	Approve with Conditions	Cross Hands The Down Alveston South Gloucestershire BS35 3PH	Thornbury South And	Alveston Parish Council
10	<b>PT18/1402/F</b>	Approve with Conditions	Standale 21 Hortham Lane Almondsbury South Gloucestershire BS32 4JH	Almondsbury	Almondsbury Parish Council
11	<b>PT18/2386/F</b>	Approve with Conditions	256 Juniper Way Bradley Stoke South Gloucestershire BS32 0DR	Bradley Stoke South	Bradley Stoke Town Council
12	<b>PT18/3576/F</b>	Approve with Conditions	2 Frampton End Road Frampton Cotterell South Gloucestershire BS36 2JZ	Frampton Cotterell	Frampton Cotterell Parish

**CIRCULATED SCHEDULE NO. 27/18 – 06 JULY 2018**

<b>App No.:</b>	PK17/4732/F	<b>Applicant:</b>	Frances Brine
<b>Site:</b>	Croft Cottage Horwood Lane Wickwar Wotton Under Edge South Gloucestershire GL12 8NU	<b>Date Reg:</b>	23rd October 2017
<b>Proposal:</b>	Erection of 2no. detached dwellings with associated works, parking and landscaping	<b>Parish:</b>	Wickwar Parish Council
<b>Map Ref:</b>	372651 187566	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th December 2017

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 100023410, 2008. **N.T.S.** **PK17/4732/F**

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

This application has been referred to the Circulated Schedule following the receipt of an objection from Wickwar Parish Council, the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 A full planning permission is sought for the erection of 2no. detached dwellings and associated works at Croft Cottage, Horwood Lane, Wickwar. The original plans proposed 3no dwellings but following officer negotiations the scheme has now been amended.
- 1.2 Croft Cottage is a detached dwelling located towards the eastern end of a long, narrow plot. Within the plot and to the west of the Cottage is a single-storey building formally used as a Cattery – this building would be demolished to facilitate the erection of the 2 dwellings. The site is located outside of the defined settlement boundary of Wickwar and is considered to be within the open countryside, although it is not within the Bristol and Bath Green Belt.
- 1.3 Outline planning permission has been granted for the erection of 80no. dwellings at land immediately to the north of the application site under application ref. PK16/4006/O. The reserved matters application for this site is currently being considered by the Local Planning Authority. Application ref. PK17/4552/O, which sought outline consent for the erection of up to 90no. dwellings on land immediately to the south of the application site, appeared at DC East Committee on 4<sup>th</sup> May 2018. Whilst a formal decision is yet to be issued, members resolved to approve the application. More recently two dwellings were granted consent (PK18/0039/F) at neighbouring Rose Cottage, which is located at the western end of Horwood Lane.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012 (NPPF)  
National Planning Practice Guidance (NPPG)

- 2.2 Development Plans

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

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

CS18	Affordable Housing
CS24	Green Infrastructure, Sport and Recreation Standards
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP37	Internal Space Standards
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards
PSP44	Open Space, Sport and Recreation

2.3 Supplementary Planning Guidance

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

**3. RELEVANT PLANNING HISTORY**

Application Site

- 3.1 N1681 - Alterations to existing cottage; raising of roof level and installation of dormer window.  
Approved 14 August 1975
- 3.2 N1681/2 - Renewal of temporary consent for existing building and erection of additional building in connection with use of land for the boarding of cats.  
Approved 16 June 1977
- 3.3 P91/1600 - Erection of 2 timber loose boxes.  
Approved 19 May 1991

Relevant Neighbouring Sites

- 3.4 PK17/0495/O - *Rose Cottage, 1 Horwood Lane* - Erection of 1 no detached dwelling (outline) with access to be determined: all other matters reserved.  
Approved: 09 May 2017

3.5 PK18/0039/F - *Rose Cottage, 1 Horwood Lane* - Erection of 2no attached dwellings and associated works.  
Approved 8<sup>th</sup> June 2018

3.6 PK16/4006/O – *Land South of Poplar Lane (north of application site)*

Outline planning permission for up to 80 residential dwellings (including up to 35% affordable housing), landscaping, informal public open space, children's play area, new access and associated works (Outline) with access to be determined. All other matters reserved.

Approved: 02<sup>nd</sup> Dec. 2016

3.7 PK17/5966/RM - *Land South of Poplar Lane (north of application site)*

Erection of 80 dwellings with associated landscaping, including wetlands, drainage, pedestrian and vehicle links, open space including play areas, allotments and other associated infrastructure. (reserved matters to be read in conjunction with PK16/4006/O).

Status: Pending Consideration

3.8 PK17/4552/O - *Land South Of Horwood Lane (south of application site)*

Erection of up to 90 residential dwellings with public open space, landscaping, sustainable drainage system and vehicular access from Sodbury Road (Outline) with access to be determined. All other matters reserved.

Status: Pending Decision (resolution to approve at DC East Committee on 04<sup>th</sup> May 2018)

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

##### 4.1 Wickwar Parish Council

Objection - Horwood lane is a narrow single track lane with limited access. The application appears to cram 3 dwellings into a limited space with no outside garden or amenity. There is approx. spacing for 6 cars, which would make it very difficult to access the parking spaces given due to the narrow lane. No parking on the lane would be possible. There is no access for turning or delivery of goods to this address. The area was hedged by ancient hedgerow which was removed in August 2017. Evidence of this is available. There was no prior access to this site. The proposed access is narrow and inadequate. There is no access to appropriate and safe foot path, making driving a necessity which is in contravention of South Glos. Council local plan.

##### 4.2 Other Consultees

###### Transportation D.C

No objection subject to conditions to secure a new access and off-street parking.

Lead Local Flood Authority

No objection subject to a condition to secure a SUDS drainage scheme.

Landscape Officer

Due to the removal of a significant length of hedge to provide a visibility splay and the inadequate space to provide planting to screen and partially soften the dwellings to help integrate them into the surrounding landscape it is considered that the development is an overdevelopment of the site and is contrary to Policies CS1, CS9, PSP1 and PSP2.

Highway Structures

No objection

Ecology Officer

No objection subject to a condition to secure the recommendations of the Ecology Report.

**Other Representations**

4.3 Local Residents

No responses

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

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

5.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2012 (NPPF).

5.3 The Policies, Sites & Places Plan was adopted on 10<sup>th</sup> Nov. 2017 and now forms part of the Development Plan having superseded The South Gloucestershire Local Plan.



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

### Overview

- 5.10 Of particular importance is the location of the site outside any settlement boundary, albeit that large residential developments have been approved to the north and south of the site and a similar application to this approved at nearby Rose Cottage. Policy CS5 of the adopted Core Strategy directs where development should take place and states that development within the open countryside will be strictly limited. Similarly Policy CS34 'Rural Areas' of the adopted Core Strategy aims to maintain settlement boundaries defined on the Policies Map around rural settlements.

### *Five Year Land Supply*

- 5.11 The locational strategy for the District is set out in policy CS5 and, in this instance, CS34 of the Core Strategy. Under these policies, new residential development is directed to the strategic housing allocations, existing urban areas, and defined rural settlements as shown on the proposals maps. In rural areas, new residential development is strictly controlled and would have to comply with the provisions of policy PSP40.
- 5.12 This application proposes development outside of a defined rural settlement and therefore does not accord with the provisions of the Core Strategy. This application does not include any of the forms of residential development permissible under PSP40. The proposal is therefore contrary to the Development Plan and this indicates it should be resisted in principle.
- 5.13 However, at present the Local Planning Authority cannot demonstrate a 5-year supply of deliverable housing land. The latest Authority Monitoring Report, published in December 2017, indicates a deficit of 719 dwellings to be able to report a five year supply. On that basis, the current supply in the district is 4.66 years.
- 5.14 As a result, national planning guidance indicates that the policies in the Development Plan which act to restrict housing should be considered out- of- date and applications for residential development should be considered against the presumption in favour of sustainable development.
- 5.15 The result is that less weight should be attached to settlement boundaries as they act to restrict residential development. Policy CS5 and CS34, insofar as they relate to settlement boundaries, do not currently carry full weight. Other aspects of these policies may however still be afforded weight in decision taking. Policy PSP40 although newly adopted would still act to restrict housing supply; as a result, this policy also must be considered out-of-date and for the purpose of this application is afforded little weight.
- 5.16 The proposal is for two new dwellings which is actually a reduction on the originally proposed scheme. The question remains whether this proposal would constitute sustainable development in terms of the NPPF advice.
- 5.17 In summary, there is an in principle objection to the development as set out in Policies CS5 and CS34 of the adopted Local Plan: Core Strategy. National and PSP40 of The Policies, Sites and Places Plan; planning guidance indicates that where a 5-year supply of housing land cannot be demonstrated, the policies in the Development Plan which act to restrict housing should be considered out-of-date and applications for residential development should be considered against the presumption in favour of sustainable development. This is an important material consideration of significant weight.
- 5.18 The result is that less weight should be attached to settlement boundaries as they act to restrict residential development. Policy CS5 and CS34, insofar as they relate to settlement boundaries, do not currently carry full weight. Other aspects of these policies may still be afforded weight in decision taking. Policy PSP40 although newly adopted would still act to restrict housing supply; as a

result, this policy must also be considered out-of-date and for the purpose of this application is afforded little weight.

- 5.19 The remainder of this report will therefore conduct the exercise of applying national guidance and policies in the Development Plan to the proposed development. The relevant 'tests' be they statutory, in the NPPF, or the Development Plan, must be considered and the resulting weight applied to the various factors as part of the decision taking exercise.

#### Is the Location a Sustainable One

- 5.20 The granting of outline consent for the erection of 1no. dwelling at Rose Cottage and subsequent consent for 2 dwellings under application ref. PK18/0039/F is a material consideration when assessing the acceptability of the current proposal in principle. With regards to the Rose Cottage outline consent, in light of the approved 80 dwelling development to the north of the site, it was considered that the site was sufficiently connected to services and facilities, and could not be classed as being inherently unsustainable or isolated. As such, in terms of sustainability, it was not considered that the provision of a new dwelling at that site would cause significant and demonstrable harm and neither was it considered unsustainable for the subsequent 2 dwelling scheme.
- 5.21 The proposal currently under consideration seeks to erect two dwellings at nearby Croft Cottage. In terms of sustainability, it is not considered that the provision of two further units in Horwood Lane would cause any significant or demonstrable harm. Since the granting of the outline consent at Rose Cottage, a resolution to grant outline consent for a 90 dwelling development to the south of the site has been reached. As such, the application site would be bounded on both its southern and northern sides by residential development. On this basis, it is not considered that the site could be considered as an unsustainable or isolated location.
- 5.22 The development is considered to be acceptable in principle and it is acknowledged that the provision of two additional dwellings towards housing supply would have a modest socio-economic benefit. However the impacts of the development proposal must be further assessed against relevant policies in order to identify any potential harm. The further areas of assessment in this case are; design and visual amenity, landscape impacts, residential amenity, ecology and transportation.
- 5.23 Design and Visual Amenity  
Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policy CS1 is fully compliant with design guidance in the NPPF.
- 5.24 There has been a good deal of negotiation regarding the scale and design of the proposal as officers considered that the original scheme for 3 dwellings was inappropriate for this site. The revised scheme comprises two detached

- dwellings of reduced scale, constructed in a simplified form and appearance with simple gabled ends to reflect a more traditional rural style. Much larger houses are proposed in the housing development to the north.
- 5.25 In terms of layout and site density, it is considered that despite the restricted width of the plot, the two dwellings would now sit comfortably within the plot whilst still making the most efficient use of it. The overall form, scale and finish of the dwellings is considered to be appropriate for what is, at present, a rural setting. It is also considered that the overall design and finish of the proposed dwellings is now sufficiently informed by the existing dwelling at Croft Cottage. On this basis, it is not considered that the new dwellings would detract from the immediate streetscene or the character of the area as a whole.
- 5.26 Overall it is considered that an acceptable standard of design has been achieved. The proposal is therefore considered to accord with policy CS1 of the Core Strategy.
- 5.27 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.
- 5.28 At present, the application site forms part of a distinctly rural landscape, with open fields to the north and south. The site is bounded on its northern side (rear) by a substantial hedgerow as well as hedging in-part to the front as well. The hedgerow at the southern boundary of Rose Cottage has recently been removed in its entirety and replaced with a 600mm timber post and rail fence. Another substantial hedgerow situated to the south on the opposite side of Horwood Lane separates the lane from fields to the south.
- 5.29 Given the extensive residential development set to take place to the north and south of the application site, it is considered that the erection of the two proposed units would not have a significant impact on the character or appearance of the landscape. It is acknowledged that some of the remaining hedgerow fronting the application site would be lost and the loss of the hedgerow is regrettable, however as the hedgerow is not protected, this is not a factor that could be controlled prior to the determination of the application. The loss of the hedgerow is also considered to have beneficial impacts in terms of highway safety, as discussed later in this report. In any case, the retention of the hedgerows at the northern boundary of the site and on the southern side of Horwood Lane is considered to create a sufficient buffer between the application site and future development. The removal of hedgerow would in-part be mitigated by the planting of new hedgerow within the site and enhancement planting to existing hedges.
- 5.30 Overall, it is not considered that the redevelopment of the site to provide 2no. residential units would cause significant harm to the immediate landscape. On this basis, the proposal is considered to be broadly consistent with the requirements of policy PSP2 of the Policies, Sites and Places Plan.

5.31 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.

5.32 In terms of impacts on the residential amenity of existing residents, given the degree of separation between the proposed units and any existing or future properties, it is not considered that the proposed dwellings would have any significant overbearing or overshadowing impacts on nearby residents. Furthermore, given the arrangement of windows, it is not considered that the development would give rise to any significant overlooking issues.

5.33 In terms of the relationship between the development proposal and the larger developments proposed to the north and south of the site, it is not considered that the erection of the proposed dwellings would give rise to any significant amenity issues in the future. A landscape buffer zone is proposed at the southern boundary of the Poplar Lane development (north of site). It is considered that this would sufficiently separate the two proposed units from any units to the north. Furthermore, the two units would be separated from the Horwood Lane development (south of site) by the public highway. Given this degree of separation, it is considered the proposed development would be compatible with the development to the south.

5.34 With regards to amenity space, it is acknowledged that the erection of the dwellings would significantly reduce the levels of amenity space afforded to the existing dwelling at Croft Cottage but much of this is taken up by the Cattery building. However the area of amenity space to be retained is considered to be of a sufficient size, and it is not considered that the sub-division of the plot would significantly prejudice the residential amenity of existing occupiers.

5.35 In terms of the provision of amenity space for the proposed units, this would exceed the minimum standard for a 3-bed dwelling (60m<sup>2</sup>), as set out in policy PSP43 of the Policies, Sites and Places Plan. Given the fairly quiet nature of the lane and the proposed landscape buffer zone to the north of the site, it is also considered that the areas of amenity space would be sufficiently private.

5.36 Subject to a condition restricting the permitted working hours during the construction phase, 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.

5.37 Transport

With regard to parking provision, policy PSP16 of the Policies, Sites and Places Plan outlines that a minimum of 2 parking spaces should be provided for 3-bed properties. A total of 2 parking spaces for each house is proposed, which meets the standard. The proposed parking arrangements are considered to be acceptable, furthermore a suitable turning area would be provided on site to

allow vehicles to exit in forward gear. For the avoidance of doubt, a condition will be attached to any decision ensuring that the proposed parking spaces are provided prior to the first occupation of the dwellings, and thereafter retained.

5.38 Concerns raised regarding highway safety have been taken in to consideration. The removal of part of the hedgerow at the southern boundary of the site, will allow the provision of adequate visibility at the access, as well as a passing point for vehicles travelling down the lane. It is considered that the overall improvements to visibility and the creation of a passing point off-sets the increased vehicular movements that the development proposal would generate. When assessing transportation impacts, the former Cattery use within the site has also been taken in to account. However even when considering the increased vehicular movements generated by the development, it is not considered that the development would cause any severe highway safety issues.

5.39 Subject to further conditions recommended by the transport officer regarding the provision of the proposed access and visibility splays, it is not considered that the proposal would have a severe impact on highway safety. Overall, the proposal is considered to accord with policy CS8 of the Core Strategy, and policies PSP11 and PSP16 of the Policies, Sites and Places Plan.

5.40 Environmental Issues

Matters of noise, unstable land, contamination and disturbance must be considered in relation to the NPPF and Policy PSP21. The site is not at risk from former coal mining activities, neither does it lie within a zone at high risk of flooding. Connections to the mains sewer would need to be agreed with Wessex Water. A condition would secure a SUDS drainage scheme for surface water disposal. Any additional light pollution to result from the proposal would not have any significant effect. Standard informatives would be added to any approval, regarding construction sites. Whilst there may be some disturbance for local residents during the construction phase, this would be on a temporary basis only. In the event of planning permission being granted, a condition would be imposed to control the hours of working on the site. Possible excessive noise or anti-social behaviour from future residents is controlled by legislation other than that found within the Planning Act and is not therefore grounds to refuse the application.

5.41 Ecology

There are no ecological objections to this application. The Preliminary Ecological Assessment by All Ecology (September, 2017) recommends various mitigation and enhancement measures to prevent biodiversity loss, and enable biodiversity gain, through the proposed development; these can be secured by condition.

5.42 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and

victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

#### **The Planning Balance**

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

- 5.45 In this case there are some clear benefits to the proposal; in light of the Council's housing land supply situation the provision of 2no. new dwellings must carry weight in its favour, albeit that the net gain would only represent a modest contribution to the 5-year housing supply. The economic benefits for local house builders and suppliers of building materials and for local services would be a further small benefit to which moderate weight can be afforded. The proposal makes efficient use of land for housing in a sustainable location adjacent to major housing developments and close to the village of Wickwar which is a further benefit. The residual cumulative transportation impacts of the development, which are not considered to be 'severe' can only be afforded neutral weight in the final balance, as this is expected of all developments.

- 5.46 Weighed against this would be some harm to the landscape due to encroachment into a currently undeveloped area outside the settlement boundary, but this is considered to be adequately mitigated (in part by the removal of the Cattery building) and given the extent of housing approved to the north and south and at Rose Cottage, is therefore afforded limited weight.

- 5.47 The benefits of the scheme would not be significantly and demonstrably outweighed by any harm. On balance therefore officers consider that in their judgement, the proposal is sustainable development that should be granted planning permission.

## **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: Roger Hemming**  
**Tel. No. 01454 863537**

## **CONDITIONS**

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

Reason

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

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

3. Prior to the first occupation of any of the dwellings hereby approved, the car parking provision for the proposed dwellings shall be implemented in accordance with the approved Proposed Block Plan - Drawing No. PJ17 15 P201 Rev B - received on 9th April 2018 and retained thereafter for that purpose.

Reason

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



November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

4. Prior to the first occupation of any of the dwellings hereby approved, the access together with the visibility splays as shown on the approved 'Proposed Block Plan' (Drawing no. PJ17 15 P201 Rev B - received on 9th April 2018) shall be constructed and thereafter retained as such.

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 Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

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

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP2 of The South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) Nov. 2017 and the National Planning Policy Framework. This is a pre-commencement condition to ensure that retained vegetation will be adequately protected for the duration of the development and that the scheme can be adequately landscaped.

6. The development hereby approved, shall proceed in accordance with the recommendations made in Section 4 of the Preliminary Ecological Assessment by All Ecology (September, 2017). This includes avoiding disturbance/harm to nesting birds, small mammals, great crested newts and bats, installing a bat friendly lighting scheme, bird nesting boxes and bat roosting opportunities and native planting incorporated into the landscape strategy.

Reason

In the interests of protected species and the wildlife habitat to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013, Policy PSP19 of The South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) Nov. 2017.

7. Prior to the first occupation of either of the dwellings hereby approved, an external lighting plan and the location and type of 3 bird nesting boxes (suitable of either swifts, house martins or house sparrows) and 3 new roosting opportunities for bats will be submitted to the local planning authority for approval in writing.

Reason

In the interests of protected species and the wildlife habitat to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013, Policy PSP19 of The South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) Nov. 2017.

8. In advance of clearance works on site a Precautionary Method of Working for great crested newts, will be submitted to the local planning authority for approval in writing.

Reason

In the interests of protected species to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013, Policy PSP19 of The South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) Nov. 2017.

9. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

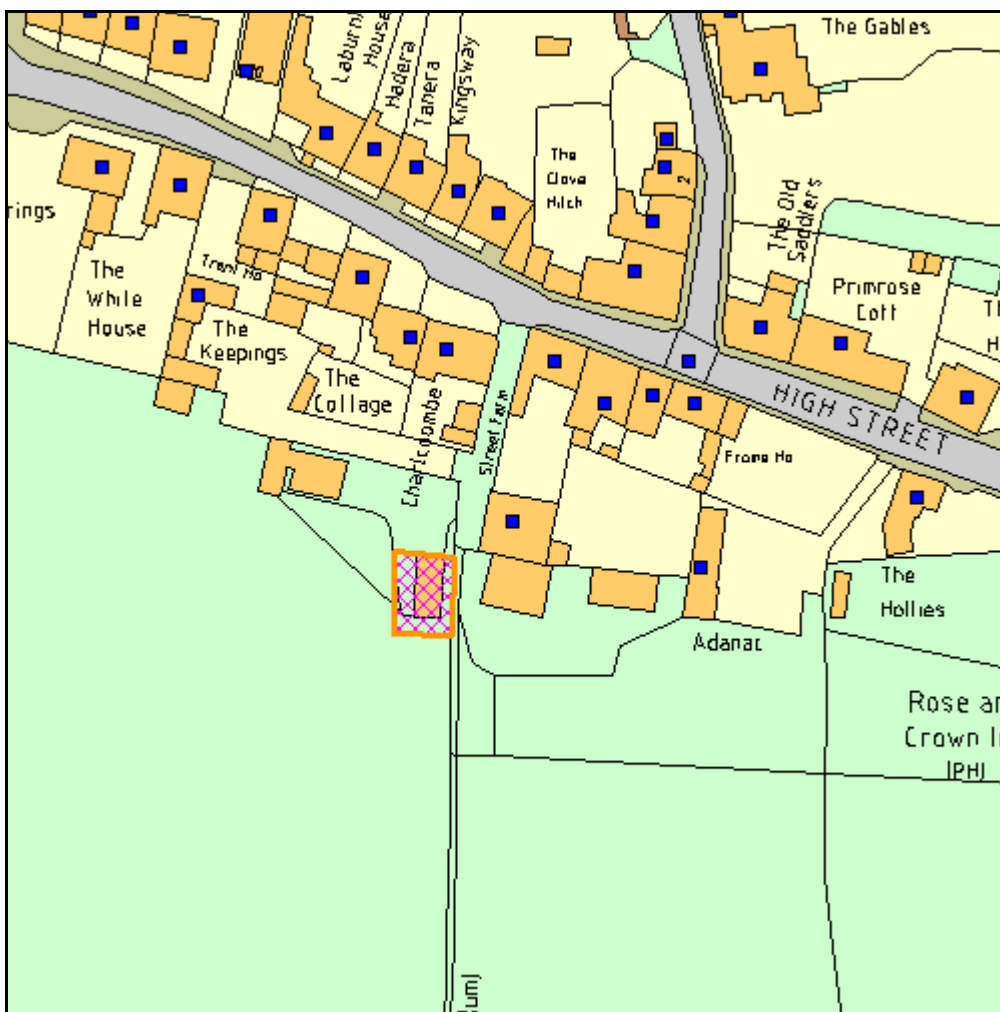
Reason

In the interests of flood risk to accord with Policies CS1 and CS5 of The South Gloucestershire Local Plan Core Strategy (Adopted), Policy PSP20 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF. This is a pre commencement condition to ensure that the site can be adequately drained.



**CIRCULATED SCHEDULE NO. 27/18 – 6 JULY 2018**

<b>App No.:</b>	PK18/1181/F	<b>Applicant:</b>	M Blake
<b>Site:</b>	Land At Ridge Farm High Street Iron Acton Bristol South Gloucestershire BS37 9UG	<b>Date Reg:</b>	4th April 2018
<b>Proposal:</b>	Demolition of existing buildings and erection of 1 no. agricultural building and associated works.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	367657 183631	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	29th May 2018



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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the demolition of an existing storage building and the erection of 1no agricultural building and associated works at land at Ridge Farm, High Street, Iron Acton.
- 1.2 The proposed agricultural building would primarily be used to store agricultural equipment, sheep and sheep feed. It may also be used to store horse feed.
- 1.3 The application site comprises of an agricultural field located to the south of a small number of residential properties along Iron Acton High Street. A further single property is located south of the site and an existing agricultural building is situated to the east. The application site falls within the Iron Acton Conservation Area and is washed over by the Bristol and Bath Green Belt

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework  
National Planning Policy Guidance

#### 2.2 Development Plans

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

CS1 High Quality Design  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
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  
PSP19 Wider Biodiversity  
PSP20 Flood Risk, Surface Water and Watercourse Management  
PSP29 Agricultural Development

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007  
Development in the Green Belt SPD (Adopted) May 2007

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

3.1 No relevant planning history.

### **4. CONSULTATION RESPONSES**

4.1 Iron Acton Parish Council  
No observations

4.2 Highway Structures  
No comment

4.3 Lead Local Flood Authority  
No objection

4.4 Conservation  
No objection

4.5 Landscape Officer  
The proposed building, though larger than the structures being replaced, forms a cluster with buildings of a similar style in the vicinity. There is therefore no landscape objection.

