



**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. 30/18

Date to Members: 27/07/2018

Member's Deadline: 02/08/2018 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

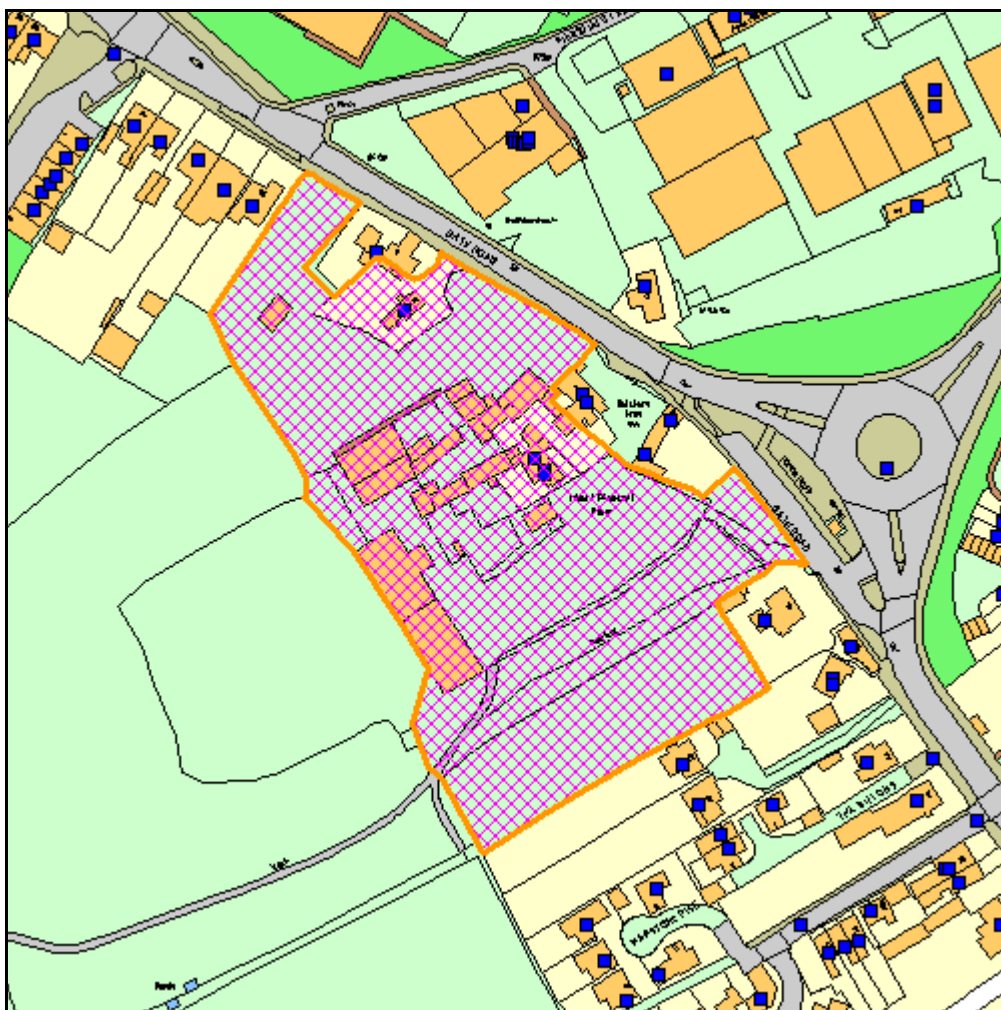
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

CIRCULATED SCHEDULE 27 July 2018

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	MODK18/0004	Approve	Mount Pleasant Farm 30 Bath Road Longwell Green South Gloucestershire BS30 9DG	Longwell Green	Hanham Abbots Parish Council
2	PK18/1783/F	Approve with Conditions	11 High Street Marshfield Chippenham South Gloucestershire SN14 8LR	Boyd Valley	Marshfield Parish Council
3	PK18/1784/LB	Approve with Conditions	11 High Street Marshfield Chippenham South Gloucestershire SN14 8LR	Boyd Valley	Marshfield Parish Council
4	PK18/2377/CLE	Approve	Barley Close Farm Hinton Road Pucklechurch South Gloucestershire BS16 9SJ	Boyd Valley	Dyrham And Hinton Parish Council
5	PK18/2514/F	Approve with Conditions	56 Coronation Road Downend South Gloucestershire BS16 5SL	Downend	Downend And Bromley Heath Parish Council
6	PK18/2897/TRE	Approve with Conditions	169 Whittucks Road Hanham South Gloucestershire BS15 3PY	Hanham	Hanham Abbots Parish Council
7	PT17/2331/O	Approved Subject to	Land To The West Of Stowell Hill Road Tytherington South Gloucestershire GL12 8UH	Ladden Brook	Tytherington Parish Council
8	PT17/5023/F	Approve with Conditions	Hartlebury 67 Church Road Frampton Cotterell South Gloucestershire BS36 2NE	Frampton Cotterell	Frampton Cotterell Parish
9	PT18/2309/F	Approve with Conditions	Stream Bakery Bristol Road Hambrook South Gloucestershire BS16 1RF	Winterbourne	Winterbourne Parish Council
10	PT18/2404/FDI	No Objection	Land Off Duck Street Tytherington Wotton Under Edge South Gloucestershire GL12 8QP	Ladden Brook	Tytherington Parish Council
11	PT18/2681/CLE	Refusal	54 Cropthorne Road Filton South Gloucestershire BS7 0PT	Filton	Filton Town Council

CIRCULATED SCHEDULE NO. 30/18 – 27 JULY 2018

App No.:	MODK18/0004	Applicant:	Sovereign Housing Association Ltd
Site:	Mount Pleasant Farm 30 Bath Road Longwell Green Bristol South Gloucestershire BS30 9DG	Date Reg:	24th July 2018
Proposal:	Modification of a Section 106 agreement attached to application PK10/2627/F	Parish:	Hanham Abbots Parish Council
Map Ref:	365410 171465	Ward:	Longwell Green
Application Category:		Target Date:	12th September 2018



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N.T.S. MODK18/0004

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on Circulated Schedule in accordance with the Council's Scheme of Delegation as it seeks to vary a Deed of Variation to a Section 106 Agreement.

1. THE PROPOSAL

- 1.1 To seek approval to execute a Deed of Variation to release Sovereign Housing Association from the Sharing Economic Uplift clause in the existing Deed of Variation relating to the approved residential development at Mount Pleasant Farm, Longwell Green.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Practice Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS6 Infrastructure and Developer Contributions
CS18 Affordable Housing

2.3 Supplementary Planning Guidance

Affordable Housing and Extra Care SPD (adopted May 2014)

3. RELEVANT PLANNING HISTORY

PK18/1013/MW Ground remodelling to accommodate additional materials arising from previously consented borrow pit excavation (Approved with Conditions)

DOC17/0390 Discharge of condition 11 (Contamination) attached to planning permission PK10/2627/F. Erection of 70No. dwellings with parking, access and associated works (Condition discharged)

PK17/3737/NMA Non material amendment to PK10/2672/F to make minor changes to parking area and garages. (No objection)

PK17/3151/NMA Non Material Amendment to PK10/2627/F various changes to materials (No objection)

PK16/5216/MW Construction of borrow pit with associated works (Approved subject to conditions)

PK16/033/SCR Construction of borrow pit (Screening opinion for PK16/526/MW) EIA not required

PK16/2866/NMA Non Material Amendment to PK10/2627/F to alter bay windows to plot 1, 28, 37, 38, 39, 40 and 66, remove chimney stack to plot 10 and 11, alter chimney to plot 10 to 20, 34, 35, block A block, B and 69, dry verge system used in lieu of PVC barge board. Alteration to Quoins/windows and stepped gables. (No objection)

MODK13/0001 Modification of a Section 106 agreement attached to application PK10/2627/F (Modification agreed 5th December 2013)

PK10/2627/F Erection of 70no. dwellings with parking, access and associated works (Approved subject to conditions 23rd June 2011)

4. **ANALYSIS OF PROPOSAL**

4.1 This application seeks to make modifications to a planning obligation in relation to Affordable Housing

4.2 **Policy Background**

Core Strategy Policy CS18 requires 35% of housing provided on all new housing developments over certain thresholds to be affordable and to be provided on-site, normally without public subsidy, unless the developer can demonstrate that the affordable housing jeopardises the economic viability of the proposals.