To comply with policy CS1 it is advised that a single tree be planted. This should be a native species and select standard (size). It should be protected from grazing animals. It is recommended that this is agreed prior to determination to avoid the need for the discharge of a landscape condition.

4.6 Sustainable Transport  
As this new building broadly replaces two others used for similar purposes, we consider that it is unlikely that it will generate any additional traffic movements to and from the site. We also note that it is intended to access this building via the sites existing entrance, which will not be altered in any way. Therefore, we do not believe that this proposal will raise any material highways or transportation concerns and have no comments about this application.

4.7 Ecology  
I don't have any objection to this application but I recommend that the following condition is attached:

The development hereby permitted shall not be occupied until two swallow cups and one bat box have been installed, with their location clearly shown on a plan and photographic evidence submitted to the local planning authority for approval in writing (PSP19).

### **Other Representations**

4.8 Local Residents

Objection comments were received from 3no local residents, summarised as follows;

Resident 1:

- Traffic is damaging the access lane and the proposal to build a larger building will require larger than normal vehicles to have frequent access during and after construction.
- Danger to pedestrians from large vehicles driving or reversing down the lane.
- The existing building are partially derelict and the proposal is much larger in size.
- Disproportionate to the size of the field.
- Proposed development is not in character with the village, Conservation Area or nearby Grade II listed properties.
- The view from multiple neighbouring houses will be ruined and a number will have their light blocked.
- Swallows and bats nesting in existing structure.

Resident 2:

- Construction vehicles will add to the poor state of the access lane.
- Access is dangerous due to parked cars on High Street causing reduced visibility.
- Danger to pedestrians from large vehicles accessing the site
- Proposed building is considerably larger in height than the existing buildings.

Resident 3:

- Increased height and size will be much more visible and will affect the aesthetics of the conservation village.
- Increased traffic on hazardous lane.
- Large structure seems disproportionate.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The application is principally being assessed under PSP29 Agricultural Development demonstrating that agricultural development outside defined urban areas and settlement boundaries is acceptable providing there is no underused buildings reasonably available and the proposal is reasonably necessary for the purpose and is designed for that purpose. Particular attention should be paid to the siting, size, massing, form, materials, and detailed design of new farm buildings in order to minimise any adverse effect on the character and diversity of the landscape and the general openness of the countryside. This is also covered by policy CS1 of the Core Strategy (Adopted) December 2013.

As the site falls within the Iron Acton Conservation Area, attention should be paid to policy CS9 of the Core Strategy which seeks to conserve and enhance the character, quality, distinctiveness and amenity of the landscape. Due to the Green Belt setting this application is also being assessed under National Planning Policy Framework (NPPF) guidelines which states development in the Green Belt is generally inappropriate. However, paragraph 89 of the NPPF

states that buildings for agriculture are an exception to this. As such, there is no need to consider the impact of the proposal on the openness of the Green Belt.

There is no objection to the proposed development in principle, subject to the considerations above.

#### 5.2 Landscape and Heritage

As stated previously, the proposal is located within open countryside, to the rear of properties on High Street, Iron Acton. The proposal would replace 2no existing agricultural buildings which, although would be larger in size, would be adjacent to buildings of a similar style to the east. The proposed agricultural building is therefore not considered to have a significantly adverse impact on the landscape. Furthermore, as requested by the Landscape Officer an oak tree sapling will be planted to the rear of the proposed building to encourage biodiversity and would therefore comply with policy CS1 of the Core Strategy and PSP2 of the PSP Plan. The Landscape officer requested a larger tree was planted however, the proposed sapling tree and 1.8m high tree guard are considered to be acceptable for a proposal of this nature.

- 5.3 Concern was raised by a neighbouring occupier that the proposal would harm the character of the village. The application site falls within the Iron Acton Conservation Area and to the rear of Grade II listed buildings Charlcombe and a pair of houses directly to the east. The proposal would be located approximately 29m from the listed buildings and is also offered a degree of screening from the main High Street from the residential properties. Due to the existence of adjacent buildings of a similar style, combined with the distance and screening from the main High Street, it is considered by the Case Officer that it would not result in a negative impact to the listed building setting or the Conservation Area.

The Conservation Officer had no comments to make on the proposal. As such the proposal is not considered to harm the character of the surrounding area and is therefore deemed to comply with policy CS9 of the Core Strategy.

#### 5.4 Design and Visual Amenity

The proposed development would replace 2no existing storage buildings; one consists of a barrel roof with a height of approximately 3.2m, width of approximately 5.5m and depth of approximately 10m; the second consists of a dual pitched roof with an overall height of approximately 2.9m, a width of approximately 4.1m and a depth of approximately 4.2m.

- 5.5 The proposal would be situated in the same position as the existing buildings, in the northeast corner of the site. It would have a relatively basic design consisting of a blockwork dwarf wall, steel cladding elevations and a dual pitched roof. The proposal would minimally increase the footprint of the combined existing storage buildings, would have an eaves height of approximately 3.6m and an overall height of approximately 4.5m. Although the proposal is relatively large in comparison to the existing buildings, it is considered by the Officer to be of an appropriate size and scale within the context of the application site so as not to be disproportionate to the surrounding land. The proposal would have a typical agricultural appearance, similar to an existing adjacent building to east, and therefore no objection is



- raised in terms of design and visual amenity. As such the proposal is deemed to comply with policy CS1 of the Core Strategy.
- 5.6 Residential Amenity  
Policy PSP8 of the PSP Plan (November 2017) sets out that development should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.7 Concern was raised by a neighbouring occupier of potential overbearing and loss of light impact for neighbouring occupiers. Considering the separation distance between the proposal and the adjacent properties, combined with the single storey nature of the building, it is not considered the proposed development would result in a material overbearing or overlooking impact, nor is it considered to significantly impact the existing levels of light afforded to the neighbouring occupiers. As such, the proposal is not considered to have a detrimental impact on the residential amenity of the surrounding properties and is therefore deemed to comply with policy PSP8 of the PSP Plan.
- 5.8 Sustainable Transport  
Concerns have been raised relating to the potential damage to the surface of the access lane from large vehicles before and after construction; danger for pedestrians using the lane; and concerns of visibility onto the High Street from vehicles exiting the lane.  
The current access to the agricultural land is via a single track lane off the High Street, this will not be altered by the application in any way. The existing buildings are used for storage and the proposal will be used for a similar purpose, as such the proposal is considered to be unlikely to generate any significant increase in traffic to and from the site and therefore the current access is deemed to be acceptable.
- 5.9 The ongoing maintenance of the private access lane is not a material planning consideration.
- 5.10 In regards to the potential danger for pedestrians, the access lane is used as a public footpath, however seeing as the access lane is presently used by vehicles accessing the application site, the proposal would not result in a material change to the existing access or visibility onto the High Street. Furthermore, the nature of the access lane means vehicles would not be travelling at high speeds. Therefore, no highways or transportation concerns are raised.
- 5.11 Ecology  
Concerns were raised by a neighbouring occupier regarding nesting bats and swallows in the existing buildings. The ecology officer was consulted in response to this information, no objections were raised subject to a condition attached to the decision.
- 5.12 Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty

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

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

## 6. **CONCLUSION**

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

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

## 7. **RECOMMENDATION**

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

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

## **CONDITIONS**

1. The 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. The works shall be carried out prior to the first use of the development hereby approved.

Reason

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

3. Two swallow cups and one bat box are to be installed, with details of their location clearly shown on a plan and photographic evidence submitted to be approved in

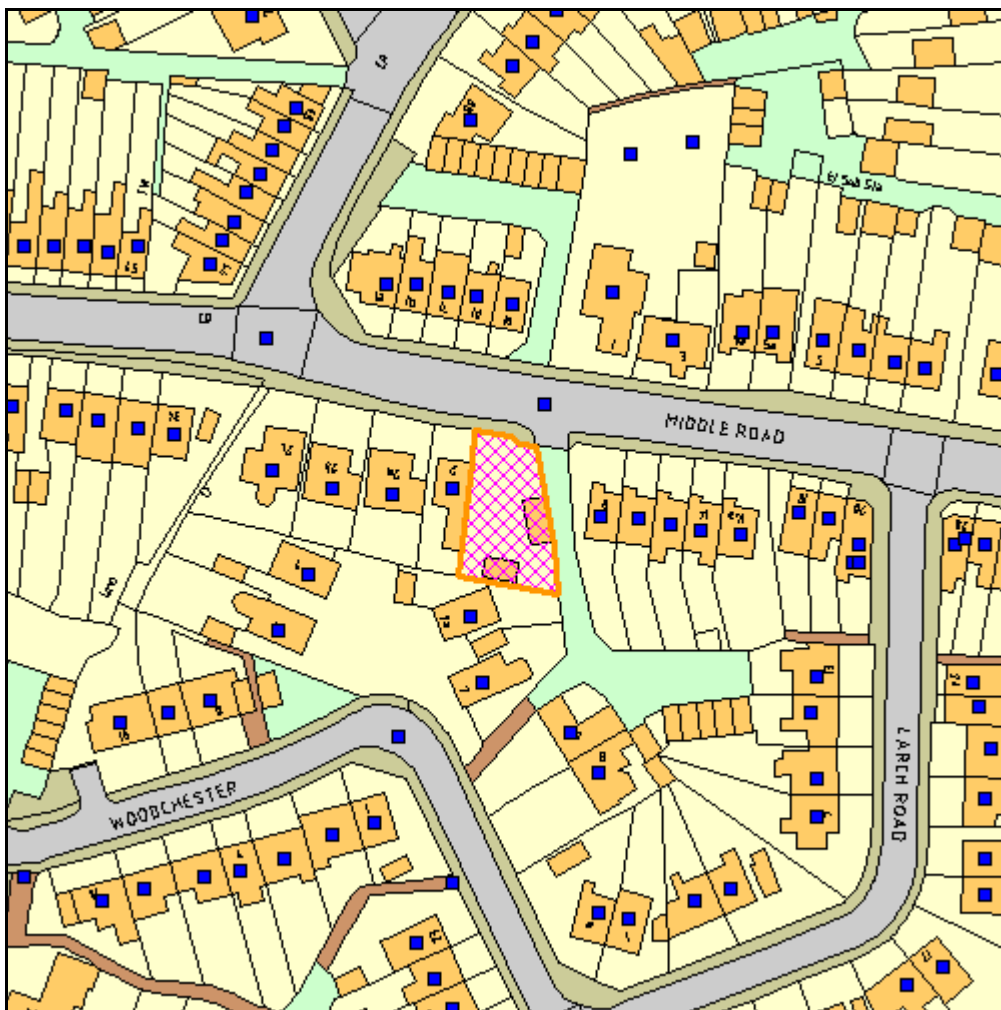
writing by the Local Planning Authority prior to the first use of the development hereby approved.

Reason

To conserve and enhance the natural environment and encourage biodiversity to accord with Policy PSP19 of South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 27/18 – 06 JULY 2018**

<b>App No.:</b>	PK18/1934/F	<b>Applicant:</b>	Mr Steve Maddison
<b>Site:</b>	2 Middle Road Kingswood Bristol South Gloucestershire BS15 4XD	<b>Date Reg:</b>	30th April 2018
<b>Proposal:</b>	Demolition of existing outbuildings and erection of 1 detached dwelling and associated works.	<b>Parish:</b>	None
<b>Map Ref:</b>	365382 175284	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd June 2018



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## **CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule following comments received from local residents.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the demolition of existing outbuildings and the erection of 1 no. detached dwelling and associated works.
- 1.2 The application site relates to land to the side of 2 Middle Road, Kingswood. The host property is a two-storey detached hipped roof dwelling likely of some age. It has a double set of bay windows, is stone faced with quoin detailing. A small road to the east side allows access to the garage and off-street parking which currently serves the property. The new house would therefore hold a prominent position within the street scene.
- 1.3 During the course of the application the applicant was advised that the originally proposed scheme for 2no, three storey houses on this constrained site represented poor design with an unacceptable impact on parking. Revised plans for 1 no. two-storey dwelling were subsequently submitted. The proposed dwelling would be located to the east of the host property.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Guidance

#### 2.2 Development Plans

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

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS29	Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP37	Internal Space Standards

PSP38 Development within Existing Residential Curtilages  
PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007)  
South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013  
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide  
SPD – (Adopted) March 2015

### 3. RELEVANT PLANNING HISTORY

Application site:

- 3.1 K3701/1AP1 Erection of 4 houses, 4 garages and formation of new  
vehicular and pedestrian access  
Approved 2.2.84

Adjacent site mentioned in comments by neighbours:

- 3.2 K3710/4 Erection of 3 bungalows  
Approved 10.6.85
- 3.3 K3710/3 Erection of 3 detached houses and garages,  
construction of pedestrian and vehicular access  
Refused 10.12.84

### 4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council  
The area is not parished

- 4.2 Transport comments  
Objection:  
No parking has been shown for the existing dwelling.  
For a scheme of two new dwellings, a total of 6 no. parking spaces need to be  
created

*Updated Comments:*

No objection subject to conditions if the application is considered acceptable.

- 4.3 Highway Structures  
No comment

- 4.4 Drainage  
No objection

- 4.5 Coal Authority  
Objection:  
A coal mining risk assessment report is required

*Updated comments:*

*No objection*  
**Other Representations**

4.6 Local Residents

Ten letters of objection were received to the original scheme for 2 dwellings. The points raised are summarised as:

Impact on amenity:

- Loss of privacy – overlooking into our garden. Currently surrounded by houses but not overlooked at the moment
- Intrusive visual appearance with regard to second floor windows, angle of development and close proximity to my property resulting in severe loss of privacy
- Will be overlooked by both side and rear windows
- Will lead to shading over our neighbours and affect the lighting
- Proposed small back gardens
- Front elevation will face my property and be overpowering causing loss of light and privacy.

Highway and parking issues:

- Will worsen existing parking issues
- Insufficient parking provision
- Lane must not be obstructed as access to garages is required at all times
- Lane will feel very enclosed and feel less safe to walk down
- Bus stop and recently added disabled parking bay already reduces amount of on-street parking
- Visibility out of the lane is already a hazard due to number of cars parked either side – this will make it more dangerous and difficult to see oncoming vehicles

Design:

- Three storey build is out of keeping

Other matters:

- No mention of the electricity pole in front of the site
- Light and noise pollution
- Affect re-sale price of our property
- If lane is blocked concerned regarding access for emergency services or carers
- Shrubs and trees at front will be lost

Response from 5 local residents following revised plans for the one dwelling:

Impact on amenity:

- Rear facing elevation intrusive, due to angle of proposed development and close proximity, overlooks garden and into my home resulting in severe loss of privacy detrimental to wellbeing of myself and family
- Windows to side and rear will affect privacy

Design:

- Height/roofline will be dominant and overpowering
- Overdevelopment
- Existing house is a handsome house with an attractive garden, one of a few left with shrubs and trees – the loss would adversely affect the feel and quality of life for near neighbours
- Adding a 4 bed detached house will overdevelop this street in very built up area

Highway and parking issues:

- Will reduce amount of available on street parking, increasing existing considerable problems
- Add to hazards where 2 lanes meet and there are 2 bus stops within a few metres

Other matters:

- The 3 bungalows alongside 2 Middle Road were to originally have been 2 storey but this was refused due to proximity and loss of privacy
- Noise and disruption of building work and contractor movement
- Deeds of our house state we cannot put a window in our roof facing north due to privacy of 2 Middle Road– surely this same privacy rule should apply for them.

## 5. **ANALYSIS OF PROPOSAL**

5.1 The proposal is for the demolition of existing outbuildings and erection of 1 no. detached dwelling and associated works.

### 5.2 Principle of Development

The proposal stands to be assessed against the above listed policies and all material considerations. The site is located within the established settlement of Kingswood and within the existing residential curtilage of the host property. The principle of development is therefore acceptable. However and notwithstanding this fact, the proposal must still respond positively to the immediate site and character of the area, must not adversely affect residential amenity of the host dwelling or neighbouring properties and not negatively impact on highway safety or parking standards. This is discussed in more detail below.

### 5.3 5 year housing supply

The NPPF has a strong presumption in favour of sustainable development and declares planning authorities should approve development proposals without delay where they accord with the local development plan, unless material considerations indicate otherwise. It is acknowledged that South Gloucestershire Council cannot demonstrate a five year housing land supply but in this instance the addition of one new dwelling to that shortfall can only be given a very small amount of weight. Any harm identified such as to the character of the area, to residential amenity or highway safety due to development would need to be fully assessed to ensure the small benefit of one new house could outweigh any harm. Policy CS1 and PSP8 are not directly related to the supply of housing and therefore attract full weight.



5.4 Character of the area

This part of Kingswood has a diverse range of housing styles. Although the host property is one of the few examples of older style houses along this road, neighbouring properties to the west are single storey modern houses, those to the east on the other side of the access lane form a terrace of modern two-storey dwellings as do the houses directly opposite. The introduction of one new dwelling of a modern design would therefore not be at odds with the general street scene, although the specifics of its design must be taken into consideration.

5.5 Design and Visual Impact

The NPPF and local adopted policy under CS1 places great emphasis on the importance of design. Good quality design must ensure it respects both the character of a property and the character of an area in general.

5.6 A definition used by CABE (commission for Architecture and the Built Environment) stated:

*It is possible to distinguish good design from bad design. By good design we mean design that is fit for purpose, sustainable, efficient, coherent, flexible, responsive to context, good looking and a clear expression of the requirements of the brief.*

5.7 Although CABE was merged with the Design Council, the organisation, Design Council CABE, remains the government's adviser on design. Its published documents on design emphasise the importance the government places on good design demonstrated in the 12 planning principles set out in the NPPF, where design is the 4<sup>th</sup> on that list stating that planning should:

*...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*

5.8 The proposed new house would have a single set of ground and first floor bay windows with a separate single window above the front entrance doorway. In this way the proposed new dwelling would reflect the appearance of the closest property, No. 2 Middle Road. Similarly, materials imply a stone faced front elevation with quoin stones, again to acknowledge this dwellinghouse. The main differences between the two would be the roofline and shape. It is noted that the eaves height of the proposed dwelling would be lower than that of the host property and the more modern houses opposite and on the other side of the access lane have small, shallow pitched gable roofs.

5.9 This single house in the garden of No.2 would hold a prominent corner position, and should therefore reflect the style and appearance of the host property to create a more cohesive pattern here. The footprint of the house would be around 6.7 metres wide by 12 metres in length which includes a single storey extension across the whole of the rear elevation. Although there is no planning history to confirm, it is likely that No. 2 has benefitted from a two-storey rear extension which now creates an 'L' shape footprint. A further small single storey element projects from this two-storey addition. The house is slim,

having a width of around 5.9 metres. It is noted that other two-storey properties close to the application site fronting Middle Road generally have a width of under 6 metre

- 5.10 Although differences are noted, overall, given the use of good quality materials to match the host property and the pattern of openings and fenestration, the new build would not be out of character or at odds with the existing street scene.
- 5.11 Residential Amenity  
A number of objections have been received from local residents with regards to loss of privacy, overbearing, shading and overlooking. With regards to the properties on the other side of Middle Road it is considered that given the overall degree of separation there would be no unacceptable levels of overlooking or inter-visibility. Moving on to comments that nearby houses would be overlooked by the side windows and shaded by the new property. In the first instance the new dwelling would follow the existing building line on this road with a single storey rear extension built out beyond this line. As such given the position of the new build and the distance between them, gardens and properties to the east of the site would not experience over shadowing to their amenity space over and above the existing level. Plans indicate that these openings would be of obscure glazing and again separated by the access lane in between the application site and its closest neighbours to the east. This is considered appropriate in terms of the impact on amenity of these neighbours.
- 5.12 Neighbours to the rear (south) of the proposed new build have expressed concerns regarding the proximity and the potential for overlooking. The closest neighbour is No. 2a Woodchester, although the neighbour at No. 2 Woodchester, further to the south again has also submitted objections to the scheme for similar reasons. The main concerns are those regarding overlooking of gardens and loss of privacy given the proximity and orientation of existing and proposed houses.
- 5.13 Looking at No. 2a Woodchester first, the proposed two-storey rear element of the new house would be around 10 metres from the boundary fence and so the potential for overlooking and inter-visibility must be considered. The rear garden of No. 2a Woodchester is quite small and the only private functional area of amenity space serving this house. Currently as there are no first floor windows in the rear elevation of No. 2 Middle Road, this neighbour does not experience any overlooking from this property.
- 5.14 No. 2a Woodchester is angled from the rear of the application site, and has a north east – south west orientation. Plans show there would be an angle of around 35 degrees between the closest first floor rooms of the proposed new house and No. 2a Woodchester. It is unlikely there would be any direct inter-visibility between the properties, however, the level of overlooking from the first floor of the new house into the amenity space of No. 2 Woodchester needs to be assessed. The boundary fence is around 1.8 metres in height with some arched trellis on top.

- 5.15 It is acknowledged that the application would result in some changes for the closest neighbour at No. 2a Woodchester, with the main change resulting from the closest first floor bedroom window. However, the site is located in a built-up area of Kingswood where some degree of overlooking between properties can be expected. On balance, given the location, the distance and the amount of development, the impact on the amenity would not be such to warrant a refusal of the application. Given that No. 2 Woodchester is even further away, the same assessment would apply.
- 5.16 One neighbour has commented that their deeds state they cannot have windows in their roof so as to protect the privacy of No. 2 Middle Road. They query that the same ruling should apply for development within No. 2 Middle Road in order to protect their own privacy. Title Deeds show the chain of ownership of a property and can also include certain restrictions or covenants, which for example, can limit development within that site. A planning application assesses development under a specific set of planning policy and regulations and is separate to any restrictions contained in Title Deeds. As such the content of these legal documents is not taken into consideration when a development is being assessed – it is a legal matter and it is the responsibility of the owner to ensure development conforms to any restrictions set out in their Deeds.
- 5.17 Transport  
Initial plans were considered unacceptable as it was not clear what parking would be available for the existing property following the development. Revised plans have clarified the situation and show that two parking spaces would be created within the front garden of the main house. In addition two parking spaces for the proposed new dwelling would also be created to the front. These levels comply with the adopted parking standards.
- 5.18 Comments received from local residents are concerned that the development would affect the amount of on-street parking available for use. It is noted that there would be changes to the overall amount of on-street parking but on balance the development would not have a severe impact on highway safety and on this basis there are no transport objections.
- 5.19 A neighbour has expressed concern regarding inconsiderate parking along the access lane/garage area to the side of the application site. Inconsiderate parking should be report to the appropriate authority – in this instance it would be the Police Authority.
- 5.20 Coal Authority  
Following the receipt of additional information the Coal Authority has withdrawn its original objection to the scheme.
- 5.21 Other matters  
Concern has been expressed regarding the potential for noise and disruption during the construction phase. It must be recognised that this development is for only a single dwelling. The level of disruption would therefore be limited to the build life of this new house. It is however, appropriate for a condition regarding construction work practices and hours of working to be attached to

the decision notice to protect amenity during the course of the build. In a similar vein, there would be no unacceptable levels of light pollution resulting from the introduction of one new dwelling.

- 5.22 The electricity pole outside the development has been mentioned by local residents. Again this falls outside the remit of a planning application and it would be the responsibility of the applicant to contact the relevant utilities provider to make appropriate arrangements.
- 5.23 The value of a property is not a planning matter and cannot be taken into consideration in this assessment.
- 5.24 Some neighbours have commented that the application for 3 bungalows (K3710/4) to the west of the application site was initially refused due to potential adverse impact on neighbouring properties. It must be noted that each site is assessed on an individual basis according to the merits of that particular scheme and the relevant planning policies at the time. It is therefore not possible to make a direct comparison between that application assessed in 1985 and the current development.
- 5.25 One neighbour has expressed concern regarding personal safety when walking down the access lane to the block of garages. It is stated that the new development will create an enclosed feeling. However, it must be noted that the new house would actually be closer to this lane with the opportunity of increased surveillance from the proposed rear windows.
- 5.26 Impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.
- 5.27 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.
- 5.28 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.
- 5.29 Planning Balance  
The proposal is for one new dwelling to be erected within the garden of No. 2 Middle Road. Concerns regarding the impact on amenity of closest neighbours and the impact on transport have been raised by local residents. These matters have been discussed above and a balanced decision has been reached. Although changes would occur for neighbours, the location of the site within a built-up area and the contribution to the housing supply of this house count in its favour, and the scheme is recommended for approval.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

- 7.1 It is recommended that the application be **APPROVED** subject to the conditions written on the decision notice.