The Affordable Housing and ExtraCare SPD 2014 sets out the Council's approach to development viability and where the council is satisfied that planning obligation liabilities, including the affordable housing requirement, render the scheme unviable, the council will reconsider those obligations.

In respect of affordable housing the council can consider;

Supporting the introduction of grant funding, or other financial contributions, in order to achieve the policy compliant percentage requirement wherever possible; or

Adjusting the tenure split or unit types; or

A lower percentage of affordable housing to be provided without public subsidy, but retaining the tenure split and unit mix; or

A combination of any of these options necessary to restore viability or achieve an agreed alternative target.

Alongside the mechanisms listed above where schemes are unviable the council can include appropriate 'futureproofing' provisions in a S106 agreement to capture a proportion of any increase in development values over the construction period of the development.

For example, when a lower percentage of affordable housing has been agreed if the development is not completed within a certain timeframe, or assumptions made in the viability assessment change significantly, an agreed proportion of any uplift in net

development value would be assessed and paid to the council as a financial contribution.

4.3 Application Background

Planning permission for 70 residential dwellings at Mount Pleasant Farm, Longwell Green PK10/2627/F was granted on 6th January 2012 and the landowner Sovereign Housing Association signed a S106 agreement pursuant to relevant planning obligations on 22nd December 2011.

Subsequently a viability case was submitted by Sovereign to the Council and assessed by the District Valuer Service. It was agreed at the Development Control (East) Committee meeting on 5th December 2013 (MOD13/0001) that the percentage of affordable housing delivered as part of the development should be reduced from 33.3% (23 affordable homes) to 20% (14 affordable homes) and Deed of Variation (DoV) was entered on 4th September 2014 to formalise this. 33.3% was the Affordable Housing policy target at the time of the application.

The DoV included mechanisms which required firstly, Sovereign to seek grant to deliver up to 33.3% affordable housing on-site and secondly, to in order to encourage the timely delivery of the scheme, a clause was included requiring the Sharing of Economic Uplift should the practical completion of all 70 dwellings not be completed in 4 years (ending 4th September 2018). The economic uplift provision allows the Council to take a 50% share in economic uplift if the net development value has increase over 5% £2,208,712 (index linked)

In April 2016 Sovereign were able to secure grant funding from Homes England (formally the Homes and Communities Agency) to deliver an additional 14 affordable homes on the site. As agreed with the Housing Enabling Team these additional homes are apartments for Shared Ownership. Sovereign have therefore increased the overall affordable provision on the site to 40% (28 affordable homes), now 6.7% in excess of the Council's planning policy at the time.

4.4 Issues

Due to delays on site Sovereign have identified that they will be unable to complete the 70th dwelling prior to the trigger of the Sharing Economic Uplift clause on 4th September 2018. Sovereign have contacted the council to request that the trigger is not implemented. They have stated that they had the best intentions to complete within the 4 years but their contractor has encountered delays on-site and the scheme is now due to complete in October or November 2018. The main reasons for their extended programme are the length of time it took to secure the Borrow Pit planning consent, protracted Party Wall negotiations and Non-material amendment applications necessary to align the initial scheme design with current building regulations.

Sovereign have stated that they remain committed to working with South Gloucestershire Council to deliver new affordable homes as demonstrated by a pro-active above policy level affordable homes provision at Mount Pleasant Farm.

It is also noted that by providing the 14 additional affordable homes as Shared Ownership there is likely to have been an erosion of gross development value (GDV) of the Mount

Pleasant Farm housing development.

5. **CONCLUSION**

5.1 The Housing Enabling Team are supportive of the release of Sovereign from the Sharing Economic Uplift clause for the following reasons

- Sovereign sought and were successful in achieving grant to increase the amount of affordable housing on site by 20% resulting in a higher than policy compliant percentage of affordable housing on-site.
- There is likely to have been a negative effect on the GDV of the scheme caused by the provision of 14 additional affordable homes.
- The intention of the Sharing Economic Uplift clause was to expedite the residential development whilst the figures in the viability appraisal could be considered contemporary. Development is underway with 6 of affordable and 13 of the market homes completed at the time of the report. All 70 dwellings are projected to have completed by November 2018 contributing to the Council's affordable housing delivery target and 5 year land supply. Practical Completion of all 70 dwellings will miss the DoV trigger date by 2 months which could be considered marginal in development terms.

5.2 Although the Council would forgo the potential of sharing in economic uplift it is considered that the aim of the mechanisms included in the existing Deed of Variation have been achieved in regard to affordable housing delivery. In this instance development has commenced and additional affordable housing is being provided on-site and we recommend not disproportionately penalising the developer for what could be considered a minor delay in completion. We want to encourage developers, RPs or otherwise, to take up opportunities for funding unviable affordable homes.

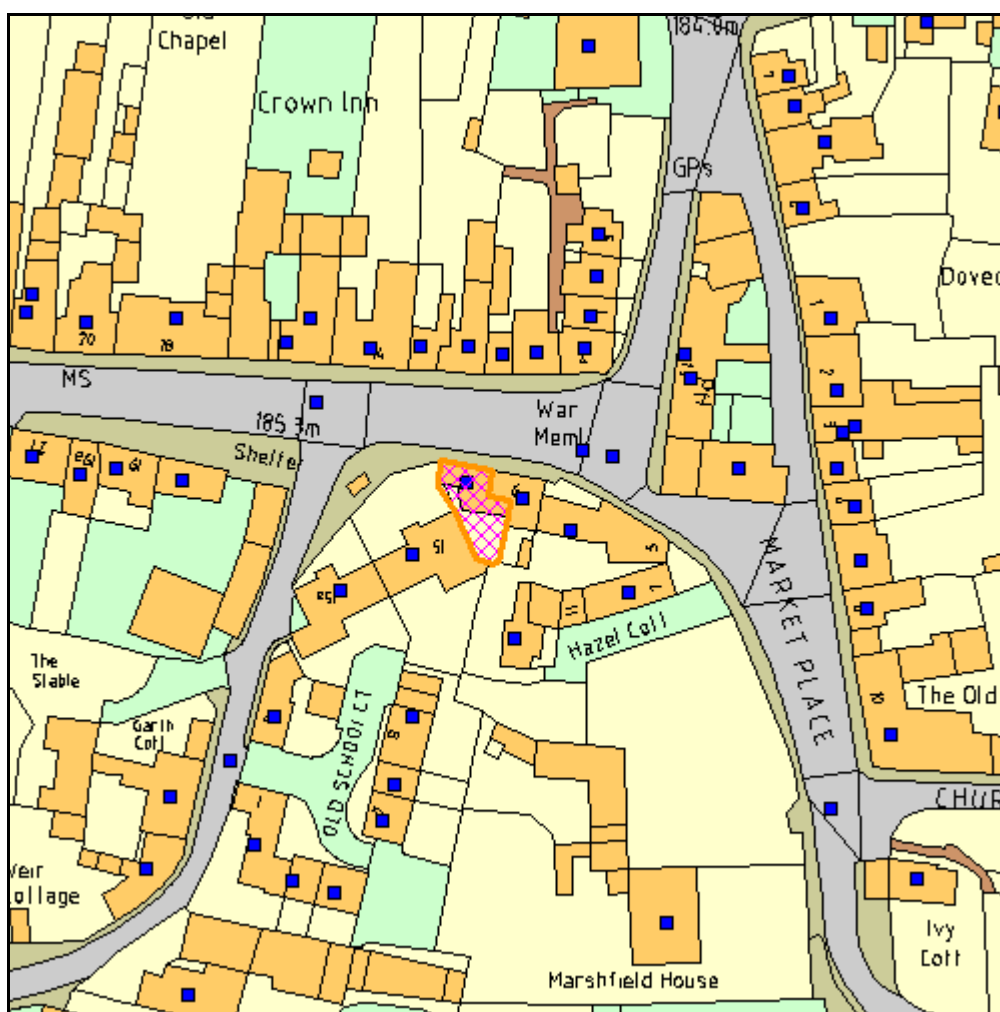
6. **RECOMMENDATION**

6.1 That the Director of Environment and Community Services instruct Legal Services to agree a Deed of Variation under section 106 of the Town and Country Planning Act 1990 (as amended) to Vary Schedule 7a to remove Sharing Economic Uplift clause 3.15 and 3.16