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

## CONDITIONS

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

Reason

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

2. The proposed development shall proceed in accordance with the following plans:

As received by the Council on 25.4.18:

Site location plan - 18/006 01

Existing plans and elevations - 18/006 02

As received by the Council on 31.5.18:

Proposed drawings - 18/006 03 B

Proposed street scene - 18/006 04 A

Reason:

To accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP1 of the Policies Sites and Places Plan (Adopted) 2017.

3. The materials to be used in the construction of the external surfaces of the front elevation of the new dwelling hereby permitted shall match those used in the existing building, No. 2 Middle Road, Kingswood, Bristol, BS15 4XD.

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. The off-street parking facilities shown on the plan PROPOSED BLOCK PLAN - drawing no. 18/006 Rev A hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

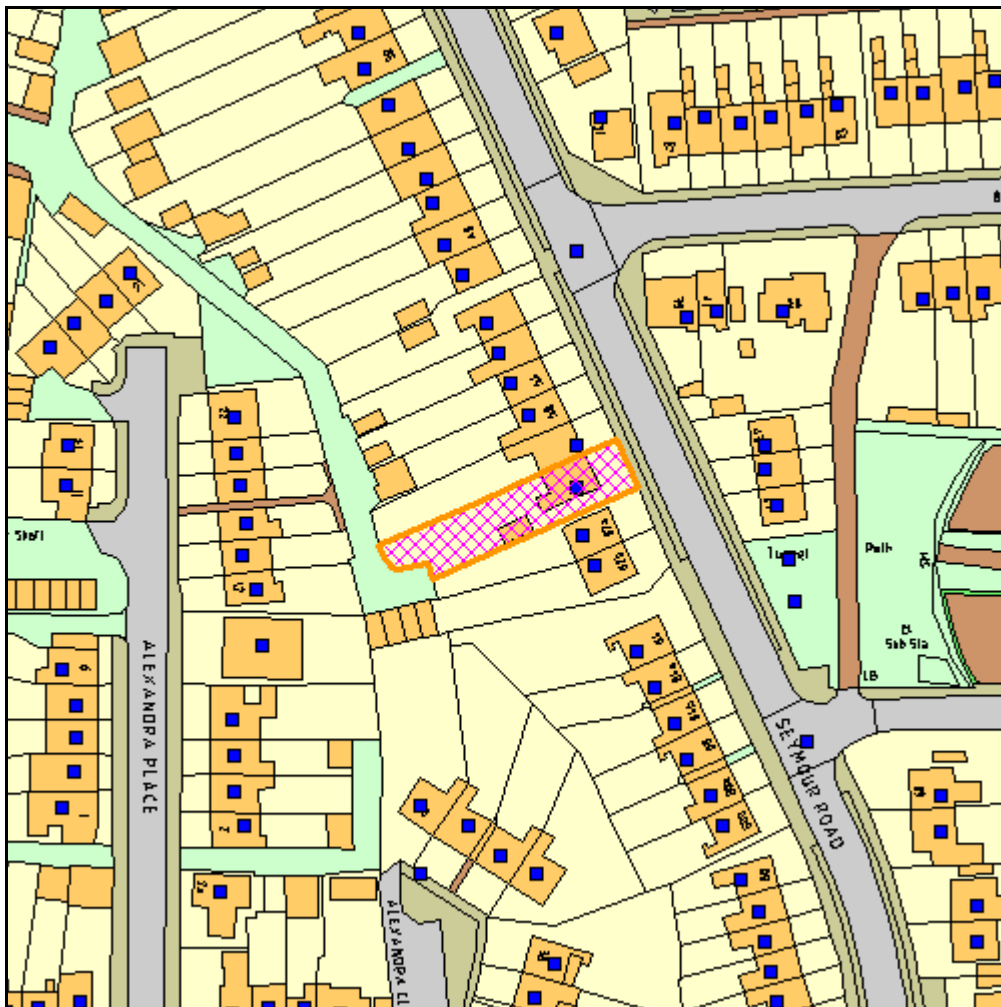
5. The hours of working on site during the period of construction shall be restricted to  
Monday - Friday.....7:30am - 6:00pm  
Saturday.....8:00am - 1:00pm  
No working shall take place on Sundays or Public Holidays.  
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

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

## CIRCULATED SCHEDULE NO. 27/18 – 06 JULY 2018

<b>App No.:</b>	PK18/2116/CLP	<b>Applicant:</b>	S Ahmad
<b>Site:</b>	62 Seymour Road Staple Hill Bristol South Gloucestershire BS16 4TF	<b>Date Reg:</b>	5th June 2018
<b>Proposal:</b>	Application for the certificate of lawfulness proposed for the demolition of existing conservatory and erection of single storey rear extension and raised decking area to provide additional living accommodation.	<b>Parish:</b>	None
<b>Map Ref:</b>	365001 175694	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>		<b>Target Date:</b>	18th July 2018



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension and raised decking area at 62 Seymour Road, Staple Hill would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit; the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Town and Country Planning Act 1990 (as amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class A

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

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

- 3.1 PK18/2447/CLP  
Erection of single storey rear extension to include raised decking.  
Pending decision.

### **4. CONSULTATION RESPONSES**

#### **4.1 Town/Parish Council**

Unparished area

#### **4.2 Councillor**

No comment received

#### **Other Representations**

#### **4.3 Local Residents**



No comments received.

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

- 5.1 Received by the Council on 3<sup>rd</sup> May 2018:  
Site Plan  
Block Plan  
Existing Elevations and Ground Floor Plan  
Proposed Elevations and Ground Floor Plan

## **6. ANALYSIS OF PROPOSAL**

### **6.1 Principle of Development**

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

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

- 6.3 The proposed development consists of the erection of a single storey rear extension and raised decking area. The proposed development would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria set out below:

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

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

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

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

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

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

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

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

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

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

The extension would not extend beyond a wall which forms the principal elevation; or fronts a highway and forms a side elevation, of the original dwellinghouse.

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

The dwelling is an end terrace property and the proposal would extend beyond the rear wall of the original dwelling by 2.4 metres; however it would have a height of 4.5 metres and would therefore not comply with this criteria.

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

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

The proposal would exceed 4 metres in height.

**(h) The enlarged part of the dwellinghouse would have more than a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
- (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**

The extension would be single storey.

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

The extension would be within 2 metres from the boundary and would have an eaves height of 3.2 metres. It would therefore not comply with this criteria.

**(j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—**

- (i) exceed 4 metres in height,**
- (ii) have more than a single storey, or**
- (iii) have a width greater than half the width of the original dwellinghouse; or**

The extension would not extend beyond a wall forming the side elevation.

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

The proposal exceeds limits set out in paragraphs (f) and (i).

**(k) It would consist of or include—**

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

The development includes decking area which is raised 1 metre from ground level. It would therefore not comply with paragraph (k)(i).

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

- a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**
- b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.**
- d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c);**

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

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

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

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

**b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—**

**(i) obscure-glazed, and**

**(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**

Not applicable.

**c) Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

Not applicable.

## **7. RECOMMENDATION**

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

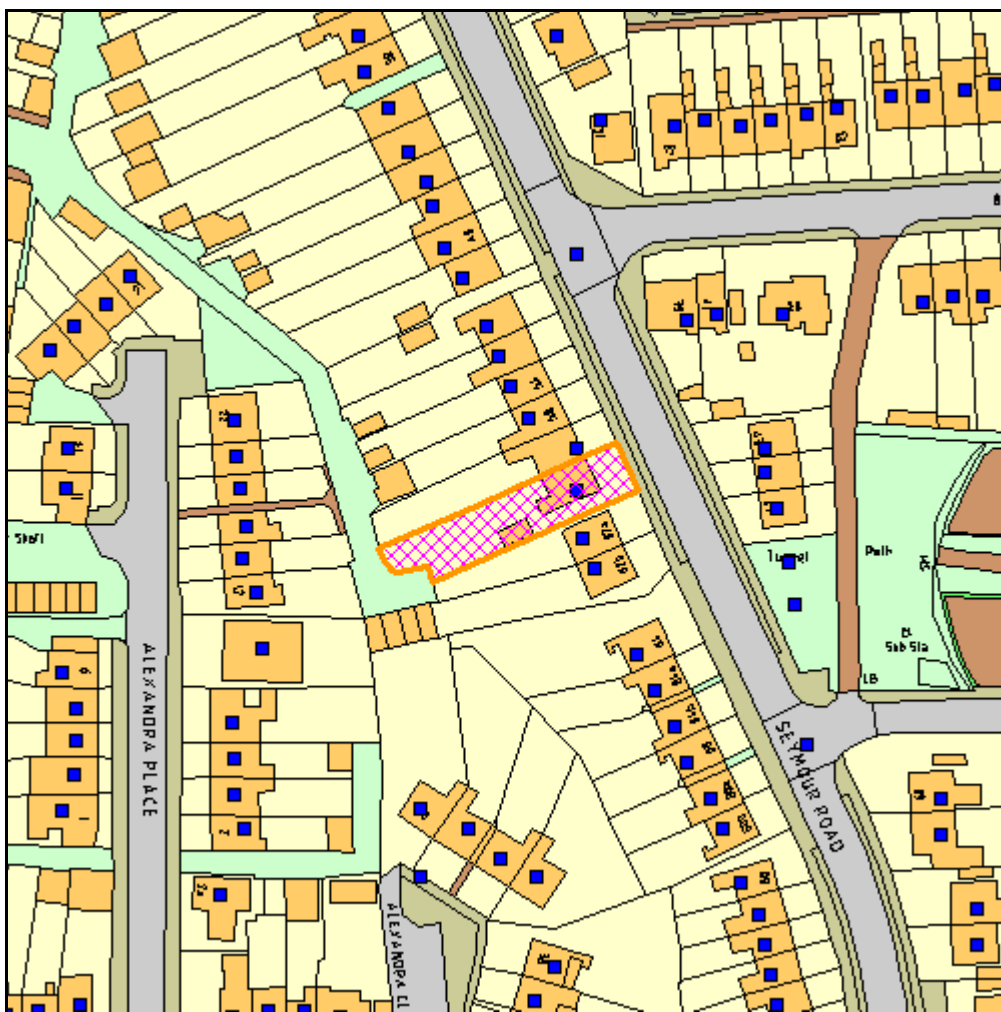
**Contact Officer: James Reynolds**  
**Tel. No. 01454 864712**

## **REASONS FOR REFUSAL**

1. The evidence provided has been insufficient on the balance of probabilities to demonstrate that the proposed single storey rear extension falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. This is because there is evidence to suggest that the proposal is contrary to paragraphs (f)(ii); (i); and (k)(i) of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The single storey rear extension would exceed 4 metres in height; it would be within 2 metres of the boundary and the eaves would exceed 3 metres in height; and it would include a raised platform.

**CIRCULATED SCHEDULE NO. 27/18 – 06 JULY 2018**

<b>App No.:</b>	PK18/2447/CLP	<b>Applicant:</b>	Saima Ahmad
<b>Site:</b>	62 Seymour Road Staple Hill Bristol South Gloucestershire BS16 4TF	<b>Date Reg:</b>	
<b>Proposal:</b>	Erection of single storey rear extension to include raised decking.	<b>Parish:</b>	None
<b>Map Ref:</b>	365001 175694	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>		<b>Target Date:</b>	18th July 2018



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed single storey rear extension at 62 Seymour Road, Staple Hill would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

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

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

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

- 3.1 No relevant planning history

### **4. CONSULTATION RESPONSES**

#### 4.1 Councillor

No comments received

#### **Other Representations**

#### 4.2 Local Residents

No comments received

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

- 5.1 Proposed Elevations and Ground Floor Plan  
Existing Elevations and Ground Floor Plan  
Site Plan  
Block Plan

## 6. ANALYSIS OF PROPOSAL

### 6.1 Principle of Development

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
  - (ii) exceed 4 metres in height;**

Not applicable.

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

The extension would be single storey.

- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the**

**height of the eaves of the enlarged part would exceed 3 metres;**

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

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

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

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

The proposal does include a raised platform.

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

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

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

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

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

The submitted plans indicate that the proposed extension would be finished in materials to match existing. As such, the proposal meets this criterion.

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

Not applicable.

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

Not applicable.

## **7. RECOMMENDATION**

- 7.1 That a certificate of Lawfulness for Proposed Development is **refused** for the following reasons:

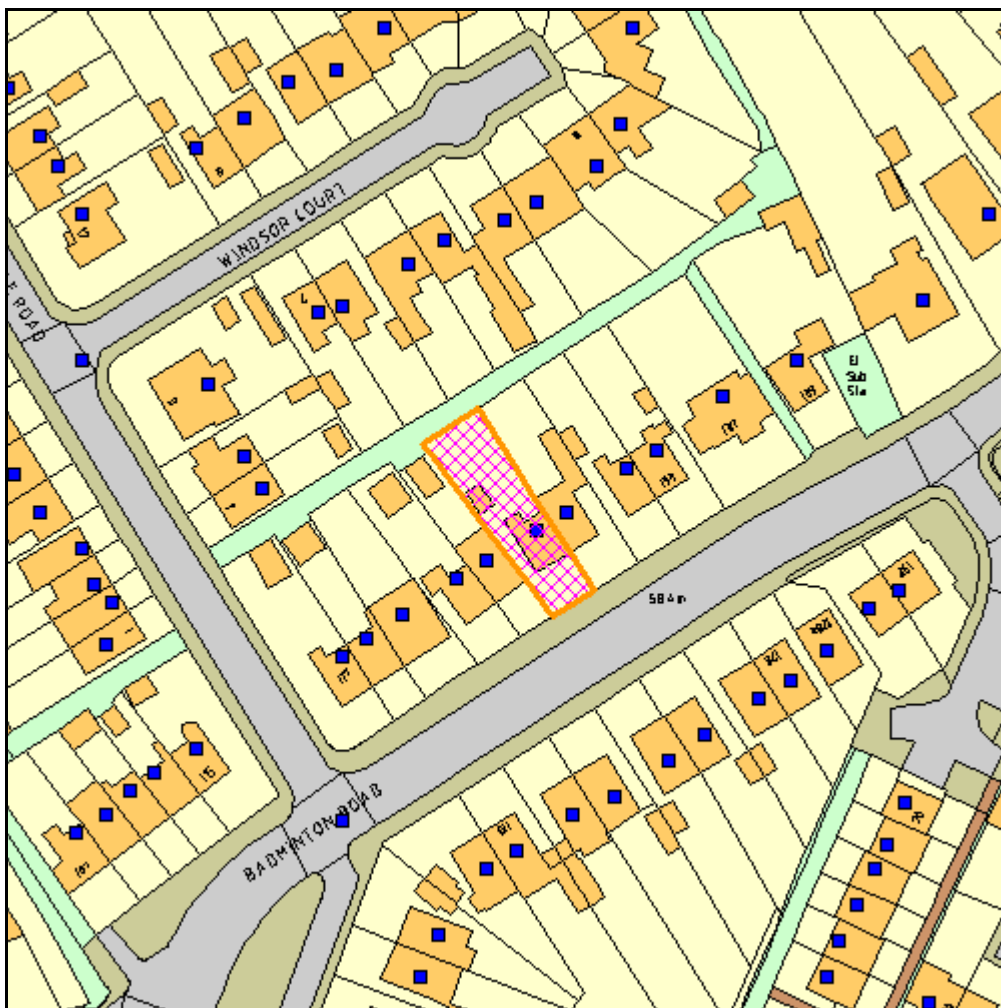
**Contact Officer: Westley Little**  
**Tel. No. 01454 862217**

## **REASONS FOR REFUSAL**

1. Evidence has been provided to demonstrate that on the balance of probabilities the development does not fall within permitted development for the curtilage of the dwellinghouse under Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) (As Amended) as it does not accord with Class A.1 (K) (i) It would consist of or include the construction or provision of a veranda, balcony or raised platform.

**CIRCULATED SCHEDULE NO. 27/18 – 06 JULY 2018**

<b>App No.:</b>	PK18/2495/CLP	<b>Applicant:</b>	Mr Simon Noble
<b>Site:</b>	127 Badminton Road Downend Bristol South Gloucestershire BS16 6NE	<b>Date Reg:</b>	11th June 2018
<b>Proposal:</b>	Installation of rear dormer and alterations to existing roofline to facilitate loft conversion.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365230 177339	<b>Ward:</b>	Downend
<b>Application Category:</b>		<b>Target Date:</b>	20th July 2018



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 100023410, 2008. N.T.S. PK18/2495/CLP

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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer and alterations to the existing roofline to facilitate a loft conversion at 127 Badminton Road, Downend would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

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

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

#### **3.1 PK15/1787/PNH**

Erection of single storey rear extension which would extend beyond the rear wall of the original house by 3.7 metres, for which the maximum height would be 3.9 metres and the height of the eaves would be 2.7 metres.

No objection: 26/05/2015

### **4. CONSULTATION RESPONSES**

#### **4.1 Downend and Bromley Heath Parish Council**

No comment received

#### **4.2 Councillor**

No comment received.

### **Other Representations**

#### **4.3 Local Residents**

No comments received

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

5.1 Received by the Council on 24<sup>th</sup> May 2018:

Site Location Plan

Section & Notes

Existing & Proposed Elevations

Existing Floor Plans

Proposed Floor Plans

Received by the Council on 19<sup>th</sup> June 2018:

Block Plan

## 6. **ANALYSIS OF PROPOSAL**

### 6.1 Principle of Development

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

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

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

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

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

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

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

The height of the proposed dormer window and roof alterations would not exceed the highest part of the existing roof.

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

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

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

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

The property is a semi-detached house and the proposal would result in an additional volume of 49.11 cubic metres.

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

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

The proposal would include none of the above.

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

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

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

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

Submitted plans indicate that the proposal will incorporate a hanging tile finish and rendered elevation to match the existing dwellinghouse.

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

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

The eaves of the original roof will be maintained; the rear dormer would be 0.3 metres away from the eaves of the original roof. Additionally, the application is proposing a hip-to-gable alteration.

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

The proposal does not include any side elevation windows.

## **7. RECOMMENDATION**

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

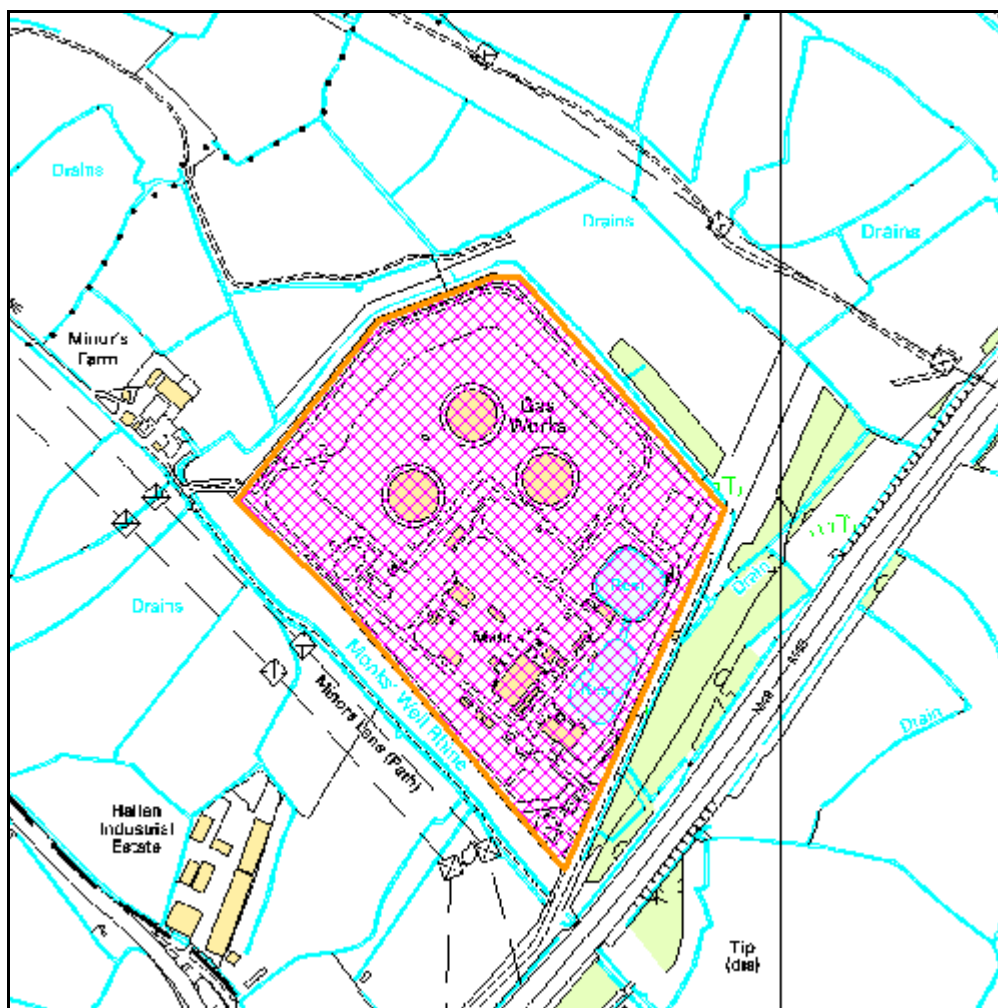
**Contact Officer: James Reynolds**  
**Tel. No. 01454 864712**

Evidence has been provided to demonstrate that on the balance of probabilities the proposed installation a rear dormer and alterations to the existing roofline would fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.



**CIRCULATED SCHEDULE NO. 27/18 – 6 JULY 2018**

<b>App No.:</b>	PT16/1817/HS	<b>Applicant:</b>	Flogas Britain Ltd
<b>Site:</b>	Flogas Britain Ltd Severn Road Hallen Bristol South Gloucestershire BS10 7SQ	<b>Date Reg:</b>	22nd April 2016
<b>Proposal:</b>	Application for consent under The Planning (Hazardous Substances) Regulations 2015 for the storage of hazardous substances of up to;	<b>Parish:</b>	Almondsbury Parish Council
	34,564 tonnes of liquefied petroleum gas, and; 44 tonnes of liquefied natural gas		
<b>Map Ref:</b>	354770 181324	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>		<b>Target Date:</b>	15th June 2016



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**REASON FOR REPORTING TO CIRCULATED SCHEDULE**

The application appears on the Circulated Schedule as there is objection to the proposed Hazardous Substances Application whilst the officer recommendation is to approve the application.

**1. THE PROPOSAL**

- 1.1 This application is submitted under The Planning (Hazardous Substances) Act 1990 and The Planning (Hazardous Substances) Regulations 2015 for Hazardous Substances for the storage of 44 tonnes of Liquid Natural Gas (LNG) and 34,564 tonnes of Liquid Petroleum Gas (LPG) (Propane). It is a specialist type planning application within the remit set out in the legislation. The focus of the assessment is on the risks to the surrounding areas as a result of the storage of materials being proposed. As discussed below, in this instance the site benefits from an extant Hazardous Substances consent. In comparison the proposal would reduce the amount of Liquid Natural Gas (LNG) from 126,000 tonnes to 44 tonnes and would increase the amount of Liquid Petroleum Gas (LPG) (Propane) from 56 tonnes to 34,564 tonnes. The proposal would also reduce the amount of LPG (Butane) consented from 56 tonnes to zero.
- 1.2 It should be noted that the original application received on 21<sup>st</sup> April 2016 proposed to increase the amount of LPG stored at the site to 80,200 tonnes. This was amended by the applicant to the levels shown in paragraph 1.1 and a revised application was received by the Local Planning Authority on 13<sup>th</sup> April 2017.
- 1.3 The site is made up of the National Grid Liquid Natural Gas (LNG) storage facility located approximately 1 ½ kilometres to the North of Halen and adjacent to the Northeast bound carriageway of the M48. Access to the site is via an access road from Severn Road, Hallen. The applicant, Flogas Britain Ltd (Flogas), has confirmed that the site currently remains in the control of National Grid and day to day management of the site is undertaken by National Grid. Control of the site would not pass from National Grid to the applicant until Hazardous Substance consent is granted.
- 1.4 The site is within the established employment area associated with the Severn Side Enterprise Area (SEA). The area of the SEA to the North of the site has seen substantial development for employment/economic uses in recent times.
- 1.5 It is noted that there is also a concurrent full planning application for the provision of new equipment on the site so as to facilitate the conversion of the existing facilities for the storage of (predominantly) LPG. The assessment of that planning application is separate to this application and appears elsewhere on this agenda. For the avoidance of doubt, this application does not assess the planning merits of providing the necessary equipment at the site.

**2. POLICY CONTEXT****2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Practice Guidance (Hazardous Substances).

## 2.2 Development Plans

### South Gloucestershire Local Plan Core Strategy (adopted) December 2013

CS1 High Quality Design  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS12 Safeguarded Areas for Economic Development  
CS35 Severnside

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP20 Flood Risk, Surface Water and Watercourse Management  
PSP21 Environmental Pollution and Impacts  
PSP26 Enterprise Areas  
PSP27 B8 Storage and Distribution Uses

## 2.3 Other Material Considerations

Control of Major Accident Hazards Regulations (COMAH) 2015  
Seveso III Directive 2012 (European Legislation)  
Health and Safety at Work Act 1974

## 3. RELEVANT PLANNING HISTORY

### *Hazardous Substance Consent*

- 3.1 HSC/DC/3/92 Storage of 56 tonnes of LPG and 126,000 tonnes of LNG

Approved 13<sup>th</sup> November 1992

### *Planning Consents and Applications directly associated with the application site*

- 3.2 PT17/039/SCR Erection of plant and equipment necessary to secure the conversion of existing Liquid Natural Gas (LNG) liquefaction, storage and distribution of Liquid Petroleum Gas (LPG). Screening Opinion for PT17/5254/F

EIA not required 4<sup>th</sup> January 2016

- 3.3 PT17/5254/F Erection of plant and equipment necessary to secure the conversion of existing Liquid Natural Gas (LNG) liquefaction, storage and distribution of Liquid Petroleum Gas (LPG).

Undetermined at the time of compiling this report

- 3.4 PT16/028/SCR Erection of plant and equipment necessary to secure the conversion of existing Liquid Natural Gas (LNG) liquefaction, storage and distribution of Liquid Petroleum Gas (LPG) screening opinion for PT16/4789/F  
EIA not required 9<sup>th</sup> September 2016
- 3.5 PT16/4789/F Erection of plant and equipment necessary to secure the conversion of existing Liquid Natural Gas (LNG) liquefaction, storage and distribution of Liquid Petroleum Gas (LPG)  
Approved 24<sup>th</sup> October 2016
- 3.6 P91/0400/3 Construction of carbon dioxide removal plant. Erection of 36 metre high tower, 30 metre high lamp standard and ancillary plant. Construction of temporary cesspool and construction area.  
Approved 29<sup>th</sup> January 1992
- 3.7 P85/0400/2 Erection of single storey extension to form additional office accommodation of approximately 65.5 sq.m. (705 sq.ft.).  
Approved 24<sup>th</sup> April 1985
- 3.8 N1433/4 Erection of switch room building approximately 45 sq. m. (484 sq. ft.) in floor area.  
Approved 21<sup>st</sup> October 1982
- 3.9 N1433/3 Construction of natural gas holding tank and ancillary plant.  
Approved 12<sup>th</sup> June 1980
- 3.10 N1433/2 Erection of fire protection shields.  
Approved 2<sup>nd</sup> August 1979
- 3.11 N1433/1 Installation of 63.8 metres (26 feet) lighting columns at Gas storage installation, for security and road lighting purposes.  
Approved 11<sup>th</sup> March 1976
- 3.12 N1433 Installation of liquefaction plant, one L.N.G. storage tank and associated building. (Amended layout). Installation of 4 floodlighting towers and additional security fencing. Amended landscaping scheme. To be read in conjunction with planning permission Ref. No. SG.3362/J.  
Approved 12<sup>th</sup> June 1975
- Historical Planning Consents relevant to the use of the application site (the '1957 and 1958 consents')*

3.13 SG4244 Outline planning permission for;

- (i) the development of an area of 1,000 acres (outlined in dark purple on the attached plan "B" and thereon marked "1")-
  - (a) for the construction and operation of factories for the production of chemical and allied products "(including non-ferrous metals) and
  - b) for the development mentioned, in sub-paragraphs (ii) and (iii) hereof.
- (ii) the development within an area of 545 acres (outlined in green on the attached plan "B" and thereon marked "2") consisting of
  - (a) the construction and operation of offices, warehouses, stores, reservoirs, pump-houses, canteens, clubs, hostels, training establishments, amenity and welfare buildings, sports pavilion and sports and playing fields, and
  - (b) the development mentioned in sub-paragraph (iii) hereof.
- (iii) the development within an area of 1,100 acres (outlined in light purple on the attached plan "B" and thereon marked "3") consisting of the construction and operation of any buildings, structures, erections or engineering works expedient for and ancillary to the construction and operation of the factories mentioned in paragraph (i) above, other than buildings, structures or erections in which actual processes of manufacture are carried on.
- (iv) the change of use of Hook Harm and Severn Harm (coloured in yellow on the attached plan '3' and thereon marked "5") to office and/or residential hostel and club purposes.
- (v) permission to construct accesses to existing public highways (such accesses being outlined in brown on the attached plan "B" and thereon marked respectively 6A, 6B and 6C).

Approved subject to conditions 11<sup>th</sup> November 1957

3.14 SG4244/A Outline planning permission for;

- (i) The development of an area of 22.55 acres (outlined in dark purple on the submitted plan) and thereon marked "1A"
  - (a) for the construction and operation of factories for the production of chemical and allied products "(including non-ferrous metals) and
  - (b) for the development mentioned, in sub-paragraph (ii) hereof and;
  - (c) for development consisting of the construction and operation of any buildings, structures, erections or engineering works expedient for and ancillary to the construction and operation of the factories mentioned in sub-paragraph (a) above, other than buildings, structures or erections in which actual processes of manufacture are carried on.

- (ii) The development within an area of 41 acres (outlined in blue on submitted plan) and thereon marked "2A", consisting of
- (a) the construction and operation of offices, warehouses, stores reservoirs, pump houses, canteens, clubs, hostels, training establishments, amenity and welfare buildings, sports pavilions and sports and playing fields, and
  - (b) the development mentioned in sub-paragraphs (i)(c) hereof.

Approved subject to conditions 30<sup>th</sup> July 1958

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

4.1 Almondsbury Parish Council  
Do not raise objection

4.2 Bristol City Council  
Do not raise objection

4.3 Health and Safety Executive (HSE)  
Concludes that the variation to the deemed consent proposed by this application represents an overall reduction in Hazardous Substances consented public safety risk and therefore HSE would not object should the council be minded to grant the variation to Hazardous Substances Consent (PT16/1817/HS) dated 13 April 2017.

The HSE consultation response is supported by minutes of a special panel meeting held on 25<sup>th</sup> January 2018 and a detailed paper following that meeting.

The HSE advice is subject to the imposition of 3 conditions provided by them.

4.4 Environment Agency (EA)  
No objection in principle.

The EA notes that the site is a top tier site under the Control of Major Accident Hazard Regulations (2015) and will be regulated jointly by the HSE and the EA as the relevant COMAH Competent Authorities. Flogas are required to produce a COMAH Safety Report, which will include a detailed environmental risk assessment. The operator is also required to demonstrate that they are taking all measures necessary to reduce the risk to the environment to a tolerable level.

4.5 Avon Fire and Rescue Service  
No comment has been received

4.6 Highway Authority  
Wish to make no comment.

#### **Other Representations**

4.7 Local Residents  
No comments have been received

4.8 Adjoining Land Owner/SEA Development Promoter  
Raises Objection to the proposed amendments on the following grounds (summary);

The scope of the HSE assessment is questioned.

Concern is raised that the HSE are making a comparative assessment of this application with the extant consent; and, that the HSE assessment relies only on B8 uses whilst the development of the area associated with the SEA can accommodate a wider range of uses consistent with extant planning permission approved in 1957 and 1958. The objector maintains that the HSE advice cannot be lawfully relied upon by South Gloucestershire Council.

Concern is raised that National Grid have now discontinued the use of the site and it is 'denotified' under COMAH regulations. There is no intention to reuse the site for that permitted under the extant consent.

Concern is raised that the continued use of the site in line with the proposed amendments would still pose a risk to health and safety as there would be development within the inner consultation zone.

## 5. ANALYSIS OF PROPOSAL

5.1 The application details the proposal for the storage of 44 tonnes of Liquid Natural Gas (LNG) and 34,564 tonnes of Liquid Petroleum Gas (LPG) (Propane). In this instance the site benefits from an extant Hazardous Substances consent. In comparison this proposal would effectively reduce the amount of Liquid Natural Gas (LNG) from 126,000 tonnes to 44 tonnes and for the increase of Liquid Petroleum Gas (LPG) (Propane) from 56 tonnes to 34,564 tonnes. The proposal would also reduce the amount of LPG (Butane) consented from 56 tonnes to zero.

### 5.2 Background

This application is submitted under the Planning (Hazardous Substances) Act 1990 (PHSA 1990) and the Planning (Hazardous Substances) Regulations 2015 (PHS Regs 2015). Essentially the purpose of this legislation is to allow the assessment of the safety and the associated risks to the surrounding areas. The assessment must have regard to the Development Plan in so far as it is material in considering the land use potential affected by the hazardous substance proposal, and any other material considerations. A hazardous substance consent may be required for the storage of a hazardous substance whether or not an associated planning permission is required.

5.3 The National Planning Practice Guidance (NPPG) advises that the purposes of hazardous substances consent is to ensure that necessary measures are taken to prevent major accidents and limit the consequences to people and the environment. Essentially, the planning system is concerned with the 'residual risk' to people in the vicinity and to the environment. In particular paragraph 004 (Hazardous Substances) sets out;

*'Separate health and safety law ensures measures are in place for the safe use of hazardous substances. However, even after measures have been taken to prevent major accidents, there will remain the residual risk of an accident which cannot entirely be eliminated. Hazardous substances consent ensures that this residual risk to people in the vicinity or to the environment is taken into account before a hazardous substance is allowed to be present in a controlled quantity. The extent of this risk will depend upon where and how a hazardous substance is present; and the nature of existing and prospective uses of the application site and its surroundings.'*

5.4 Role of the Local Planning Authority

In this instance, it is the Local Planning Authority that assumes the role of The Hazardous Substances Authority. The NPPG sets out that the Hazardous Substances Authority has responsibility for deciding whether the risk of storing hazardous substances (the residual risk) is tolerable for the community. As such the decision to allow a proposal for the storage of a particular hazardous substance lies with the Local Planning Authority.

5.5 Role of the Control of Major Accident Hazards (COMAH) Competent Authority

In this instance, the COMAH competent authority is the Health and Safety Executive (HSE) and the Environment Agency (EA) acting jointly. In respect of Hazardous Substances Applications, the COMAH competent authority is a statutory consultee. The NPPG sets out that the role of the Competent Authority is to advise the Hazardous Substance Authority (the LPA) in respect of nature and severity of the risk to persons in the vicinity and the local environment arising from the presence of a hazardous substance. Broadly speaking, the HSE are concerned with the safety of people, whilst the EA are concerned with environmental conditions.

5.6 In this instance, the HSE do not object to the granting of the Hazardous Substances Consent by the LPA as submitted. In accordance with the Planning (Hazardous Substances) Regulations 2015, it is the responsibility of the Local Planning Authority (as the Hazardous Substances Authority) to consider the residual risk associated with the this proposal; and in doing so must take into account the response of the Health and Safety Executive (HSE).

5.7 It is not the case that a Hazardous Substance application must be approved because the HSE do not object. Rather, the comments of the HSE must be considered along-side other material considerations, albeit with significant weight.

5.8 Conversely, in the event that the LPA are minded to approve a Hazardous Substance application against the advice of the HSE, it is obliged to give notice (a minimum of three weeks) of this intention to the HSE prior to issuing a decision. This is to allow the HSE to exercise its right to refer the application to the Secretary of State for consideration.

5.9 On-site/Operational Safety

It is important to note at this stage that the PHSA 1990 and the PHS Regs 2015 do not consider the 'operational safety requirements' of the equipment used to



- store the hazardous substances. The PHSA 1990 and the PHS Regs consider the relationship of the presence of hazardous substances with the surrounding land uses in the context of the risk to people or to the environment in the vicinity (the 'residual risk').
- 5.10 However, the HSE is responsible for implementing the Control of Major Accident Hazards Regulations (COMAH) 2015. The operator of the site is obliged to comply with appropriate Health and Safety Legislation which includes COMAH regulations and The Health and Safety at Work Act 1974. This is the appropriate legislation for the application of onsite safety controls for the subject site and operations within it and is the '*Separate health and safety law*' referred to in the Planning Practice Guidance (PPG).
- 5.11 Indeed, section 29 of the PHSA 1990 (PHSA) provides that consent does not affect requirements under health and safety legislation that apply separately. Whilst it lies with the Hazardous Substance Authority (the LPA) to enforce the provisions of the PHSA this would be done in consultation with the appropriate body (in this instance the HSE). Where contravention is found, the implications for this are potentially severe and could result in the revocation of a consent. Accordingly, it is appropriate for the Local Planning Authority to assume that appropriate safety controls are in force (including the COMAH regulations) and will provide a level of protection to the public.
- 5.12 Procedural Matters  
The applicant has confirmed that the 'person in control' of the site is currently National Grid PLC and this is consistent with the application forms. All appropriate notifications and certificates required to be made by the applicant under Regulation 6 and 7 of the PHS Regs 2015 have been served.
- 5.13 For the avoidance of doubt, it is not necessary for the applicant to be the 'person in control' of the site. The Planning Practice Guidance sets out that '*unless a condition is imposed limiting use of the consent to a specified person or company, the consent will normally run with the land, rather than being personal to the applicant*'. In this instance, the extant consent is not subject to any conditions and is not limited to the original applicant (British Gas, now National Grid).
- 5.14 In this instance the applicant is Flogas who have set out that it is the intention of the company to acquire the whole site from National Grid. This application seeks to alter the amounts of hazardous substances stored at the site from the date of the transfer of ownership to them. Accordingly officers are satisfied that this application represents an application for a new Hazardous Substance consent under section 7 of the PHSA 1990. Section 9 relates to the determination process by the Hazardous Substances Authority (the Local Planning Authority). The Hazardous Substances Authority must have regard to all material considerations and in particular (but without prejudice) to those considerations listed under section 9(2). These matters are addressed in the main body of this report.

- 5.15 For clarity, this application does not seek to remove conditions which apply to the extant consent. Indeed and in any event, there are no conditions attached to the extant Hazardous Substance consent. Accordingly, section 13 of the PHSA 1990 is not engaged.
- 5.16 Similarly, the application does not detail the change in control of *part* of the site. As set out above, control of the whole site would pass from National Grid to Flogas (the applicant). Accordingly section 17 of the PHSA 1990 is not engaged.
- 5.17 Assessment of the Risk  
This site is unusual in so much that it is located within the Severnside Enterprise Area (SEA) and adjacent to land which benefits from the '1957 and 1958 consents' (as detailed in section 3 of this report). The SEA includes (and is predominantly made up of) the land covered by the '1957 and 1958 consents' and is an area allocated for economic uses under policy CS35 of the South Gloucestershire Core Strategy (adopted) December 2013 and PSP26 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017. Substantial development of the area is well underway under the historic consents and as part of the delivery of the SEA.
- 5.18 The nature of the historical planning permissions associated with the land surrounding the application site is such that a wide range of buildings/development associated with employment uses (such as B1, B2 and B8 and ancillary development) have been consented. It is noted that the 1957 and 1958 consents also include provision for other potential uses such as stores, reservoirs, pump-houses, canteens, clubs, hostels, training establishments, amenity and welfare buildings, sports pavilion and sports and playing fields. It is likely that the intention of the historical permission is that the other uses would have been provided as welfare facilities for workers associated with the industrial uses on the land. Nonetheless, there would be little control over the users of such development were it to be implemented. Given the nature of development so far in the area it is somewhat unlikely that these other uses would be provided. Nonetheless, it is possible to develop these uses and as such due regard must be given to that potential.
- 5.19 The historical planning consents lack precision by modern standards. The developer is effectively free to develop a wide range of buildings, subject to conditions, (which are themselves relatively unrestrictive) subject only to the approval of reserved matters. Moreover there are limited controls over the future *uses* of the land within the historical planning permission areas, so it is possible for changes of use to occur. This results in some uncertainty about what will emerge (types and uses of development) on the land surrounding the application site. This has also influenced the way in which the HSE has assessed the risks and advised the LPA in that respect. This is addressed later in this report.

- 5.20 The relationship of the application site with the SEA development is such that its proximity has become relatively close. The extant Hazardous Consent and relevant COMAH consultation zones are such that some buildings (and therefore human population) associated with the new development are presently within the 'inner zone' or area at highest risk of impact from an accident. This potential conflict has been recognised by both the promoter/developer of the SEA and the HSE.
- 5.21 During the assessment of this application, the Local Planning Authority has received a strong objection on behalf of Severnside Distribution Land Ltd (Delta Properties) who is one of the landowner/developers of the Severnside Enterprise Area (SEA). This objection is presented in both a technical and legal form (including Counsel Opinion).
- 5.22 There are two key areas of concern posed by the objector. The first lies with the way in which the HSE has made its assessment leading to its position that it does not object to the issuing of a Hazardous Substance Consent by the LPA. Essentially, the objector is concerned that the HSE wrongly makes a comparison to the extant consent; and is relying on the potential to continue to operate the site under the extant consent which (in the opinion of the HSE) is a worse scenario than proposal submitted under this application. For the purpose of this report, the extant hazardous substance consent is referred to as the 'fall-back' position.
- 5.23 The second relates to the range of land uses permitted and the population and associated activities which would ultimately be present on land associated with the SEA development. The objector is concerned that the permitted uses are not restricted to B8 but that the assessment carried out by the HSE considers only B8 uses. The objector indicates that the working population of buildings completed or nearing completion could be 2,500 people in addition to the existing working population. The objector also indicates that this figure would increase as the SEA continues to be built out.
- 5.24 *The assessment made and advice provided by the Health and Safety Executive (HSE)*  
The HSE have given substantial consideration to the matter of safety in the context of the surrounding land uses; notably in the uncertain context of the historical planning consents of 1957 and 1958. It has also given weight to the fact that there is an extant Hazardous Substances Consent at the site which (in the opinion of the HSE) has a higher public safety risk than that which is now proposed. This is a 'comparative' assessment or a 'fall back' position.
- 5.25 *Automatic Incompatibility Assessment* - the HSE first set out that it considers that the hazardous substance proposals do not result in any 'automatic incompatibilities' (i.e. more than two residential properties in the inner zone or sensitive development such as hospitals, schools care homes etc.) with the land use surrounding the site. In doing so, it has noted the limitations of the 1957 and 1958 planning permissions; notably that there are no conditions with regards to the working populations associated with B8 uses; and that this gives the HSE confidence that 'automatic incompatibilities' would not likely arise in the future.

- 5.26 The Local Planning Authority has sought clarification in this matter as it acknowledges that the 1957 and 1958 consents, and planning policy relating to the delivery of the Severnside Enterprise Zone do not necessarily restrict uses to B8 alone. Rather, appropriate uses in this area are wider economic uses (i.e. B1, B2 and B8). The HSE has confirmed that its consideration of the 1957 and 1958 consents are consistent with 'workplaces'. The HSE go on to explain that this consideration is reinforced by the fact that South Gloucestershire Core Strategy Policy CS35 is a protective policy controlling and limiting land uses to employment uses. It has also noted the information brought to the attention of the HSE by the objector in respect of land uses emerging on the site.
- 5.27 Examples of 'Workplaces' is given in the HSE Land Use Planning Methodology (Table 1 Development Type: People at Work, Parking) document and includes Offices, factories, warehouses, and haulage depots. Accordingly officers are reasonably satisfied that a broader land use than just B8 uses assessment has been made by the HSE and informed their conclusion that there are no automatic incompatibilities.
- 5.28 *Compatibility (Case Societal Risk Assessment)* - the HSE has explained that a societal risk would normally be conducted having carried out an 'automatic compatibility assessment'. However, it has explained further that owing to the scope of the 1957 and 1958 consent (i.e. that there is limited control over what can be built, how it is used and its overall population) and that there is no further requirement to consult on new development in the area (as part of the normal planning application process) it is not able to arrive at an overall conclusion on societal risk.
- 5.29 *Comparative Assessment* - instead the HSE has looked to the historical position and the extant Hazardous Substances Consent; it has concluded that its advice to the LPA should be made on the basis that the proposed Hazardous Substances Consent represents an overall reduction when compared to the consented risk to public safety.
- 5.30 On above basis, the HSE have advised the LPA that it does not object to the granting of the Hazardous Substance Consent. This conclusion is subject to conditions which are addressed later in this report.
- 5.31 *The position of the Local Planning Authority*  
The Local Planning Authority acknowledges that the HSE has not been able to carry out a direct assessment of the risk (compatibility assessments) and is relying upon its assessment of no automatic incompatibilities and a comparative assessment based upon the extant Hazardous Substance Consent. The HSE have provided a full explanation for this approach and have set out that this relates to relative uncertainty about what would ultimately be constructed under the historical (1957 and 1958 planning consents). The Planning Practice Guidance (PPG) sets out that the role of the HSE (as the COMAH competent authority) is to advise the Hazardous Substances Authority on the risks arising from the presence of hazardous substances. It goes on to recognise that the HSE has the expertise to assess those risks. Whilst officers acknowledge the criticisms made by the objector in respect of the HSE advice,

officers are satisfied that a full and proper explanation of its findings (in the face of those criticisms) and as such applies significant weight to that advice.

- 5.32 Whilst it is entirely appropriate to give significant weight to the advice of the HSE, the Local Planning Authority is not obliged to approve the Hazardous Substances application on the basis that the HSE do not object. This is an important point as it is ultimately for the LPA (as the Hazardous Substance Authority) to consider the residual risks, having regard to the advice of the HSE, in addition to other material considerations. Other material considerations include the nature of existing and prospective use of the surrounding land, and in this instance it is clear that Local Development Plan Policies allow for the comprehensive redevelopment of the surrounding area for employment generating uses. The assessment of this application must also take account of the purported intentions of the developer of the land. Accordingly, the Local Planning Authority should not limit its assessment of this application to the assumption that *only* B8 uses will emerge on the surrounding as it is clear that the uses could be wider in scope. The objector has raised a valid concern about the introduction of a new population of workers into the area. They estimate that development would bring an additional 2500 people into the area in addition to the existing working at the SEA; and with continued development this figure would increase. The LPA see no reason to dispute this, as there is no doubt that the working population will increase significantly as the SEA is developed out. Accordingly, the LPA attribute significant weight to this factor in considering this Hazardous Substance Application.
- 5.33 Another factor for consideration is the fact that development is proceeding despite the existence of the National Grid site (and intended to be acquired by Flogas). Whilst the storage of LNG (National Grid) ceased in 2016 (and the site is currently mothballed) it remains under control of National Grid who are the 'person in control' for the purpose of the PHSA.
- 5.34 However, against those considerations the Hazardous Substances Consent granted in 1992 remains valid in the context of the PHSA 1990. As set out earlier in this report, the extant consent runs with the land and can legitimately be operated by Flogas going forward. For the avoidance of doubt, there are no circumstances which has made the 1992 Hazardous Substance Consent otherwise void or revoked. The presence of an extant Hazardous Substances Consent is an important material consideration in the assessment of this application for three main reasons. First, it is part of the planning history – it is the basis on which the site has historically operated (despite the 1957 and 1958 permissions) and has been acceptable. Secondly, going forward, it represents a material 'fall-back' position. Flogas has stated that "the site is capable of immediate use as an LNG storage facility and could soon (within 6 months) be reinstated as an LNG liquefaction facility with relatively little work". Officers see no reason to question this statement and consider that there is a real possibility that if Flogas' proposal is not granted consent there will be reversion to the extant consent. Significant weight is attached to that possibility. Thirdly, the HSE acknowledge the relationship of the Hazardous Substance site with the surrounding uses associated with the SEA development and the risk that it poses to that population. This risk would continue as the development around the SEA development is built out. The HSE consider that the proposed

Hazardous Substances Consent would represent an overall reduction in the public safety risk when compared to the extant Hazardous Substance Consent; and as such does not object.

5.35 It is noted that the objector has questioned the validity for the LPA to rely on the potential to 'fall-back' onto the extant Hazardous Substance Consent. The LPA has taken Counsel legal opinion in this respect and it is advised that a valid consent represents a material consideration to which a local planning authorities may have regard to in determining hazardous substance consent applications.

5.36 As explained above, the applicant has clearly set out that the site is capable of use and being reinstated to a use consistent with the extant Hazardous Substance Consent (i.e. as an LNG liquefaction facility) and this can be made possible in a relatively short period of time (within 6 months). Accordingly, the officers consider that the continued use of the site consistent with the extant consent is a both realistic and likely possibility. Accordingly, officers attribute significant weight to this factor.

5.37 Conditions of a Hazardous Substance Consent

Section 10 of the PHSA 1990 (*Power to impose conditions on grant of hazardous substances consent*) provides the basis by which a Hazardous Substances Authority may impose conditions in the event that it grants a Hazardous Substance consent. Section 10(1) provides that the Hazardous Substances Authority may make consent conditional on the commencement or partial or complete execution of development which is authorised by a specified planning permission or impose conditions relating to the following matters;

- (a) how and where any hazardous substance to which the consent relates is to be kept or used;
- (b) the times between which any such substance may be present;
- (c) the permanent removal of any such substance—
  - (i) on or before a date specified in the consent; or
  - (ii) before the end of a period specified in it and commencing on the date on which it is granted.