Contact Officer: David Stockdale
Tel. No. 01454 866622

CIRCULATED SCHEDULE NO. 30/18 – 27 JULY 2018

App No.:	PK18/1783/F	Applicant:	Mr Paul Short
Site:	11 High Street Marshfield Chippenham South Gloucestershire SN14 8LR	Date Reg:	27th April 2018
Proposal:	Demolition of existing rear extension and erection of a two storey and single storey rear extension to form additional living accommodation.	Parish:	Marshfield Parish Council
Map Ref:	378059 173708	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	20th June 2018



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PK18/1783/F

CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of an existing rear extension and the erection of a two storey and single storey rear extension on a listed building on Marshfield High Street.
- 1.2 No 11 is a grade II listed building as are its attached neighbours (no 9 and the former National School and Master's House); an accompanying application for listed building consent (PK18/1784/LB) has been concurrently submitted to the local planning authority for consideration.
- 1.3 The application site is located within the settlement boundary, the village Conservation Area and the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.4 Over the course of the application process, an amended scheme was negotiated and re-consulted on.

2. POLICY CONTEXT

2.1 National Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

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

National Planning Policy Framework July 2018

National Planning Practice Guidance March 2014

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

The Setting of Heritage Assets (GPA 3 Second Edition)

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 Adopted November 2017

PSP1 Local Distinctiveness

PSP2 Landscape

PSP8 Residential Amenity

PSP11 Transport Impact Management

PSP16 Parking Standards

PSP17 Heritage Assets and the Historic Environment

- 2.3 Supplementary Planning Guidance
Design Checklist SPD
Marshfield Conservation Area SPD
Residential Parking Standards SPD

3. **RELEVANT PLANNING HISTORY**

- 3.1 P86/1052/L
Demolition of existing chimney stack and reconstruction of chimney.
Consent
18.03.1986

4. **CONSULTATION RESPONSES**

- 4.1 Marshfield Parish Council
Objection

- on grounds of scope and scale of replacement extension

- 4.2 Other Consultees

Conservation Officer

No objection

- condition requiring material samples, accordance with the approved plans and some large scale details

Archaeology Officer

No objection

Landscape Officer

No comment

Other Representations

- 4.3 Local Residents

2 local residents have objected – comments are summarised as follows –

- loss of light
- overlooking

5. **ANALYSIS OF PROPOSAL**

- 5.1 This application seeks planning permission for the demolition of an existing rear extension and the erection of a two storey and single storey rear extension to a listed property in Marshfield.

- 5.2 Principle of Development

Policy PSP38 of the Local Plan supports residential development within existing residential curtilages including extensions subject to an assessment of design, residential amenity and transport. In addition, as the building is listed

for its architectural and historical importance and in an area designated for its special character and appearance, consideration must be given to the preservation of these heritage assets. As the site is within the AONB, consideration must also be given to conserving the landscape and scenic beauty of this designation. Therefore the proposal should be determined against the analysis set out below.

5.3 Heritage Assets

Since submission the proposals have been amended with the previous box dormer first reduced in scale and then correctly removed altogether and replaced with a more convincing and appropriate two storey and single storey rear extension.

5.4 The design is now far more in keeping and the scale and massing of this addition would correctly appear modest and subordinate to the host building. Although the extension would be a traditional gable roof in form, through fenestration it will possess a lighter more contemporary approach which is supported as this helps provide a clear historic context for the extension i.e. the old and new will clearly be distinct. The detailing will however be key in ensuring a high quality design is secured.

5.5 The alterations to the roofline of the existing lean-to have also been changed to ensure the apex of the raised roof will sit below the eaves of the main house.

5.6 Overall the proposed extension is far more convincing and should represent an interesting and appropriate evolution of the building.