5.38 Furthermore, by section 10(2) the Hazardous Substances Authority may only impose conditions in relation to as to how a hazardous substance is to be kept or use if the HSE has advised the Hazardous Substance Authority that any consent should be subject to such conditions.

5.39 Here the HSE has suggested 3 conditions with its advice to the Hazardous Substances Authority (LPA). These are as follows;

Condition (i) *'The Hazardous substances shall not be kept or used other than in accordance with the particulars provided on the application (PT16/1817/HS – 13/04/2017) and as per the locations identified in the "Site layout Hazardous Area Planning" – drawing number E-15010904-M-0200-002 Rev3 dated 13/04/2017 accompanying the application'.*

Condition (ii) *'Granting of this consent has the effect of revoking all previous hazardous substances consent(s), including standard conditions attached to HSC/DC/3/92'*

Condition (iii) *'For the mounded pressurised LPG vessels the mounding material should be such that it protects the tanks from the full effects of external thermal radiation'*

- 5.40 In respect of condition (i) above, officers agree with this condition and as such it will be applied to any consent.
- 5.41 In respect of condition (ii) above, officers are concerned that this condition is not strictly necessary. This is because it would effectively revoke the extant Hazardous Substance Consent at the point of a *decision* to grant consent. The PHSA 1990 makes specific provision for the revocation of a Hazardous Substance Consent at section 14 and 17. The power to revoke a consent in this way is not provided in the PHSA 1990.
- 5.42 Nonetheless, in the event that a Hazardous Substance Consent is granted, the extant consent would be superseded at the point that the new consent is implemented. It is not possible to revert back to the previous consent without making a further Hazardous Substance Consent application to do so.
- 5.43 The Hazardous Substance Authority (the LPA) has discussed this matter with the HSE expressing the above concerns. The HSE have acknowledged this and has set out that it considers this matter to be entirely for the Hazardous Substance Authority. The HSE has explained that the suggested condition was intended to address the future status of the extant consent (HSC/DC/3/92) and in effect prevent it from continuing alongside the proposed Hazardous Substance consent. However, for the reasons set out above, officers are satisfied that the condition is not necessary to do this.
- 5.44 Further, officers consider that it would be appropriate in this case to make the Hazardous Substance Consent conditional upon implementation of planning permission reference PT17/5254/F (considered elsewhere on the agenda. That application, if granted, will provide for plan and equipment necessary to secure the conversion of the site.
- 5.45 Officers are therefore satisfied that proposed condition (ii) would not be a proper or necessary use of a condition. The HSE have not objected to the exclusion of the suggested condition.
- 5.46 In respect of condition (iii) above, the wording of this condition is somewhat vague and may be difficult to enforce. The Hazardous Substance Authority (the LPA) has therefore the wording of the condition with the HSE and the applicant. The issue relates to the performance of the mounding intended to provide effective protection of the pressurised vessels contained therein from a fire occurring outside the mounding. Both the HSE and the applicant note that some flexibility of the final design and thermal performance of the mounding needs to be allowed at this stage.

5.47 Officers note that the specific operational safety requirements for the site are appropriately the subject of the COMAH regulations. Those regulations place a general duty upon the operator of the site to ensure that all necessary measures have been taken to prevent major accidents, and this is acknowledged in section 29 of the PHSA. The onus is with the operator of the site to demonstrate that this has been done under the COMAH regulations.

5.48 Notwithstanding this, in discussion with the applicant, a revised wording of a condition has been considered as is as follows

*'For the mounded pressurised LPG vessels the mounding material shall be such that it protects the tanks from the full effects of external radiation. The mounding will be to such standard that it will protect each vessel from the effects of thermal radiation and shall be sufficiently robust to remain in place in the event of jet flame impingement.'*

5.49 In the context of the COMAH regulations, officers are satisfied that the revised wording is consistent with the requirements of section 10 of the PHSA 1990 and provides some additional clarity on what is required. The HSE has also confirmed its acceptance of the revised wording.

5.50 Conclusion and the Planning Balance

Officers acknowledge that the development of the Severnside Enterprise Area will bring about a concentration of employment generating uses and also acknowledges that the 1957 and 1958 consents allow a wide range of uses. It will inevitably introduce significantly more people into the area where there is risk resulting from the Hazardous Substance Proposal. This risk is a factor which officers also attribute significant weight. However, the weight attributed to this factor is diminished by the realistic prospect of the continuation of the extant Hazardous Substances Consent, which would result in a greater risk to the emerging population and uses around the site. The advice provided by the HSE (together with further supporting information) clearly sets out that the risk is reduced as a result of the amended Hazardous Substances proposal. Officers attribute significant weight to this advice and have placed this firmly in the context of existing and future land use in the vicinity of the Hazardous Substance site and its operation. Whilst the consent may constrain some of the hypothetical uses of the SEA that the developer may seek to bring forward in accordance with the widely drafted 1957 and 1958 consents for that zone, overall, officers consider that there would be no unacceptable land use conflict from granting the Hazardous Substances Consent sought, given the HSE response, the historic background and the 'fall-back' position.

5.51 It is also material that the operational requirements of the site are governed by separate Health and Safety Legislation. As set out above, the PHSA 1990 makes specific provision for this. The PPG also sets this out. Accordingly, the Hazardous Substance Authority (the LPA) is entitled to assume that reasonable safety controls will be in place at the site and that they will provide an appropriate level of public protection.



5.52 In relation to Hazardous Substances, the planning system is concerned with the *residual risk* to public and environmental safety. In this instance, the proposed Hazardous Substances Consent will result in a reduction in the risk to public safety. Furthermore, the operator of the site is obliged to comply with relevant health and safety regulations. Officers are therefore satisfied that the residual risk to public safety is tolerable. Accordingly, the recommendation is that the Hazardous Substances Licence is approved, subject to the conditions set out in this report.

## 6. **CONCLUSION**

6.1 The recommendation to grant consent has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and in the South Gloucestershire Council Policies, Sites and Places Plan (adopted) November 2017, and to all the relevant material considerations set out in the report; and as set out in Section 9(2) of the Planning (Hazardous Substances) Act 1990.

## 7. **RECOMMENDATION**

7.1 That Hazardous Substance Consent is granted, subject to the following conditions (2)

1 *The Hazardous substances shall not be kept or used other than in accordance with the particulars provided on this application (as revised) and as per the locations identified in the "Site layout Hazardous Area Planning" – drawing number E-15010904-M-0200-002 Rev3 dated 13/04/2017 as received by the Hazardous Substances Authority on 2<sup>nd</sup> May 2018*

*Reason*

*In the interests of public safety*

2 *For the mounded pressurised LPG vessels the mounding material shall be such that it protects the tanks from the full effects of external radiation. The mounding will be to such standard that it will protect each vessel from the effects of thermal radiation and shall be sufficiently robust to remain in place in the event of jet flame impingement.*

*Reason*

*In the interests of public safety*

3 *This Hazardous Substances Consent shall not be implemented until the works granted by planning permission PT17/5254/F have been fully executed in accordance with the details of that permission.*

*Reason*

*In accordance with section 10(1) of the Planning (Hazardous Substances) Act 1990 and in the interests of certainty.*

**Contact Officer: Simon Penketh**  
**Tel. No. 01454 863433**

## **CONDITIONS**

1. The Hazardous substances shall not be kept or used other than in accordance with the particulars provided on this application (as revised) and as per the locations identified in the "Site layout Hazardous Area Planning" - drawing number E-15010904-M-0200-002 Rev3 dated 13/04/2017 as received by the Hazardous Substances Authority on 2nd May 2018

Reason

In the interests of public safety.

2. For the mounded pressurised LPG vessels the mounding material shall be such that it protects the tanks from the full effects of external radiation. The mounding will be to such standard that it will protect each vessel from the effects of thermal radiation and shall be sufficiently robust to remain in place in the event of jet flame impingement.

Reason

In the interests of public safety.

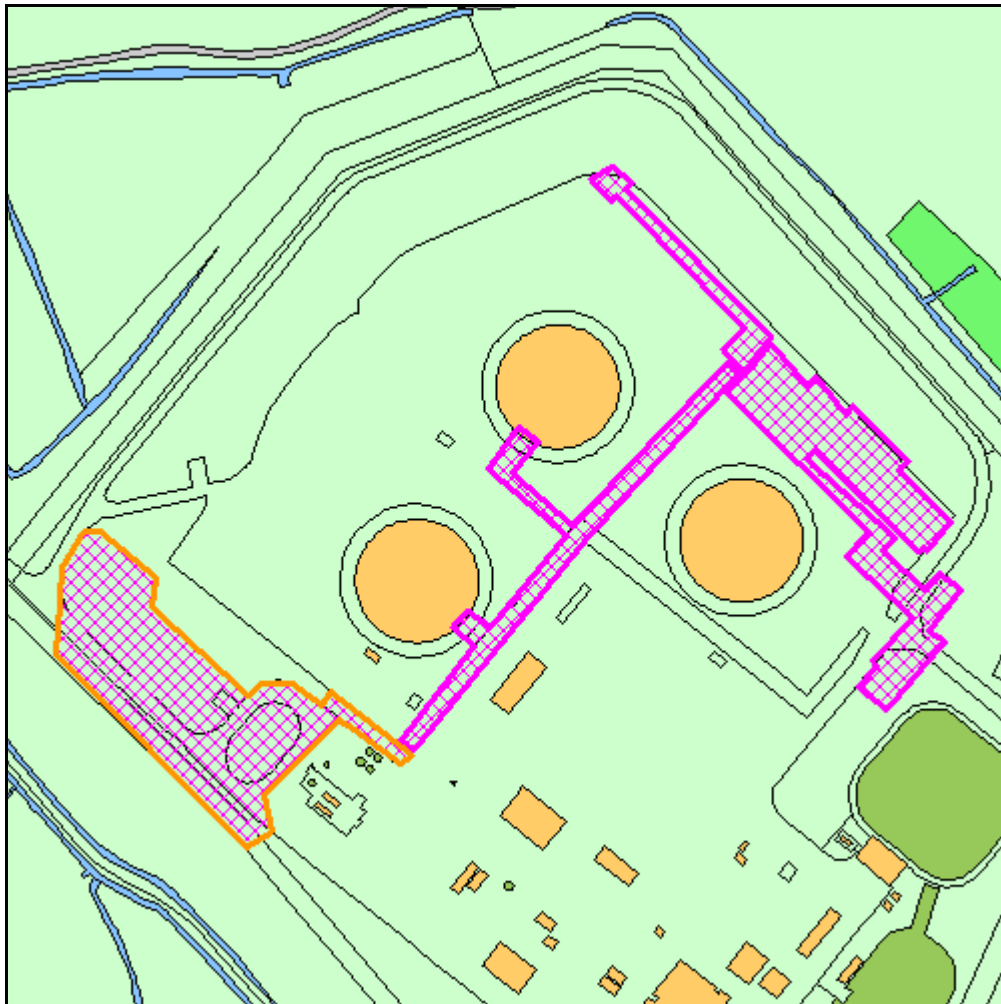
3. This Hazardous Substances Consent shall not be implemented until the works granted by planning permission PT17/5254/F have been fully executed in accordance with the details of that permission.

Reason

In accordance with section 10(1) of the Planning (Hazardous Substances) Act 1990 and in the interests of certainty.

**CIRCULATED SCHEDULE NO. 27/18 – 06 JULY 2018**

<b>App No.:</b>	PT17/5254/F	<b>Applicant:</b>	N/AFlogas Britain Ltd.
<b>Site:</b>	Transco Lng Storage Severn Road Hallen Bristol South Gloucestershire BS10 7SQ	<b>Date Reg:</b>	5th January 2018
<b>Proposal:</b>	Erection of plant and equipment necessary to secure the conversion of existing Liquid Natural Gas (LNG) liquefaction, storage and distribution of Liquid Petroleum Gas (LPG).	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	354770 181324	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	1st March 2018



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 100023410, 2008. **N.T.S.** **PT17/5254/F**

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

The application appears on the Circulated Schedule as it is connected to the Hazardous Substance Application (PT16/1817/HS) to which objections have been received. This is in the interest of clarity and to allow the applications to be considered in parallel.

### **1. THE PROPOSAL**

- 1.1 This proposal details the provision of equipment that would facilitate the conversion of the site from the liquefaction, storage and distribution of Liquid Natural Gas (LNG) to the storage and distribution of Liquid Petroleum Gas (LPG)
- 1.2 The site is made up of the National Grid Liquid Natural Gas (LNG) storage facility located approximately 1 ½ kilometres to the North of Halen and adjacent to the Northeast bound carriageway of the M48. Access to the site is via an access road from Severn Road, Hallen. Essentially, the site is made up of three gas storage tanks associated offices/welfare buildings and ancillary equipment and features associated with the use the site for processing and storage of Liquid Natural Gas.
- 1.3 The development involves the decommissioning and the removal (where possible) of some of the existing equipment currently held on the site. This equipment is associated with the LNG liquefaction processes. New equipment required for the storage of LPG is proposed as follows;
  - i) LPG tanker loading and off-loading and parking bays
  - ii) Pressurised LPG storage
  - iii) LPG Boil Off Gas Compressor package
  - iv) Heat exchanger package
  - v) Pressure let-down valve package
  - vi) LPG Heater package
  - vii) Emergency flare system
  - viii) Pipe runs – 125m in length x 1.35m wide
  - xv) Loading unit
- 1.4 The site benefits from an extant planning permission (PT16/4789/F) which approved the provision of this equipment within the site. However, the applicant has set out that this application proposes a revised layout to reflect its commitment to minimise safety risks below those already consented; and in any case to as low as reasonably practicable.
- 1.5 The site is within the established employment area associated with the Severn Side Enterprise Area (SEA). The area of the SEA to the North of the site has seen substantial development for employment/economic uses in recent times.
- 1.6 It is noted that there is also a Hazardous Substance application for the storage of Liquid Petroleum Gas (LPG) and Liquid Natural Gas (LNG) on the site. This proposal would provide equipment to facilitate the conversion of the existing facilities for the storage of LPG/LNG. The assessment of the Hazardous

Substance application is separate to this application and appears elsewhere on this agenda.

## **2. POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Practice Guidance (Hazardous Substances).

### 2.2 Development Plans

#### South Gloucestershire Local Plan Core Strategy (adopted) December 2013

CS1 High Quality Design  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS12 Safeguarded Areas for Economic Development  
CS35 Severnside

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP11 Transport Impact Management  
PSP20 Flood Risk, Surface Water and Watercourse Management  
PSP21 Environmental Pollution and Impacts  
PSP26 Enterprise Areas  
PSP27 B8 Storage and Distribution Uses

### 2.3 Supplementary Planning Documents

Revised Landscape Character Assessment (Adopted) 2014  
Area 20 – Pilning Levels  
South Gloucestershire Design Checklist (Adopted) 2008

### 2.4 Other Material Considerations

Control of Major Accident Hazards Regulations (COMAH) 2015  
Seveso III Directive 2012 (European Legislation)  
Health and Safety at Work Act 1974

## **3. RELEVANT PLANNING HISTORY**

### *Hazardous Substance Consent/Applications*

3.1 HSC/DC/3/92 Storage of 56 tonnes of LPG and 126,000 tonnes of LNG

Approved 13<sup>th</sup> November 1992

3.2 PT16/1817/HS Continuation and amendment of consent under The Planning (Hazardous Substances) Regulations 2015 for the storage of hazardous substances of up to 34,564 tonnes of liquefied petroleum gas and the storage of up to 44 tonnes of liquefied natural gas.

Undetermined at the time of compiling this report

*Planning Consents and Applications directly associated with the application site*

- 3.3 PT17/039/SCR Erection of plant and equipment necessary to secure the conversion of existing Liquid Natural Gas (LNG) liquefaction, storage and distribution of Liquid Petroleum Gas (LPG). Screening Opinion for PT17/5254/F

EIA not required 4<sup>th</sup> January 2016

- 3.4 PT16/028/SCR Erection of plant and equipment necessary to secure the conversion of existing Liquid Natural Gas (LNG) liquefaction, storage and distribution of Liquid Petroleum Gas (LPG) screening opinion for PT16/4789/F

EIA not required 9<sup>th</sup> September 2016

- 3.5 PT16/4789/F Erection of plant and equipment necessary to secure the conversion of existing Liquid Natural Gas (LNG) liquefaction, storage and distribution of Liquid Petroleum Gas (LPG)

Approved 24<sup>th</sup> October 2016

- 3.6 P91/0400/3 Construction of carbon dioxide removal plant. Erection of 36 metre high tower, 30 metre high lamp standard and ancillary plant. Construction of temporary cesspool and construction area.

Approved 29<sup>th</sup> January 1992

- 3.7 P85/0400/2 Erection of single storey extension to form additional office accommodation of approximately 65.5 sq.m. (705 sq.ft.).

Approved 24<sup>th</sup> April 1985

- 3.8 N1433/4 Erection of switch room building approximately 45 sq. m. (484 sq. ft.) in floor area.

Approved 21<sup>st</sup> October 1982

- 3.9 N1433/3 Construction of natural gas holding tank and ancillary plant.

Approved 12<sup>th</sup> June 1980

- 3.10 N1433/2 Erection of fire protection shields.

Approved 2<sup>nd</sup> August 1979

- 3.11 N1433/1 Installation of 63.8 metres (26 feet) lighting columns at Gas storage installation, for security and road lighting purposes.

Approved 11<sup>th</sup> March 1976

- 3.12 N1433 Installation of liquefaction plant, one L.N.G. storage tank and associated building. (Amended layout). Installation of 4 floodlighting towers and additional security fencing. Amended landscaping scheme. To be read in conjunction with planning permission Ref. No. SG.3362/J.

Approved 12<sup>th</sup> June 1975

*Historical Planning Consents relevant to the use of the application site (the '1957 and 1958 consents')*

- 3.13 SG4244 Outline planning permission for;
- (i) the development of an area of 1,000 acres (outlined in dark purple on the attached plan "B" . and thereon marked "1")-
    - (a) for the construction and operation of factories for the production of chemical and allied products "(including non-ferrous metals) and
    - b) for the development mentioned, in sub-paragraphs (ii) and (iii) hereof.
  - (ii) the development within an area of 545 acres (outlined in green on the attached plan "B" and thereon marked "2") consisting of
    - (a) the construction and .operation of offices, 'Warehouses, stores, reservoirs, pump-houses, canteens, clubs, hostels, training establishments, amenity and welfare buildings, sports pavilion and sports end playing fields, and
    - (b) the development mentioned in sub-paragraph (iii) hereof.
  - (iii) the development within an area of 1,100 acres (outlined in light purple on the attached plan "B" and thereon marked "3") consisting of the construction and operation of any buildings, structures, erections or engineering Works expedient for and ancillary to the construction and operation of the factories mentioned in paragraph (i) above, other than buildings, structures or erections in which actual processes of manufacture are carried on.
  - (iv) the change of use of Hook Harm and Severn Harm (coloured in yellow on the attached plan '3' and thereon marked "5") to office and/or residential hostel and club purposes.
  - (v) permission to construct accesses to existing public highways (such accesses being outlined in brown on the attached plan "B" and thereon marked respectively 6A, 6B and 6C).

Approved subject to conditions 11<sup>th</sup> November 1957

- 3.14 SG4244/A Outline planning permission for;
- (i) The development of an area of 22.55 acres (outlined in dark purple on the submitted plan) and thereon marked "1A"

- (a) for the construction and operation of factories for the production of chemical and allied products "(including non-ferrous metals) and
  - (b) for the development mentioned, in sub-paragraphs (ii) hereof and
  - (c) for development consisting of the construction and operation of any buildings, structures, erections or engineering works expedient for and ancillary to the construction and operation of the factories mentioned in sub-paragraph (a) above, other than buildings, structures or erections in which actual processes of manufacture are carried on.
- (ii) The development within an area of 41 acres (outlined in blue on submitted plan) and thereon marked "2A", consisting of
- (a) the construction and operation of offices, warehouses, stores reservoirs, pump houses, canteens, clubs, hostels, training establishments, amenity and welfare buildings, sports pavilions and sports and playing fields, and
  - (b) the development mentioned in sub-paragraphs (i)(c) hereof.

Approved subject to conditions 30<sup>th</sup> July 1958

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

4.1 Pilning and Severn Beach Parish Council

No Objection

4.2 Highway Authority

No objection. The submitted Construction Management Plan (CMP) is acceptable. A compliance condition should be applied to secure the development in compliance with the CMP.

4.3 Economic Development Unit

No objection. The proposed development represents positive economic development on the site which is located within the Severnside Enterprise Area. It is noted that the development would allow the continuation of the existing employment use.

4.4 Health and Safety Executive

Standing advice set out in the Health and Safety Executive Land Use Planning Methodology as follows;

'Don't Advise Against' (DAA).

4.5 Bristol City Council (Transport Development Management)

Bristol City Council have advise that it does not consider that the development itself to cause a detrimental effect to the Bristol City Council highway network. However it raises concerns with the construction phase and note that the construction phase would last 6 to 8 months.

4.6 Lead Local Flood Authority

No objection in principle.



- 4.7 Lower Severn Drainage Board  
No comment has been received.
- 4.8 Environment Agency  
No objection in principle
- 4.9 Fire Service  
No comment has been received.
- 4.10 Wales and West Utilities  
No comment has been received.

#### **Other Representations**

- 4.11 Local Residents  
No comments have been received.

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

- 5.1 The proposed development consists of the installation of specialist industrial equipment required to facilitate the conversion of the existing site from the liquefaction, storage and distribution of Liquid Natural Gas (LNG) to the storage and distribution of Liquid Petroleum Gas (LPG).
- 5.2 Principle of Development  
Planning permission for the existing site was approved in 1975 (N1433) for the processing and storage of LNG. This planning application does not propose a change of use of the site in that it would be retained for the storage of gas. However, the application details the installation of specialist equipment required as part of the existing use. Planning permission was granted (PT16/4789/F) for the installation of specialist equipment. The approved development is very similar in scope to the proposal submitted under this application. Whilst it is noted that the equipment proposed is in an alternative location to that approved, officers are satisfied that the principle of the proposed development is established.
- 5.3 Economic Considerations  
The site is located within the Severnside Enterprise Area as designated under policy CS35 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013. The Severnside Enterprise Area is also a safeguarded area for economic development under Policy CS12 of the South Gloucestershire.
- 5.4 The site has provided an economic use since it was initially constructed. Whilst it is currently mothballed, the proposed development would allow the site to continue in a positive economic use and as such would contribute to the aims of Policy CS12 and CS35 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013; and in this regard is acceptable.
- 5.5 Design, Visual Amenity and Landscape Considerations  
The site is located within an industrialised landscape associated with the Severnside Enterprise Area. The area surrounding the site is characterised by

large industrial storage and manufacturing units and associated offices. The area also includes the Seabank Gas Power Station and Heat to Power Incinerator. The application site itself is dominated by three large bulk gas storage tanks which has historically been visible in the landscape having stood in an isolated position until relatively recently. However, with the onset of substantial industrial development in the surrounding area, the visual impact of the site has somewhat diminished.

- 5.6 The site is located in the Pilning Levels as identified as Area 20 in the Revised South Gloucestershire Landscape Character Assessment (Adopted) 2014. The general character of this landscape is flat and rural in nature with agricultural fields enclosed with hedges and containing small settlements including Pilning and Severn Beach. The Landscape Character Assessment acknowledges that the area associated with the former ICI Chemical Works (also referred to as the 1957/58 consent) and the Severnside Enterprise Area as being industrial in character. The application site is located within that context. Whilst the Landscape Character Assessment sets the objective of enhancing development within the wider Pilning Levels through landscaping and hedgerow improvements this objective would be very difficult to achieve in the context of the industrial development immersing on the Severnside Enterprise Area.
- 5.7 However, the development contained within the application site is 40 years old. The site is enclosed by well-established hedging which does act to screen many of the structures from general view. The exception is the presence of the large volume gas storage tanks which are approximately 40 metres in height and functional in appearance. The proposed equipment is functional in appearance and would be positioned well within the existing site and generally close to existing equipment within the site. The majority of the proposed equipment is up to metres in height. However, it is proposed to introduce a 'flare stack' as part of the safety equipment associated with the site and this will be approximately 10 metres in height. For the avoidance of doubt, the flare would not burn continuously as it is only for emergency use, and would not be visible in any event. In the context of the existing gas storage tanks (which are approximately 40 metres in height) and the scale of the surrounding off site industrial buildings, the proposed flare stack is not likely to be a significantly intrusive feature in the landscape.
- 5.8 On this basis, officers are satisfied that the proposed development is acceptable in terms of its design, visual amenity and landscape impact.
- 5.9 Residential Amenity  
The site is located within an established employment area. The nearest residential dwellings are situated due west and south of the site and are approximately 900 metres distant. Given the use of the site and the nature of activities associated with it, officer are satisfied that the site is sufficiently distant from the surrounding residential dwellings to result in limited impact upon residential amenity. On this basis, the proposed development is acceptable in that regard.