5.7 The proposed replacement windows to the front elevation would provide for a degree of enhancement to both the listed building itself and the Marshfield Conservation Area.

5.8 Following the amendments that have been made to the design and scale of the scheme, to the rear the proposed extension would now ensure the special architectural and historic character of the building is preserved. The impact on the Marshfield Conservation Area would also be largely neutral, as there would only be an oblique view of the side of the two-storey elevation which would sit far more comfortably in its context than the silhouette of the previously proposed box dormer.

5.9 It is therefore considered that subject to conditions requiring material samples, accordance with the approved plans and some large scale details, the significance of both the listed building and the Conservation Area would be preserved.

5.10 AONB

The proposal would be seen in the context of the original building and so would no more interrupt the natural beauty of the landscape than does the existing cottage.

5.11 Amenity

The application site is between nos 9 and 15 High Street. The rear garden of no 9 also adjoins the site. The eastern elevation of no 15 contains 3 windows at ground floor level that currently face the application site. These windows are obscure glazed.

5.12 The proposal would extend the building so that the rear elevation is much closer to the neighbouring properties. The introduction of a new first floor window at such close proximity to neighbouring properties will increase the level of overlooking currently experienced, but given this is a sustainable area where inter-visibility between dwellings already occurs, this proposal would not unreasonably add to that.

5.13 The extensions would be to the northeast of no 15 and thus would limit the amount of natural morning light reaching the closest window in the eastern elevation. However, account must be taken of the fact that it is obscure glazed and a secondary window to a room which is lit by a large expanse of glass facing the main road. Therefore, whilst the overall levels of daylight entering this aspect would be reduced, the primary window to the room would remain unchanged and as a consequence the room should remain sufficiently lit. In addition, there would not be a detrimental impact on privacy to this room.

5.14 Finally, it is not considered that the proposal would materially harm the living conditions of occupants at no 9.

5.15 It is therefore concluded on this issue that the development would not have an unacceptable effect on the living conditions of the site itself or adjoining residents. Construction working hours will be controlled by condition though to protect residential amenity.

5.16 Transport and Parking

The proposed development will not increase the number of bedrooms currently available within the dwelling nor does it proposed to alter the existing vehicular access and parking. On that basis, there is no transportation objection raised.

5.17 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.

5.18 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.

5.19 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.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

2. 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.

3. Sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings

and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

4. Prior to the commencement of the relevant part of the development a sample of the roofing material 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

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

5. Prior to the commencement of the relevant part of the development, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.
 - a. The junction between the existing eaves and the raised lean-to roof
 - b. All new vents and flues
 - c. All new windows and fixed glazing (including cill, head, reveal and glass details)

The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

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

Received 13.04.2018:

Block & Site Location Plan (180.3.000)

Internal Perspectives (180.3.133)

Received 27.04.2018:

Existing Ground Floor and Basement Plans (180.3.010)

Existing First Floor and Roof Plan (180.3.011)

Existing South and East Elevations (180.3.020)

Existing North and West Elevations (180.3.021)

Proposed Window Detail 1 (180.3.140)

Proposed Window Detail 2 (180.3.141)

Existing and Proposed Stairs (180.3.142)

Received 13.06.2018:

Design and Access Statement/Statement of Significance (amended)

Ground and Basement Floor Plans (180.3.110 Rev C)

First Floor and Roof Plan (180.3.111 Rev C)

South and West Elevations (180.3.120 Rev C)

North & West Elevations (180.3.121 Rev C)

East Elevation (180.3.122 Rev C)

3D Perspectives (180.3.130 Rev C)

Perspectives 2 (180.3.131 Rev C)