5.10 Flood Risk

The site is located within Flood Zone 3 and as such is at a high risk of flooding. Notwithstanding this, the Environment Agency have considered the scope of the Flood Risk Assessment (FRA) submitted with the planning application. It is noted that the Environment Agency do not object to the proposed development and have advised the Local Planning Authority that the development would not materially exacerbate the flood risk as a result of the proposed development. Similarly, there is no objection from the Lead Local Flood Authority.

5.11 In this instance, it is necessary to provide the proposed equipment alongside the existing storage facilities that are located on this site. It is not possible to provide these facilities on a site that is outside Flood Zone 3. On this basis, it is considered that the requirements of the 'sequential test' is satisfied in flood risk terms.

5.12 It is noted that the Environment Agency has made recommendations in respect of the provision of a site Flood Evacuation Plan. The submitted Flood Risk Assessment that supports this planning application provides broad mitigation measures that would include flood warning, evacuation. Access/egress and personnel refuge. The Environment Agency have confirmed that the site is within a 'flood warning area'. Given the historic nature of the uses on this site, and the fact that the site is located within the flood warning area, officers are satisfied that reasonable measures can be put in place by the operator in respect of a flood evacuation plan and refuge for essential members of staff. Accordingly, an informative setting out these obligations can be attached to any approval of this planning application.

5.13 Impact upon Public Rights of Way

OAY101 (Minors Lane Bridleway) follows the Southwest Boundary of the site. The proposed development would not result in a physical change to the route or otherwise direct impact. As set out above, the proposed development is not considered to have a significant visual impact in the context of the existing development within the site. Furthermore, the proposal would introduce the equipment (including the flare stack) well away from the route of the public right of way. Given that the activities on the site would remain similar to its historical use, it is not considered that the proposal would result in a material impact upon the amenity of the public right of way; or any others in the wider locality.

5.14 Transportation

The site is access from Severn Road, via a single track road. The road also provides access to a number of businesses but terminates at the perimeter of the application site. The application site contains internal roads, staff parking and manoeuvring facilities. The proposed development would introduce specific facilities designed to accommodate HGV's (Tankers) associated with the operation of the site.

5.15 In this instance the Highway Authority is satisfied that the operational phase of the development would not result in a severe detrimental impact in terms of highway safety and amenity. Officers note that Bristol City Council share this view, but have expressed some concern about the construction phase and its impact on the highway network within the Bristol City jurisdiction.

- 5.16 It is noted that the site benefits from an extant planning consent which is not materially different to this proposal in respect of traffic that would be generated in the operational and construction phase. The fact that the extant consent can be constructed as approved is given weight in the consideration of this matter; and that the proposal submitted with this application is not likely to generate a material increase in traffic volumes. Nonetheless, a Construction Management Plan (CMP) has been provided by the applicant for consideration. In this instance, the South Gloucestershire Highway Authority is satisfied that the CMP will provide adequate mitigation against the impact of vehicular movements associated with the construction phase. A compliance condition would secure the measures set out within the CMP in the event that this application is approved.
- 5.17 Public Safety and Environmental Controls  
The site is a Major Hazard Site. The proposed development would facilitate the conversion of the existing site from the liquefaction, storage and distribution of Liquid Natural Gas (LNG) to the storage of Liquid Petroleum Gas (LPG).
- 5.18 The primary role of the planning system is to consider the spatial and planning matters raised by development. The substances to be stored at the site are hazardous substances for the purposes of The Planning (Hazardous Substances) Act 1990 and the Hazardous Substances Regulations 2015. In the context of special planning matters and the relationship of the use of this site for the storage of hazardous substances with surrounding land uses, it is this legislation which is appropriate. A separate Hazardous Substances Application (PT16/1817/HS) has been submitted to the Local Planning Authority who, in this instance act as the Hazardous Substance Authority. This application appears elsewhere on this agenda. Consideration of the 'residual risk' of the storage of hazardous substances at the site in relation to the surrounding uses is for consideration under the Hazardous Substances Application and is the appropriate regulatory framework to consider that aspect. This area of consideration does not form part of the assessment of this planning application.
- 5.19 Notwithstanding the above, Public Safety in relation to the operation of the site is a material consideration in assessing planning applications. However, this does not extend further than the Local Planning Authority being reassured that other suitable more specific regulatory frameworks exist to address the issue. The Town and Country Planning Act does not provide the basis by which this specific operational responsibility can be assessed.
- 5.20 The safety of the proposed equipment and operation of the site is the responsibility of the operator. In this regard, the operator must comply with all the relevant safety standards including Control of Major Accident Hazard (COMAH) Regulations 2015 and Health and Safety at Work Act 1974. In particular must be designed to comply with the COMAH Regulations. The COMAH Regulations are enforced by the 'Competent Authority' which in this instance is the Health and Safety Executive and the Environment Agency. The applicant has confirmed that it has submitted a 'Pre-construction Safety Report' to the HSE as required under the COMAH Regulations. It is noted that the development includes the installation of a comprehensive set equipment

specifically designed for site safety, including an emergency flare stack and fire protection measures. The development would retain the existing fire water tanks present on the site.

- 5.21 Regulation 5 of the COMAH Regulations provides the 'General Duties of Operators'. The regulations places the onus upon the operator to ensure that all measures necessary have been taken to prevent major accidents and to limit their consequences for human health and the environment; the objective being to ensure that the risk of accident is as low as reasonably possible. The operator must demonstrate to the competent authority (the HSE) that it has taken all measures necessary as specified within the regulations; and sets out that the operator must provide the Competent Authority (the HSE) with the necessary assistance to enable it to perform its functions. This includes the carrying out of inspections and gathering information.
- 5.22 Essentially, the COMAH Regulations are such that without compliance with them, and without being able to demonstrate this to the Competent Authority, the operation of the site cannot continue lawfully.
- 5.23 Accordingly, officers are satisfied that the COMAH Regulations are the appropriate regulatory framework that controls the operational safety of the site.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

**Contact Officer: Simon Penketh**  
**Tel. No. 01454 863433**

## **CONDITIONS**

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

Reason

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

## 2. Construction Traffic Management Plan

The construction phase of the development hereby approved shall be implemented strictly in accordance with the Construction Traffic Management Plan as received by the Local Planning Authority on 20th June 2018.

### Reason

In the interests of highway safety and amenity and to accord with Policy CS18 of the South Gloucestershire Local Plan, Core Strategy (Adopted) December 2013 and Policy PSP11 of the South Gloucestershire Policies Sites and Places Plan (adopted) November 2017.

## 3. Plans List

The development hereby approved shall be implemented strictly in accordance with the following plans;

### Plans

GPP-F-NGA-16-01 Site Location Plan Revision 2

GPP-F-A-17-02 Site Plan Revision 2

GPP-F-A-17-03 Site Layout Plan Revision 2

Site Layout Plot Plan Alternate Facility Location E-15010904-M-0200-004 Revision 0

Site Layout Elevations Alternate Facility Location E-15010904-M-0200-005 Revision 0

Plot Plan Showing Fire Fighting and Drainage Detail BG/4017/02/02/00/0002-000 Revision B

### Main Plant Detail

E-15010904-M-0201-003 General Arrangement Lpg Heat Exchanger Control Skid , Rev 1

E-15010904-M-0201-005 General Arrangement Tanker Loading Pump Skids 1 & 2 , Rev 1

E-15010904-M-0201-007 General Arrangement Pressurised Storage Inlet Skid , Rev 1

E-15010904-M-0201-009 General Arrangement Metering Skid , Rev 1

E-15010904-M-0201-011 General Arrangement Pressurised Storage Outlet Skid 1 , Rev 1

E-15010904-M-0201-013 General Arrangement Vapour Control Manifold , Rev 1

E-15010904-M-0201-015 General Arrangement Tanker Offloading/Loading Skids 1 & 2 , Rev 1

E-15010904-M-0201-017 General Arrangement Boil-Off Package Sheet 1 Of 2, Rev 0

E-15010904-M-0201-018 General Arrangement Boil-Off Package Sheet 2 Of 2, Rev 0

E-15010904-M-0201-021 General Arrangement Flare Package , Rev 0

E-15010904-M-0201-023 General Arrangement Pressurised Storage Outlet Skid 2 , Rev 1

E-15010904-M-0201-025 General Arrangement Lpg Heat Exchanger , Rev 0

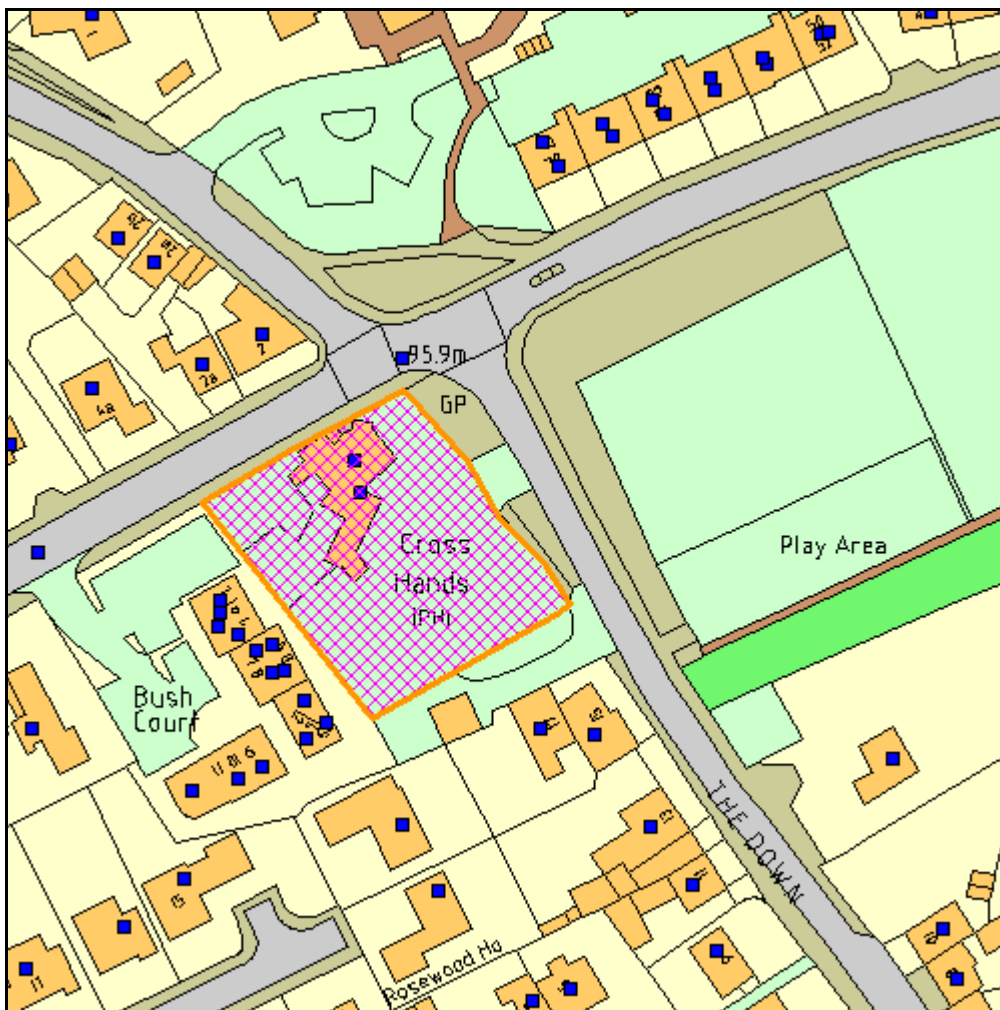
As received by the Local Planning Authority on 9th November 2017

### Reason

For the avoidance of doubt.

**CIRCULATED SCHEDULE NO. 27/18 – 6 JULY 2018**

<b>App No.:</b>	PT17/5870/F	<b>Applicant:</b>	Hawkfield Homes Ltd
<b>Site:</b>	Cross Hands The Down Alveston Bristol South Gloucestershire BS35 3PH	<b>Date Reg:</b>	5th January 2018
<b>Proposal:</b>	Demolition of existing public house and erection of 4no. dwellings and associated works.	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	362873 188174	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	1st March 2018



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 100023410, 2008. **N.T.S.** **PT17/5870/F**

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

This application is referred to the circulated schedule due to representations received which are contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the demolition of an existing public house known as 'Cross Hands' and the erection of 4no. 4-bedroom dwellings and associated works, in Alveston.
- 1.2 The existing public house sits at a highly prominent corner position on a crossroads between 'Strode Common', 'Vattingstone Lane' and 'The Down'. It is a large detached building with feature gables to the main elevation. There are also notable later additions to its rear and side elevations. The building has render elevations, UPVC windows and a pantile roof. The public house also benefits from a garden area and a large car park which is accessed off 'The Down'.
- 1.3 The public house was successfully nominated as an Asset of Community Value on 5<sup>th</sup> February 2018. It is understood that the public house has been vacant for over a year. It is also currently for sale and has been marketed since May 2017.
- 1.4 The site itself is located within the settlement boundary of Alveston and part of the defined Rural Areas of South Gloucestershire. It is also within part of the Bristol/Bath Green Belt.
- 1.5 This application is supported by a; Design and Access Statement, Cover Letter, Drainage Strategy, Heritage Statement, Viability Report, Bat Survey Report and Ecology Report.
- 1.6 Throughout the course of the application amendments have been requested and received. These are as a result of Officer concerns in terms of the design, details and layout of the proposal. Given the nature of the alterations, the case officer undertook a period of re-consultation for 14 days.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Practice Guidance
- 2.2 Development Plans  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility



CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS23	Community infrastructure and cultural activity
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
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP34	Public Houses
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Development in the Green Belt SPD (Adopted) 2007  
 Design Checklist SPD (Adopted) 2007  
 Residential Parking Standards SPD (Adopted) 2013  
 Landscape Character Assessment SPD (Adopted) 2014  
 CIL Charging Schedule SPD (Adopted) 2015  
 Waste Collection SPD (Adopted) 2015 (updated March 2017)

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT12/0472/F Approve with Conditions 30.04.2012  
 Change of use of part ground floor from Public House (Class A4) to Hot Food Takeaway (Class A5) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of external flue.
- 3.2 PT13/3074/F Approve with Conditions 03.10.2013  
 Partial change of use of pub car park for stationing of mobile hot food catering unit (Class A5). (Retrospective).

**4. CONSULTATION RESPONSES**

- 4.1 Alveston Parish Council  
 Objection – underutilisation of the site
- 4.2 Highway Structures  
 Suggested informative.
- 4.3 Lead Local Flood Authority  
 No objection subject to SUDs condition.

- 4.4 Sustainable Transport  
No objection subject to conditions to require a construction traffic management plan and details of cycle parking for each dwelling.
- 4.5 Archaeology Officer  
Recommended condition is imposed.
- 4.6 Landscape Officer  
No objection – requested additional planting which is now shown on revised plans.
- 4.7 Ecology Officer  
The applicant has now submitted an ecology report. No ecological objection is raised, subject to conditions and informatives.
- 4.8 Environmental Protection - Contamination  
Historic maps indicate land to the south west and north east of the site was previously quarried and filled ground which may have the potential for contamination. Therefore recommended condition.
- 4.9 Environmental Protection - Noise  
No objection – subject to informative.
- 4.10 Conservation Officer  
Largely agrees with findings of heritage statement, however building is considered to retain a level of historic interest, and considers that opportunities to retain and convert existing building should be considered.

### **Other Representations**

- 4.11 Local Residents  
54no. letters of objection were received to the original submission. Comments summarised as follows:
- Positive comments and memories regarding public house
  - Should be kept for community use
  - First time buyers houses are needed and should be built on this site
  - Public house should be retained
  - Will change character/appearance of locality
  - Could be a successful pub but needs right ownership
  - The public house brings community together/community asset/hub of village
  - This proposal brings no benefit to people of Alveston
  - Object to demolition of historic building
  - The Ship is not appropriate for a community pub.
  - Not many community facilities left in the village
  - Will create a commuter town
  - Alveston does not need more housing
  - Loss of employment
  - Overlooking/loss of privacy concerns
  - Landscaping scheme should be required

- Wessex water will need to be consulted regarding the public sewer
  - Boundary treatments should be clarified
  - Design not in-keeping with surrounding area
  - Loss of public house will cause isolation
  - Overdeveloped
  - The council should have an obligation to stop closure of pub
  - The pub is run –down due to previous owner charging tenants high rates.
  - The increase in housing means the village needs more facilities not less.
- 4.12 4no. letters of objection have been received to the revised scheme. Comments summarised as follows;
- Transportation impacts during construction period
  - benefit of developers and detriment to village
  - overbearing on all properties surrounding the site
  - privacy/overlooking concerns
  - parking concerns
  - hours of working should be conditioned
  - not in-keeping with scale of surrounding area
- 4.13 1no. letter of support has been received to the revised scheme. Comments as follows:
- In nearly 4 years three different landlords have unsuccessfully tried to make the public house work.
  - No one in public house when it was open.

## 5. **ANALYSIS OF PROPOSAL**

- 5.1 This application seeks planning permission for the demolition of an existing public house, and the erection of 4no. dwellings. The site is in the settlement boundary of Alveston, and is also in part of the Bristol/Bath Green Belt.

### 5.2 **Principle of Development**

It is established that South Gloucestershire Council does not have a five year housing land supply. This means that paragraph 49 of the NPPF is engaged. Paragraph 49 declares that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF goes on to states that proposals that accord with the development plan should be approved *without delay*. Notwithstanding the above, the adopted development plan remains the starting point for assessment.

### ***Residential Development***

- 5.3 In general, the development plan does support residential development within the established settlement boundaries. CS5 of the Core Strategy encourages new residential development in settlement boundaries and urban areas. Policy CS16 goes on to explain that housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied. Similarly, Policy CS17 states that the mix of housing should contribute to providing choice in tenure and type, having regard to the existing

mix of dwellings in the locality. The density of new development should be informed by the character of the local area and contribute to the high quality design set out in Policy CS1, improving the mix of housing types and providing adequate levels of semi-private communal open space and private outdoor space. Further to this, Policy PSP43 sets out specific private amenity space standards for all new residential units.

### ***Green Belt***

- 5.4 The application site is also located within part of the Bristol/Bath Green Belt. Paragraph 89 regards the construction of new buildings in the Green Belt as inappropriate development, with certain exceptions listed within the paragraph. These are set out below:
- *Buildings for agriculture and forestry*
  - *Provision outdoor sport/recreation/cemeteries*
  - *The extension or alteration of a building*
  - *The replacement of a building provided the new building is in the same use and not materially larger than the one it replaces*
  - *Limited infilling in villages or limited affordable housing for local community needs*
  - *Partial or complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing building.*
- 5.5 The most relevant exception to this proposal is considered to be limited infill in a village. The application site is within the defined settlement boundary of Alveston, and within a built up residential area. The Council's Core Strategy defines infill development as; *'the development of a relatively small gap between existing buildings, normally within a built up area'*. In this instance, the site is surrounded by buildings to the south, west and north (across the highway). To the east is a playpark and associated green space, which although is open has a highly managed appearance. As such, Officers do conclude that the proposal represents limited infilling within the settlement boundary. It therefore complies with this exception.
- 5.6 In addition to the above, given its existing use as a public house (and associated land), which is a permanent structure, the site can also be considered previously developed land. This exception has a proviso that the development shall not have a greater impact on the openness of the Green Belt and the purpose of including land within it.
- 5.7 As previously set out, the site is within a built up area, and is formed of a large public house building, alongside garden and car park areas. The site is largely surrounded by other buildings and managed land which currently restrict the existing openness of the site. While it is acknowledged that the proposal would introduce 4 no. separate buildings on the site, it is considered that these would be viewed in the context of surrounding built-up residential development. As such, it is not considered that the development would impact the openness of the Green Belt, nor would it have a greater impact on the purpose of including

the land within the Green Belt than the existing development. It is therefore considered that the development complies with this exception.

- 5.8 The above assessment has found that the development would comply with certain exceptions as set out in Paragraph 89 of the NPPF. It is therefore considered to be appropriate development within the Green Belt.

### ***Loss of public house***

- 5.9 The development proposes the demolition of the existing public house known as 'Cross Hands'. The public house has recently been listed as an Asset of Community Value (ACV). The 'Assets of Community Value – Policy Statement' published by the Government (Department for Communities and Local Government) in 2011 sets out that an ACV listing is a material consideration in planning decisions. The ACV status means that the public house cannot be sold without the local community having the opportunity to bid for the asset. It does not however, compel the owner to sell the listed asset and nor does it restrict what the owner can do with the property while they own it. In this instance, it is understood that the current owner of the 'Cross Hands' submitted a notice of intent to make relevant disposal (20<sup>th</sup> March 2018). The 6 week moratorium period expired without a valid expression of interest to bid for the property by a community group.

- 5.10 In terms of the loss of the pub itself, the NPPF seeks in para. 28 to "*promote the retention and development of local services and community facilities in villages, such as...public houses...*". In addition Policy CS23 sets out that existing community infrastructure will be retained, unless it can be demonstrated that:
- the use has ceased
  - the facility is no longer fit for purpose; and
  - suitable alternative provision is available within easy walking distance to the required standard.

- 5.11 Further to the above, PSP34 sets out that the Council support the retention of public houses, and that development proposals for their change of use, will be acceptable where;
- the proposal(s) does not constitute the loss of, or would compromise the viability, of a service of particular value to the local community; or
  - it can be demonstrated that use as a Public House is no longer viable; and
  - the proposed alternative use will not detrimentally affect the vitality of the area and the character of the street scene; and
  - significant external heritage assets features are retained.

- 5.12 In terms of the first limb of PSP34, the proposal does constitute the loss of a service which is of particular value to the community. This is highlighted by its listing as an ACV as well as representations received. Therefore, as set out in the policy, assessment is made with regard to the other provisions. These provisions generally reflect the policy direction set out in CS23, and will be discussed below.

### *Marketing*

- 5.13 In support of this application the agent submitted a viability report (Sidney Phillips, Dated December 2017). The public house is closed and has been for over a year. The report sets out that marketing of the public house commenced on 22<sup>nd</sup> May 2017. As part of this, a prominent 'for sale' board was fixed to the property, it was also advertised on their own website, recognised businesses for sale websites and a recognised licenced property journal (The Morning Advertiser). The marketing campaign resulted in 386 enquiries. It is understood that no significant interest was generated to retain 'Cross Hands' as a public house. But there was significant interest from speculative property developers. At this time, the marketing of the property has been expanded to Hollis Morgan, and the case officer notes the property is currently advertised on their website [<https://www.hollismorgan.co.uk/property-details/27469870/south-gloucestershire/south-gloucestershire/the-down>].
- 5.14 Colleagues from Economic Development have reviewed the marketing campaign and consider that it presents a strong case that the premises has been sufficiently marketed.

### *Viability*

- 5.15 The viability report sets out that there has been a high turnover of tenants of the public house since 1996. It is also understood that licencing records show that there has been six different personal licence holders since 2007, four of which have been in the last two years. During the last decade there have been a number of occupants on either a low cost entry leasehold basis or as a temporary holding tenants pending the appointment of a lessee.
- 5.16 It also presented that the layout of the Cross Hands does not lend itself to modern licensed premises requirements. The trading area is small, providing seating for 40 customers (albeit there is a seated garden area), the kitchen is located at a lower level which the report states is awkward for commercial catering. There is also a narrow staircase linking the trading staircase. It also states that the ancillary accommodation is small and would prove impractical for anything other than a small family occupation. The report therefore states that the anticipated cost of altering the property to make a viable layout would unlikely be practical in the expectation of gain which would be retained. It also states that these factors would have a bearing on many other potential commercial uses.
- 5.17 As such, while the objections received to the loss of the public house are understood, evidence before Officer's does seem to show that the public house is no longer a viable business.

### *Alternate Provision*

- 5.18 CS23 requires that suitable alternative provision is available within easy walking distance to the required standard. PSP11 sets out, as a guide, appropriate walking and cycling distances to key local facilities. It sets out that

this should be 800 metres (10 minute walk) to a public house. It is also required that this is along safe and suitable routes. The 2018 Sustainable Access Profile (SAP) for Alveston sets out that there is one other public house within 800 metres from the centre of the settlement, The Ship Inn. Comments received stated that this was not a suitable 'community pub' or not a public house at all. These comments are acknowledged by Officer's, however, the premises is an A4 Class Use and is thought to provide alternative provision.

- 5.19 As such, despite the loss of the public house at the application site, there would still be one available as a local facility which would be of a appropriate walking and cycling distance from the majority of the settlement. Where properties would be beyond 800 metres, it is not considered they would be significantly far or require using unsafe or unsuitable routes. As such, it is considered that The Ship Inn provides suitable alternative provision.
- 5.20 In addition to the above, the wider area which includes the town of Thornbury (approximately 2km away), also provides a large number of public houses, restaurants and other drinking establishments.

#### *Vitality and Heritage*

- 5.20 In terms of the vitality of the area, the scheme would be for residential development within the settlement of Alveston. This location, has no designated frontage, town centre or local centre function and therefore it is not considered that it would detrimentally affect the vitality of the area or character of the streetscene. Further, the site contains no designated heritage assets, and while the conservation officer considers that the building retains some historic interest, it is not considered that they constitute significant external heritage features.

#### *Loss of Public House Summary*

- 5.21 The above has identified that a sufficient marketing campaign has been carried out, and that circumstances demonstrate that the public house is no longer viable. It is not considered that the loss of the facility would impact on the vitality of the area. Further, that this is suitable alternative facilities in appropriate walking and cycling distances. The loss of the public house is therefore deemed to be in accordance with CS23 and PSP34.

#### ***Design and Visual Amenity***

- 5.22 The application site is highly prominent, sat at a corner plot on a crossroads. The sites topography slopes slightly to the south. The existing public house is located adjacent to the highway and wraps round the corner, a large part of the site comprises the car park. There is an existing tree to the north western corner of the site and a dry stone wall bounds the majority of the site.
- 5.23 The area surrounding the application site has a highly mixed character, it is noted that low stone boundary walls are a defining characteristic of the locality. The surrounding area represents fairly low density residential development. It is considered that the site would generally be viewed within the context of the

- relatively modern houses opposite which are two storey with render elevations and some stone detailing, which are bound by low stone walls. Along The Down and to the south of the site is a modest cottage and converted chapel building.
- 5.24 The public house would be demolished as part of the proposal. The stone boundary walls would be largely retained, and altered where necessary. The scheme would introduce 4no. detached two storey dwellings. Throughout the course of the application the design and layout has been amended in accordance with advice from the Urban Design Officer. The proposed design now represents improved frontages and relationships with the existing streetscene. The design of the dwellings themselves have been simplified.
- 5.25 It is proposed that there would be 2no. dwellings fronting The Down to the south of the site (Plots 3 and 4). A low stone wall would separate the dwellings with the highway and they would have gated front entrances. These properties would have a symmetrical design, with both having feature gables to the front and rear with a mix of natural stone and render materials.
- 5.26 To the north of the site there would also be 2no. dwellings. Plot 2 would be situated at a similar location to the existing public house and would wrap around the corner of the site. Plans show it would have small dormer windows to the roof space and would benefit from a frontage off Strode Common. Adjacent to this dwelling, is Plot 1, plans show that this would also have 2no. dormer windows to the front elevation and a main frontage off Strode Common. Both dwellings would comprise a mix of render and natural stone elevations.
- 5.27 The proposed dwellings would be large but it is not considered that they would be out of scale or context with the surroundings. They would improve the sense of enclosure along The Down and Strode Common compared to the existing situation. Further, the proposal would retain stone walls to the boundary of the site which reflects the local character. The materials are similar to properties opposite the application site, and would not be out of place. It is recommended however, that a condition is imposed to ensure that samples of external materials are submitted and agreed by the local planning authority. As such, overall, the proposal is considered to be acceptable with regard to design and visual amenity.

### ***Landscaping and Trees***

- 5.28 Throughout the course of the application amendments have been made to the proposed landscaping at the site, in accordance with advice from the landscape officer. A small tree to the south east of the site would be retained as part of the development and a number of additional tree planting is proposed as well as evergreen shrub planting to help screen elements of the site. The landscape officer raises no objection, however, a condition is recommended to ensure landscaping is carried out in accordance with plans submitted prior to occupation of dwellings. In addition to the above, notwithstanding the information submitted regarding boundary treatments at site, a condition is recommended to ensure that boundary treatments meet officer expectations.



### ***Residential Amenity***

- 5.29 As aforementioned, the site is surrounded by dwellings, particularly to the south and west of the site. Comments from local residents raised concerns of overlooking, privacy and overbearing concerns as a result of the development. To the south of the site is a modest cottage and converted chapel, which will be nearest to Plot 4. The nearest property is situated around 10 metres from the side of Plot 4, and is separated by a driveway. The rear building line of Plot 4 would be a similar level to the rear building line of the nearby cottage. It would have 2no. first floor windows which would face toward this property, but these would serve bathrooms and plans show they would be obscure glaze. Overall, Officer's are mindful that the development would alter the existing situation for these nearby properties, but it is not thought that it would have an unacceptable residential amenity impact.
- 5.30 To the west of the site is a two storey block of flats which do have rear windows facing toward the application site. The Amenity and Living Conditions Technical Advice Note (TAN), sets out that two storey dwellings should not have a window to window distance of less than 20 metres. In this instance, the distance would be a minimum of approximately 26 metres. The flats to the first floor would overlook the gardens of the proposed dwellings to a degree, but given the separation distance, it is not thought that this would be detrimental to future occupants residential amenity.
- 5.31 Moving on to the living standards of the future occupants themselves, PSP43 sets out the minimum residential amenity standard for all new dwellings, in accordance with the number of bedrooms proposed. This application proposes 4no. 4-bedroom homes. As such, PSP43 sets out that each dwelling should be provided with a minimum of 70m<sup>2</sup>. Plans submitted show that each dwelling would be provided with in excess of 70m<sup>2</sup> of amenity space, and therefore the proposal complies with this policy.
- 5.32 It is noted that the development would have some impacts on surrounding occupiers, however, having regard to the assessment above it is not considered that this would be to an unacceptable degree.

### ***Transportation***

- 5.33 It is proposed that the development would utilise the existing access of the site. Parking would be provided internally within the development. Plots 1 and 2 would have integral garages to the rear with adjacent car parking spaces. Plots 3 and 4 would have a detached single garage with parking to the front. PSP16 sets out parking standards in relation to residential development, dwellings with 4-bedrooms should be provided with a minimum of 2no. parking spaces. Plans show that the parking would be in excess of these standards and is considered acceptable. Having said this, a condition is recommended to ensure that the parking is constructed and made available prior to occupation.

- 5.34 In addition to the above, PSP16 sets out that cycle parking should also be provided. While the transport officer has requested details of such, Officer's are mindful that each property is provided with a garage in addition to parking spaces on hardstanding. It is therefore considered that cycle parking would be provided within the garages, and it is not deemed necessary to impose a condition.
- 5.35 Concerns were raised by local residents regarding the transportation impact during construction of the development as well as working hours. The transportation officer has also recommended that a Construction Traffic Management Plan should be conditioned, this will take into account the above concerns. Subject to this and the above, no objection is raised to these matters.

### ***Environmental Impacts***

- 5.36 Environmental Protection colleagues have reviewed the proposal and state that land to the south west and north east of the site was previously quarried and filled ground. As such, this may have the potential for contamination which could give rise to unacceptable risks. They have therefore recommended that a condition is imposed to ensure that investigation for contaminates is carried out.

### ***Drainage***

- 5.37 The application form states that surface water disposal would be to a mains sewer, however, there appears to be no public surface sewer in close proximity to the site. The submitted Drainage Strategy also reflects this. As such, the lead local flood authority recommend that a SUDs condition is imposed to ensure that surface water drainage details are agreed.

### ***Archaeology***

- 5.38 The archaeology officer has reviewed the proposal, they state that the site is situated in the historic core of the medieval settlement of Alveston. There is no archaeological assessment submitted. It is considered that these matters can be dealt with by condition given previous activity at the site. It is therefore recommended that a programme of archaeological work leading to a mitigation strategy is conditioned.

### ***Ecology***

- 5.39 Throughout the course of the application the ecology officer requested bat activity surveys along with a mitigation strategy. This has been received and reviewed by specialist officers. It is understood that the building was inspected for bats internally and externally and no evidence was found. As such, no ecological objections are raised, however, the report does set out mitigation measures to ensure harm to biodiversity is minimised. Therefore, conditions are recommended to ensure that these measures are put in place.

5.40 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

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

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

5.43 Planning Balance

Given the number of previous attempts to make a successful business of the public house, and the time that has passed, it is evident that the public house is no longer viable in this location. It is also noted that a sufficient marketing exercise has been undertaken which raised little demand for the buildings continued use as a public house or alternative community use. This does appear to relate to a lack of demand and the impact of other public houses in the surrounding area. There is no substantive evidence to indicate that there is any long term viability at the site.

5.44 Officer's do acknowledge the comments made by members of the public regarding the importance of the public house for the community, and its status as an ACV. This is a material consideration which carries significant weight in the assessment of this application. As a result, it is necessary to assess the benefits and adverse impacts of the scheme in the planning balance.

5.45 The scheme would result in an efficient and beneficial use of previously developed land in a sustainable location and established settlement boundary. The proposal would contribute towards that Councils lack of five year housing land supply, albeit modestly. Notwithstanding this, the proposal would result in the loss of an ACV and would therefore have an impact on the local community.

5.46 While it is appreciated that the loss of an ACV would be regrettable, on the evidence before Officer's the existing public house is not viable. Further, there is no substantive evidence to suggest that there is market demand or interest for future commercial or community uses. It is therefore difficult to see how the existing disused building would make a positive contribution to the community.

5.47 Accordingly, and in the context of Paragraph 14 of the NPPF, Officer's consider that the benefits of the proposal would outweigh the harm identified with regard to the loss of the ACV. It is therefore recommended that this application is approved, subject to conditions.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

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

**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. Materials

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

Reason

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. Landscaping

All hard and soft landscape works shall be carried out in accordance with the Proposed Site Plan (dwg. no: 5750/P10 N, plans received 6th June 2018). The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

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

4. Boundary Treatments

Notwithstanding the submitted information, prior to relevant stage of development a plan indicating the positions, design, materials and type of boundary treatment(s) to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the building(s) are occupied. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP2 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

5. Parking

The dwellings shall not be occupied until the access and parking arrangements have been completed, and made available, in accordance with the submitted Proposed Site Plan (dwg no. 5750/P/10 N, as received by the Council 6th 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.

6. Construction Management Plan

Prior to the commencement of development a Construction Management Plan shall be submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- a) parking of vehicle on site for operatives and visitors
- b) hours of operation
- c) pedestrian and cyclist protection
- d) delivery management, specifically hours and types of vehicles.
- e) location of site offices (if any)

Reason

In the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. This is required to be agreed prior to the

commencement of development to avoid any unnecessary remedial action in the future.

## 7. Contamination

- A) Desk Study - Previous historic uses(s) of land adjacent to the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably competent person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
- B) Intrusive Investigation - Where potential contaminants are identified under (A), prior to the commencement of development (excepting necessary demolition works), an investigation shall be carried out by a suitably competent person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks (Remediation Strategy). The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures. (Note (A) and (B) may be combined if appropriate).
- C) Verification Strategy - Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
- D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

### Reason

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

## 8. SUDs

No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory),

for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

Reason

To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012. This is required to be agreed prior to the commencement of development to avoid any unnecessary remedial action in the future

9. Archaeology

Prior to the commencement of any groundworks, including any exempt infrastructure, geotechnical or remediation works, the results of a programme of archaeological work and subsequent detailed mitigation, outreach and publication strategy, including a timetable for the mitigation strategy, must be submitted to and approved by the local planning authority. Thereafter the approved programme of mitigated measures and method of outreach and publication shall be implemented in all respects.

Reason

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

10. Ecology

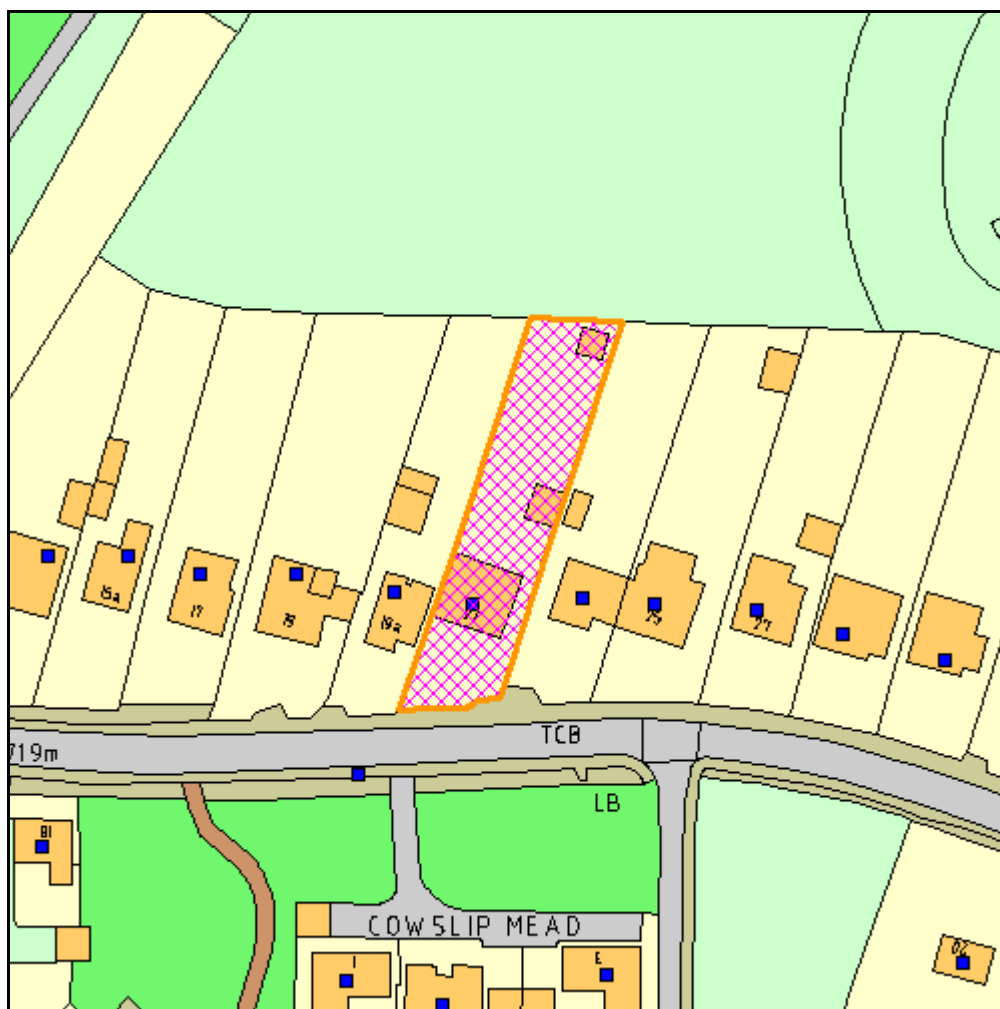
The development hereby approved shall proceed in accordance with the recommendations made in the Bat Survey Report by Abricon Ltd (June, 2017). This includes avoiding disturbance or harm to bats and nesting birds, provision of bird nesting boxes and a bat friendly lighting scheme.

Reason

In the interests of protected species and to accord with Policy PSP19 of the South Gloucestershire Policies Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 27/18 – 06 JULY 2018**

<b>App No.:</b>	PT18/1402/F	<b>Applicant:</b>	Mr Brian Farr
<b>Site:</b>	Standale 21 Hortham Lane Almondsbury Bristol South Gloucestershire BS32 4JH	<b>Date Reg:</b>	26th March 2018
<b>Proposal:</b>	Alteration to roofline to form additional living accommodation (Re submission of PT17/3114/F)	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	361958 184537	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Householder	<b>Target Date:</b>	14th May 2018



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 100023410, 2008. N.T.S. PT18/1402/F



## **CIRCULATED SCHEDULE**

This report appears on the Circulated Schedule because it represent a departure from relevant Green Belt Policy within the Adopted Development Plan.

In this case any resolution to grant planning permission for this development does not need to be referred to the Secretary of the State for Communities and Local Government as the development is not of a large enough scale and it would not have a significant impact on the openness of the Green Belt (referral criteria is set out in the Departure Direction 2009).

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the alteration to the roofline to form additional living accommodation at No. 21 Hortham, Lane, Almondsbury. The site lies outside the settlement boundary and within the Bristol/Bath Green Belt. The application relates to an extended detached dormer bungalow. This application follows a recently refused scheme PT17/3114/F for the installation of 1no side dormer and extension to existing rear dormer to facilitate an extension to existing loft conversion.
- 1.2 This scheme has been submitted following discussions with the Council and takes a more holistic rather than a piecemeal approach to development. The submitted scheme is considered to have addressed the refusal reason.
- 1.3 During the course of the application additional confirmatory information regarding the parking arrangements was requested and received by the Council.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

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

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS32	Thornbury
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP38	Development within Existing Residential Curtilages
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007)

South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT17/3114/F Installation of 1no side dormer and extension to existing rear dormer to facilitate extension to existing loft conversion.  
19.9.17

Refused

Reason1:

The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt as the extension is considered to be disproportionate. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013; the advice set out in the adopted Development in the Green Belt SPD (2007); and the National Planning Policy Framework.

Reason2:

The proposal is considered to represent visual harm to the character of the host property and the area in general due to its overbearing design. Furthermore, the introduction of the side dormer would result in overlooking of the neighbouring dwelling which would impact on the privacy of this neighbour. The proposal is therefore contrary to the provisions of saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006; Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the National Planning Policy Framework

- 3.2 PT14/0399/PNH Erection of a single storey rear extension which would extend beyond the rear wall of the original house by 7.35 metres, for which the maximum height would be 3.35 metres and the height of the eaves would be 3.3 metres.  
12.3.14
- No objection

- |     |             |   |
|-----|-------------|---|
| 3.3 | PT01/3527/F | Erection of single storey rear extension,<br>Installation of dormer window in front and rear<br>elevations to facilitate loft conversion. |
|     | Approved    | 23.5.02   |
| 3.4 | PT01/2267/F | Erection of single storey rear extension.<br>Installation of front and rear dormer windows<br>to facilitate loft conversion.              |
|     | Refused     | 2.11.01   |
| 3.5 | P88/2960    | Construction of dormer window and erection of<br>conservatory   |
|     | Approved    | 16.11.88  |
| 3.6 | N8416       | Erection of single storey side extension to form a<br>bathroom and a larger bedroom.  |
|     | Approved    | 20.1.83   |

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

- 4.1 Almondsbury Parish Council  
No comment received

##### **Internal Consultees**

- 4.2 Sustainable Transport  
3 parking spaces required. No objection following additional information submitted.
- 4.3 Archaeology  
No comment

##### **Other Representations**

- 4.4 Local Residents  
None received

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

- 5.1 The application is for the alteration to the roofline to form additional living accommodation.
- 5.2 Principle of Development  
The proposal stands to be assessed against the above listed policies and all other material considerations. Of particular importance is the location of the site within the Green Belt where only certain development that meets criteria listed in the NPPF and also that which does not impact on the openness of the Green Belt is acceptable. In addition the proposal must not impact negatively

on the host property or character of the area in terms of its design and appearance. Any impact on the residential amenity of existing and future occupiers and that of immediate neighbours will also be taken into account as will the impact on highway safety and off-street parking. Extensions and alterations to existing houses are acceptable in principle provided they pass the test of being high quality design, in-keeping with the area and not have adverse impacts on amenity or transport. This revised scheme has taken into account the points of concern raised in the recently refused scheme to produce an acceptable form of development. This is discussed in more detail below.

### 5.3 Green Belt

The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl. Five purposes are listed and any new development must meet the set criteria. Extensions or alterations to a building are acceptable provided that they would not result in disproportionate additions over and above the size of the original building. The Council has an adopted SPD (albeit 2007) that advises how the term disproportionate will be applied for such proposals within South Gloucestershire. Notwithstanding the age of the SPD these general principles are given significant weight here. The objective behind the Green Belt policy (and SPD) is to closely monitor the cumulative increases to dwellings that exist in more rural parts of the Green Belt. This is to ensure that across the wider Green Belt there is not general encroachment into the openness of the Green Belt just by virtue of incremental increases over time.

5.4 The SPD is clear that it is the cumulative addition to volume that is considered since the property was built; or 1948 if the property was in existence at the inception of the Green Belt. It indicates that a 30% volume addition would be considered to be appropriate and proportionate. Between 30-50% there is some room for judgement to be applied depending on the circumstances and form of the proposal. However at over 50% it states this would “most likely to be considered in excess of any reasonable definition of limited extension”. Such a proposal would normally therefore be viewed as a disproportionate addition and therefore inappropriate development.

5.5 Planning history shows that this dwellinghouse has been subject to a number of extensions which have completely altered the once modest single storey, two-bed bungalow. Moreover there prior approval obtained in 2014 (although now expired, and understood not to have been implemented) indicates a clear intention to expand the property further. Although no calculations of the volume increase from original to proposed have been made available to the Council, it is clear merely from the increase in footprint that there has been an increase from the original 77 square metres (approx.) to its current form of about 143 square metres (approx.). This is an increase of 86 percent in footprint alone. It is concluded that when taken cumulatively with the extensions already permitted at the site this further addition will amount to a disproportionate increase under this definition and therefore be inappropriate development in Green Belt terms. Inappropriate development is by definition harmful to openness and very special circumstances are consequently required to clearly demonstrate how this harm is outweighed. In this case the actual harm to openness it likely to be very limited, given that the footprint will remain as existing; and the property remains between built form. It is the height and

arrangement at first floor level that will add to the volume. This is considered preferable in terms of the impact on openness when compared to the “prior approval” route previously established whereby single storey extensions would encroach further northwards where the site is more open. In addition the rationalisation of the appearance of the dwelling to incorporate existing piecemeal extensions within one roofline would improve the appearance of the dwelling, particularly the front elevation. By making these alterations to the roofline and including within it some existing extensions, this would also improve the overall functionality of the house as a family home. These circumstances are given weight in its favour. The applicant has identified similar instances of changes in the appearance to other former modest bungalows along this road. This also counts in favour of the proposal. The case of very special circumstances is therefore accepted to clearly outweigh the harm in this specific instance and the proposal can be supported in terms of Green Belt policy. Given that the scheme is, however, a departure from adopted policy it must be advertised as being such.

5.6 Character of the area

This side of Hortham Lane is characterised in the main by older single storey dwellinghouses set within good size plots. The houses are in a linear formation along the lane, set back off the road. Some properties have been extended in different and modest ways to suit individual houses. On the opposite side of the lane is part of the new development of Hortham Village which here comprises two-storey modern dwellings.

5.7 Design and Visual Amenity

The application site is an extended detached single storey hipped roof dwelling. The introduction of roof dormers and a side extension to the west along with additions to the rear have changed the appearance of this once modest cottage.

5.8 The NPPF and local adopted policy under CS1 places great emphasis on the importance of design. Good quality design must ensure it respects both the character of a property and the character of an area in general.

5.9 The intention of this application is to both consolidate existing add-on features and facilitate additional living accommodation on the first floor. There would be no increase to the footprint of the house, but there would be a change from a hipped roof to a gable fronted property. In this way existing front and rear dormers would be subsumed into the new roof. These design elements have been a direct result of the previous scheme which was partly refused for reasons of adverse impact on the character of the host property and the area in general.

5.10 It is noted that the eaves height would remain the same at around 2.5 metres, the footprint of the building would remain unchanged at around 12 metres square (excluding the recently approved single storey rear extension) and would see an increase in the ridge height from around 5.6 metres to 7.3 metres. It is noted that this would result in a changes to the street scene but it is also noted that other properties along this road have had extensions and

alterations, some more successful than others. In design terms there would be no objection to this scheme and it can therefore be supported.

5.11 Residential Amenity

Neighbours to the east comprise a single storey property and although velux windows are proposed in this opposing elevation, these would be high in the roof slope and consequently, it is considered their introduction would not adversely impact on the amenity of these neighbours. Other velux windows on the western roof slope would serve bathrooms and again would be set quite high on the roof. The impact on the amenity of neighbours to either side would not be affected by the change in roof from hipped to gable to the front and rear. As there would be no change to the footprint of the dwelling sufficient amenity space would remain to serve the property, especially to the rear of the house.

5.12 Sustainable Transport

The proposed development would result in an increase in the number of bedrooms for this property from 3 to 5. Adopted parking standards require 3 off-street parking spaces to be provided for properties of this size. Parking of the required level can be achieved to the front of the property and also along the side of the dwelling. Room to turn vehicles at the front of the property is also noted. Plans confirming this arrangement have been received by the Council. Given the above the proposal is considered to accord with adopted policy and is acceptable in transport terms.

5.13 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

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

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

5.16 Planning Balance:

It is acknowledged that the proposal would result in changes to the appearance of the dwelling. However, it is considered that this holistic approach which has sought to consolidate existing and proposed alterations to the building is the most appropriate treatment both in terms of the general appearance and the functionality of the property as a family home. In these terms, although there would be an increase in the volume of built form on the site, 50% over and above the size of the original dwelling, the improvement in design, function and flexibility of living accommodation for occupants is sufficient to make a case for very special circumstances and is therefore acceptable.

## 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.

The proposal was advertised as a departure in May 2018 and as such the period of 21 days has expired.

## 7. **RECOMMENDATION**

- 7.1 It is recommended that the application be **APPROVED** subject to the conditions written on the decision notice.

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

## **CONDITIONS**

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

Reason

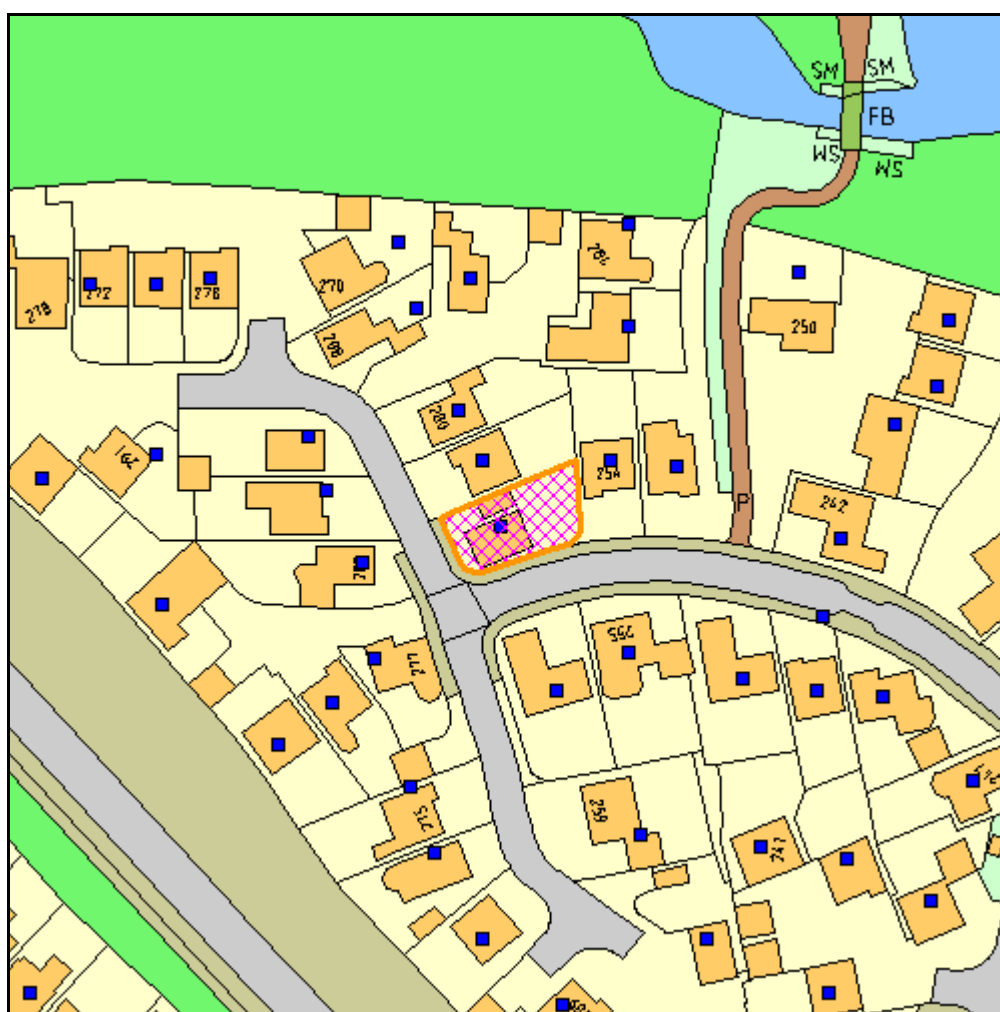
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).





**CIRCULATED SCHEDULE NO. 27/18 – 06 JULY 2018**

<b>App No.:</b>	PT18/2386/F	<b>Applicant:</b>	Mr & Mrs Wright
<b>Site:</b>	256 Juniper Way Bradley Stoke Bristol South Gloucestershire BS32 0DR	<b>Date Reg:</b>	22nd May 2018
<b>Proposal:</b>	Erection of two-storey rear extension to provide additional living accommodation.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	362617 181385	<b>Ward:</b>	Bradley Stoke South
<b>Application Category:</b>	Householder	<b>Target Date:</b>	16th July 2018



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 100023410, 2008. N.T.S. PT18/2386/F

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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a two storey rear extension to provide additional living accommodation at 256 Juniper Way, Bradley Stoke.
- 1.2 The application site relates to a two storey, detached property located on a corner plot within the built up residential area of Bradley Stoke. Although the front door is located on the south elevation, the principal elevation is considered to be on the west side of the property and therefore is it agreed by the Officer that the proposal constitutes a rear extension.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility

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

PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
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 No relevant planning history

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

- 4.1 Bradley Stoke Town Council  
Objection- the proposals are overbearing and out of keeping with the streetscene.
- 4.2 Sustainable Transport  
No objections
- 4.3 Archaeology  
No comment

#### **Other Representations**

- 4.4 Local Residents  
No comments 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 proposed development consists of a two storey rear extension to create a sun room and extend the existing fourth bedroom.
- 5.3 The proposal would extend from the rear elevation of the host dwelling by approximately 4 metres and have a width of approximately 3.6 metres. It would consist of a hipped roof with an eaves height to match the existing dwelling and a ridge height approximately 2 metres lower than the host dwelling, as such the proposed extension would identify as subservient.
- 5.4 The materials to be used in the external finish of the proposal include brickwork elevations, concrete interlocking roof tiles and white UPVC windows and doors. All the materials would match the host dwelling and are therefore deemed acceptable.
- 5.5 Concerns have been raised by the Town Council relating to the proposal being out of keeping with the streetscene. It is considered by the Officer that the proposal is of an appropriate size and scale within the context of the site. Furthermore, while the proposal would be visible from the public realm, it is located within a built up residential area and the materials would match those of

- the host dwelling and surrounding properties, it is therefore considered by the Officer that it would not have a significantly negative impact on the character of the area.
- 5.6 Overall, it is considered that the proposed extension would not be detrimental to the character of the host dwelling or surrounding area and is of an acceptable standard of design, As such, the proposal is deemed to comply with policy CS1 of the Core Strategy.
- 5.7 Residential Amenity  
Policy PSP8 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.
- 5.8 Concerns were raised by the Town Council over the proposal resulting in an overbearing impact. The proposed extension would be located on the south boundary of the application site, adjacent to Juniper Way. The neighbouring property to the north would be approximately 8 metres from the proposal and due to the orientation of the surrounding properties, the proposal would face onto the front driveway of the neighbouring property to the east. It is therefore considered that due to the separation distances and siting of the proposal it is not considered by the Officer to result in a material overbearing impact, nor is it considered to significantly impact the existing levels of light afforded to the neighbouring occupiers to an unacceptable level.
- 5.9 The proposed extension consists of a first floor rear elevation window and a first floor side elevation window. The neighbouring property to the east is set back from the highway and due to the layout of the development the proposed rear elevation window would face the front driveway and principal elevation of the neighbouring property. However, the respective properties are set at a 60° angle and as such the orientation of the site is considered to reduce the potential loss of privacy from the respective first floor windows. Furthermore, as the application sites falls within a built up residential area a certain degree of overlooking is already present and therefore the proposal is not considered to result in a material overlooking impact to such a degree as to warrant refusal.
- 5.10 The proposal would increase the existing footprint of the property, however it is considered that sufficient private residential amenity space for the occupiers of the host dwelling would remain following development.
- 5.11 Overall, the proposal is not considered to have a significantly detrimental impact on the residential amenity of surrounding properties or the host dwelling and is therefore deemed to comply with policy PSP8 of the PSP Plan.
- 5.12 Sustainable Transport and Parking Provision  
The proposal would not increase the number of bedrooms, nor would it impact the existing access or parking provision. As such, no objections are raised in terms of transportation.

#### 5.10 Equalities

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

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

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

### CONDITIONS

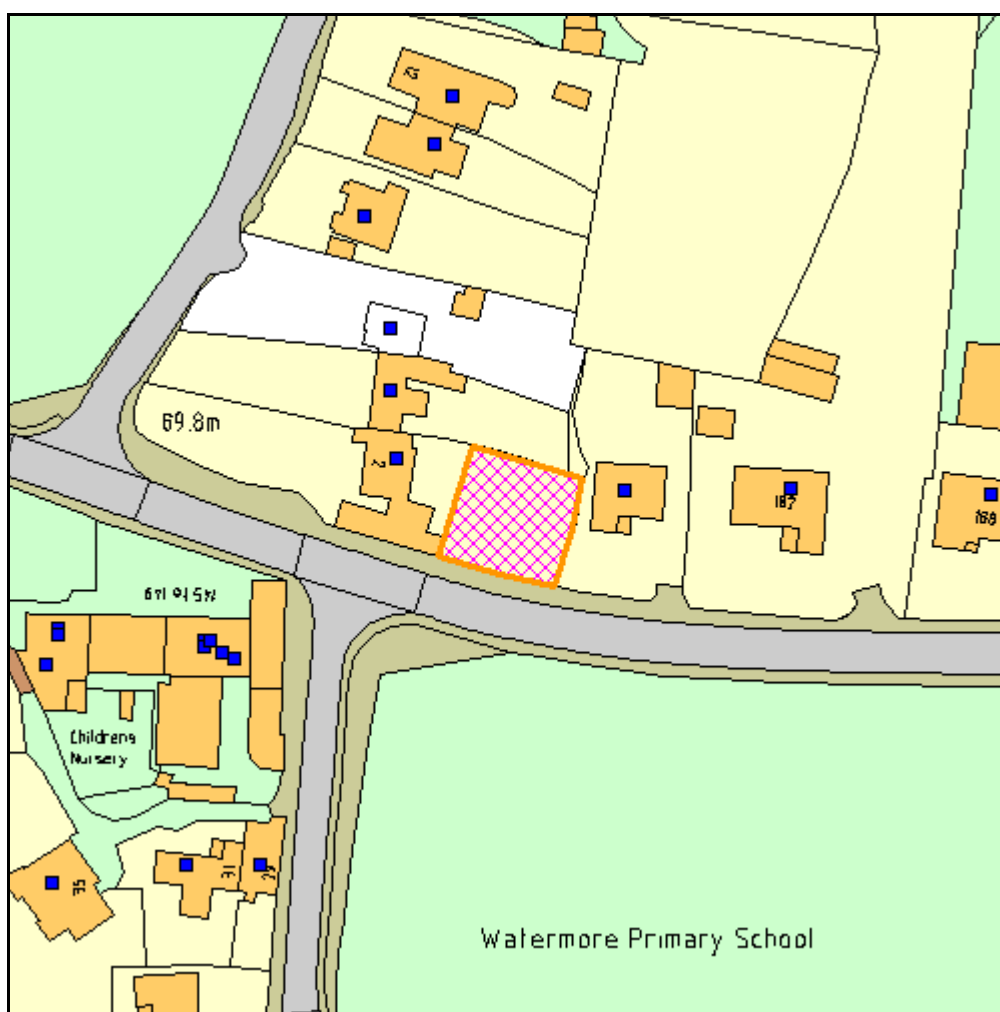
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 27/18 – 06 JULY 2018**

<b>App No.:</b>	PT18/3576/F	<b>Applicant:</b>	Mrs Louise Naish
<b>Site:</b>	2 Frampton End Road Frampton Cotterell Bristol South Gloucestershire BS36 2JZ	<b>Date Reg:</b>	4th August 2017
<b>Proposal:</b>	Erection of 1no. detached single storey dwelling.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	367354 181676	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26 <sup>th</sup> September 2017



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

This application is referred to the circulated schedule for determination as comments of objection have been received which are contrary to the officer recommendation for approval.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a bungalow to the rear of 2 Frampton End Road in Frampton Cotterell. No 2 is an end terrace on a corner plot at the road junction of Frampton End Road and Church Road. The proposed bungalow would, in effect, form part of the boundary wall along Church Road but is accessed from the courtyard garden.
- 1.2 Located just outside of the defined settlement boundary of Frampton Cotterell the site is in the open countryside as well as the Bristol/Bath Green Belt. The dwelling's outbuilding and southern boundary wall are locally listed, as is the neighbouring property No 4.
- 1.3 Over the course of the planning process, a revised scheme was submitted and as a result the previous outline application was converted to a full and re-consulted on for 21 days.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework (NPPF) March 2012

- 2.2 Development Plans

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

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	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
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment

PSP38	Development within Existing Residential Curtilages
PSP40	Residential Development in the Countryside
PSP43	Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
 Design Checklist SPD (Adopted) 2007  
 Development in the Green Belt SPD (Adopted) 2007  
 Residential Parking Standards SPD (Adopted) 2013  
 CIL Charging Schedule SPD (Adopted) 2015  
 Waste Collection SPD (Adopted) 2015 (updated March 2017)

### 3. RELEVANT PLANNING HISTORY

- 3.1 PT08/1483/O  
 Erection of 1 no. dwelling (Outline) with access to be determined. All other matters reserved.  
 Refusal  
 04.07.2008

Reasons:

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy 16 of the Joint Replacement Structure Plan (Adopted) September 2002, and the development in the Green Belt (adopted) SPD.

2. The site is located within the open countryside outside of any settlement boundary and does not fall within the limited categories of residential development that might be acceptable in this location. The proposal is therefore contrary to planning policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The site of the proposed development is restricted in size and the development of the land as proposed, would result in a cramped form of development to the detriment of the amenities of the occupiers of adjoining dwellings and the visual amenities of the locality. The proposal is therefore considered to be contrary to Planning Policies D1, H4 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006, and the adopted South Gloucestershire Design Check List SPD.

Appeal: APP/P0119/A/08/2082955  
 Dismissed  
 02.12.2008

- 3.2 PT05/2069/F  
 Erection of single storey extension to form garden room, store and lobby between the principal property and annex (amendments to previously approved permission PT04/3241/F).  
 Approval  
 12.08.2005



- 3.3 PT04/3241/F  
Conversion of existing outbuilding to form self contained unit.  
Approval  
22.10.2004
- 3.4 N5255  
Erection of front entrance porch.  
Approval  
15.12.1979

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

4.1 Frampton Cotterell Parish Council  
Objection

- insufficient detail
- sited in the Green Belt
- outside settlement boundary
- unsafe access
- harm to highway safety
- support views of the Conservation Officer

4.2 Other Consultees

Lead Local Flood Authority  
No objection

Sustainable Transport  
No objection

- conditions securing access and parking arrangements and details of cycle parking and an electric vehicle charging point

Landscape Officer  
No objection

- materials should reflect local vernacular with pennant stone and pantiles
- stone wall and wooden gate should be retained
- lost vegetation should be replaced to soften and help integration

Archaeology Officer  
No objection

Tree Officer  
Objection

- tree survey required

Conservation Officer  
No objection

- boundary wall should be retained in-situ
- any rebuilding/addition should match in terms of materials, coursing, pointing etc

- roofing, eaves, guttering etc should match main dwelling to ensure coherence

### **Other Representations**

#### 4.3 Local Residents

7 local residents have objected raising the following –

- unsafe access
- harm to highway safety
- past accidents
- outside settlement boundary
- conflicting with Green Belt purposes of sprawl and encroachment
- loss of privacy
- overbearing
- request condition securing development built in accordance with approved plans
- request condition limiting further extensions
- request condition preventing windows in south elevation
- out of keeping

## **5. ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for the erection of a new dwelling in Frampton Cotterell. The site is outside of the settlement and within the green belt.

#### 5.2 Principle of Development

The locational strategy for the district is set out in policies CS5 and CS34. Both of these policies seek to direct new residential development in the first instance to the existing urban areas and defined rural settlements. As the site is outside of a defined settlement, the proposal would conflict with the locational strategy. Certain forms of residential development that conflict with the general locational strategy may be considered. Policy PSP40 identifies residential development that may be acceptable but limits this to: rural exception sites; rural workers dwellings; replacement dwellings; and, the conversion or reuse of existing rural buildings as dwellings. None of the above are proposed.

5.3 In terms of the appropriateness of the site for residential development, the application conflicts with the Development Plan and would normally be resisted (and be subject to other consideration such as green belt). However, at present the authority cannot demonstrate a 5-year supply of deliverable housing land. As a result, settlement boundaries represent a restriction on development and in accordance with paragraph 49 of the NPPF cannot be afforded full weight. Instead, the application should be assessed against the presumption in favour of sustainable development.

5.4 The presumption in favour of sustainable development is set out in paragraph 14 of the NPPF. In relation to decision-taking, the presumption has two sections to it. The first refers to timely decision taking where proposals accord with the development plan; this element does not apply here. The second

- element is used where the development plan is out-of-date. It is split into two limbs stating that planning permission should be granted unless –
- (1) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal, or
  - (2) that specific guidance in the NPPF indicates permission should be refused.
- 5.5 The first limb is referred to as the ‘tilted’ balance. When this is applied, the planning balance is tilted heavily in favour of planning permission being granted as the ‘test’ is whether the harm of development would *significantly and demonstrably* outweigh the benefit. The second limb is the more traditional approach to decision-taking where the impacts of development are balanced against the provisions of planning policy. Proposals would have to demonstrate that specific guidance in the NPPF, or indeed extant policies in the Development Plan, did not imply that planning permission should be refused before they could benefit from the tilted balance.
- 5.6 Therefore the proposal must be assessed against the specific policy in relation to the site constraints.
- 5.7 *Green Belt*  
The NPPF establishes that new buildings within the Green Belt are inappropriate unless they fall within certain exceptions. Paragraph 89 of the NPPF gives two of these exceptions as –
- “limited infilling in villages...” (bullet point 5); and
  - “limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.” (bullet point 6)
- 5.8 The Core Strategy 2006-2027 defines infill as the filling of a relatively small gap between existing buildings, normally within a built up area.
- 5.9 The application site is amongst a clearly identifiable frontage of buildings because there is the main dwelling to the west and 184 Church Road to the east. Officers therefore consider that the site falls within the definition of infill as contained within the Core Strategy. Furthermore, although it is accepted that the site is outside of the settlement area, it is only some 11.5m away from the boundary. The site is within a clear continuum of development spreading out from the settlement. Notwithstanding the location of the formal boundary, there is nothing to obviously separate the site from the rest of the settlement. Officers are therefore of the view that the application site forms part of the settlement.
- 5.10 It is therefore concluded that the proposal would constitute infill within a village and would therefore not be inappropriate development within the Green Belt.
- 5.11 Given the findings above in this respect there is no need for Officers to consider whether the proposal would conform to the exception in bullet point 6 which relates to the limited infilling or the partial or complete redevelopment of previously developed sites. This would have included an assessment of the development upon the openness of the Green Belt but as Officers have found

- the development is not inappropriate under bullet point 5 there is no need to undertake this exercise.
- 5.12 It is therefore necessary to return to paragraph 14 of the NPPF. As specific policies do not indicate that the development should be restricted, the tilted balance as outlined in 5.5 applies. Officers return to this matter later in the decision. Next other potential impacts must be considered to see whether they would *significantly and demonstrably* outweigh the benefits, in order to decide whether planning permission should be granted or not at the end.
- 5.13 Design  
There is agreement between parties that the existing surrounding development, by reason of the materials used in their construction and cottage form, contributes positively to the character and appearance of the area. In this regard, it appears the proposed dwelling will be constructed in natural stone with a clay tile roof and there is also agreement between parties that this would reflect the materials and form of buildings in the area. Conditions therefore relating to materials and limiting new windows in the south elevation are considered necessary to safeguard the character and appearance of the area.
- 5.14 The L-shape design takes account of the shape of the site in order to present active frontages onto both the driveway and access road whilst creating a private courtyard garden for occupants to enjoy. Although it is acknowledged that the proposal is not attached to the main dwelling, the building up of the south boundary wall means it will be legibly read as part of No 2. It appears the new wall will be constructed in similar materials and manner but to a condition to secure this is considered reasonable and necessary in the interest of the character and appearance of the area.
- 5.15 The removal of some of the vegetation on site would alter its appearance at the point of change in the short term. However, it would be a contextually small area that would change, and marginally so in the Officers view. Moreover, Officers are content that a reasonably worded planning condition could require additional enhancement landscaping around the building to assist in assimilating it into the streetscene going forward. Officers are therefore satisfied that the proposed development would not be harmful to the character and appearance of the area.
- 5.16 Accordingly, Officers conclude that the proposal would not be harmful to the character and appearance of the area.
- 5.17 Amenity  
Development should not be permitted that has a prejudicial impact on residential amenity. This should be considered in terms of the application site itself and the impact of the proposal on all nearby occupiers.
- 5.18 The application relates to a new bungalow on the site, which faces onto an inner courtyard garden – the size of which is considered acceptable. Turning to the relationship of the development to 2 Frampton End Road, the main dwelling has a first floor bedroom window facing the application site. It is accepted that this window would provide some opportunity for overlooking into the courtyard,

- including one of the bedrooms and part of the lounge. However, a level of overlooking already exists from the first floor windows of neighbouring properties and it is therefore considered that the site does not have complete privacy. Furthermore, it is unreasonable to expect totally privacy, especially as a degree of overlooking is commonplace in settlements.
- 5.19 The adjoining property, 184 Church Road, is sited to the east and is at a lower level. In respect of potential privacy concerns, it is noted that the development has a few openings facing No 184. These include 1 kitchen opening, 2 for the lounge and a fourth for an en-suite. Given the location of the windows, relative to No 184, there would be little (if any) overlooking opportunities between habitable room windows. There would only be views into the frontage. Therefore there would not be any significant loss of privacy as a result of these openings. Moreover, having regard to the separation distance, it is not considered that the development would be overbearing on these occupiers.
- 5.20 The north elevation would be around 4.6m from the garden boundary of 4 Frampton End Road. This distance would be sufficient to ensure that the new bungalow would not adversely affect the living conditions of the occupiers of this property by reason of loss of sunlight, light pollution, loss of privacy or an overbearing effect.
- 5.21 It is therefore concluded that the proposal would not result in significant harmful effects on the living conditions of the future occupiers or occupiers of neighbouring properties. However, a condition withdrawing permitted development rights for extensions, roof alterations, porches and outbuildings is considered necessary in the interests of visual amenity and to safeguard the living conditions of neighbours.
- 5.22 Transport and Parking  
It is considered that the proposed provision of two parking spaces for the unit is reasonable for its size and accords with the Council's parking standards.
- 5.23 It is also considered that adequate visibility exists for speeds in excess of the posted speed limit of 30mph from the access so emerging drivers can see approaching vehicles and pedestrians. Furthermore, from road traffic accident data available only one accident has occurred in the vicinity of the site during the last 5 years and that happened at the junction of Church Road and Lower Stone Close. This involved a rear end shunt and was due to driver error. As such, the access is considered to be safe and suitable.
- 5.24 In conclusion, the development is acceptable in this regard. However, conditions securing the parking arrangement and provision of cycle parking and an electric charging point are considered necessary in the interests of transportation and highway safety and to promote sustainable transport choices.
- 5.25 Trees  
Although there were a number of small trees on the site, they were not considered worthy of a TPO and are now understood to have been felled. Therefore, the submission of a tree survey is not necessary.

5.26 Other Matters

Officers acknowledge neighbour concerns including matters relating to the green belt, the character and appearance of the area and highway safety. However, given the above, Officers are satisfied that these matters would not result in a level of harm, either individually or cumulatively, that would justify refusal of the application.

5.27 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

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

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

5.30 Planning Balance

Overall, it is concluded that the development is appropriate in the Green Belt and would not cause significant and demonstrable harm to the character and appearance of its surroundings, residential amenity, or highway safety. As such, the benefits associated with the proposal weigh heavily in favour of granting planning permission given the Council's current housing supply shortage. The application should therefore be approved.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Contact Officer: Helen Braine**  
**Tel. No. 01454 863133**

## **CONDITIONS**

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the building 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; Policy PSP1, PSP17 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

3. The stone work to be used in the boundary treatments hereby permitted shall match that of the existing stone boundaries in type, colour, texture, size, coursing and jointing.

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; Policy PSP1, PSP17 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

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

Reason

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

5. No windows other than those shown on the plans hereby approved shall be inserted at any time in the south elevation of the property.

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; Policy PSP1, PSP17 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

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

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

7. The dwelling hereby approved shall not be occupied until the access and car parking (including turning area) shown on the approved plans have been completed, and thereafter, these said areas shall be retained for access purposes only, kept free of obstruction and available for the parking of vehicles associated with the development.

Reason

In the interests of highway safety and to ensure that there are adequate parking facilities to serve the development and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the Residential Parking Standards SPD; and the National Planning Policy Framework.

8. The dwelling hereby approved shall not be occupied until details of cycle parking facilities have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure the provision and availability of adequate cycle parking and to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; Policy PSP16 of the South Gloucestershire Local Plan Policies, Sites and Places (Adopted) November 2017; and the National Planning Policy Framework.



9. The dwelling hereby approved shall not be occupied until details of an electric vehicle charging point for the unit been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

In the interests of environmentally and sustainable travel and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP6, PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

10. The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday and no working shall take place on Sundays or Public Holidays. The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the residential amenity of neighbouring occupiers, and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the National Planning Policy Framework.

11. The development shall be implemented strictly in accordance with the following documents:

Received 11.04.2018:

The Location Plan

Covering Letter

Design & Access Statement

Sketches (NCP/1114/PL/02/18/SK1/B)

Proposed Plans & Elevations (DOD/1114/PL/02/18/001/B)

Existing & Proposed Site Plan (DOD/1114/PL/02/18/002/B)

Reason

For the avoidance of doubt.