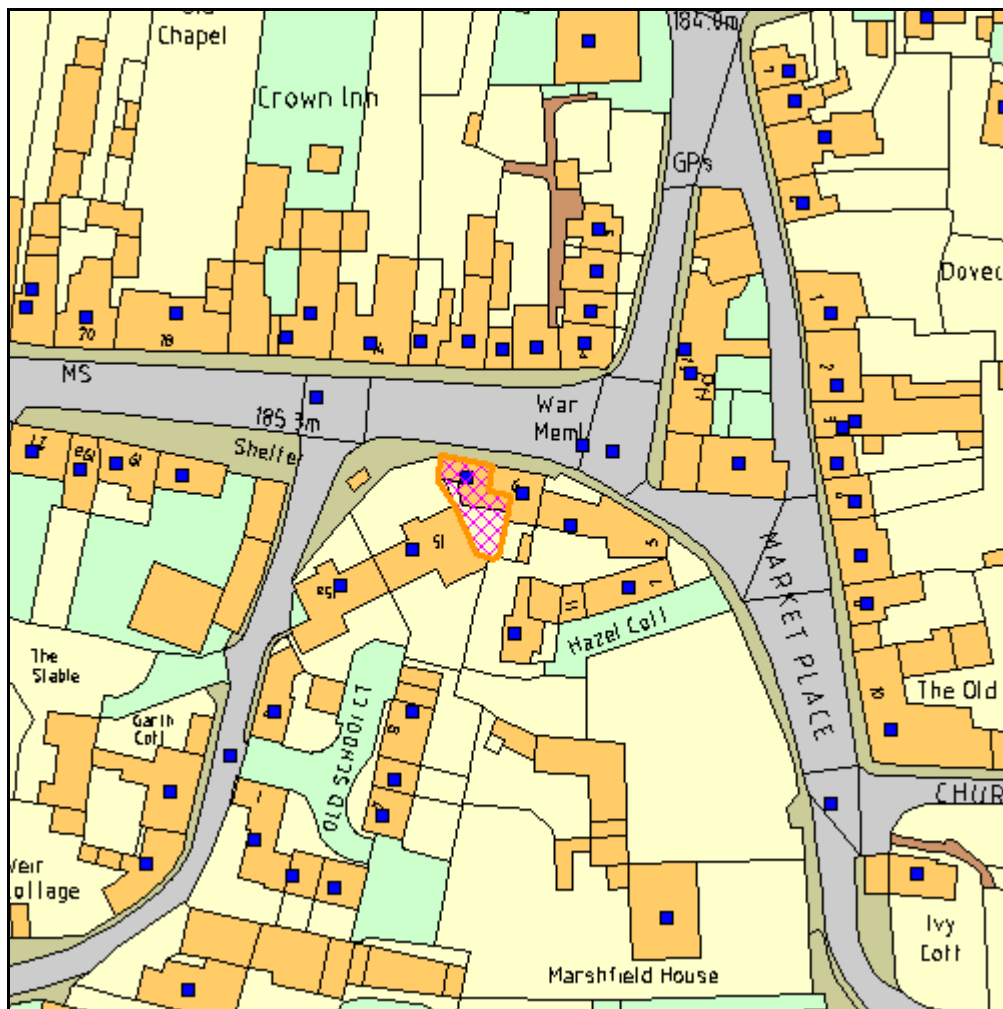
High Street Perspectives (Existing & Proposed) (180.3.132 Rev C)

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 30/18 – 27 JULY 2018

App No.:	PK18/1784/LB	Applicant:	Mr Paul Short
Site:	11 High Street Marshfield Chippenham South Gloucestershire SN14 8LR	Date Reg:	27th April 2018
Proposal:	Internal and external alterations to replace aluminium windows on front elevation with timber and replace staircase. Demolition of existing rear extension and erection of two storey and single storey rear extension to form additional living accommodation.	Parish:	Marshfield Parish Council
Map Ref:	378059 173708	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	20th June 2018



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CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks listed building consent for
- internal and external alterations to replace aluminium windows on the front elevation with timber and a staircase; and
 - the demolition of an existing rear extension and the erection of a two storey and single storey rear extension on a listed building on Marshfield High Street.
- 1.2 No 11 is a grade II listed building as are its attached neighbours (no 9 and the former National School and Master's House); an accompanying application for planning permission (PK18/1783/F) has been concurrently submitted to the local planning authority for consideration.
- 1.3 The application site is located within the settlement boundary, the village Conservation Area and the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.4 Over the course of the application process, an amended scheme was negotiated and re-consulted on.

2. POLICY CONTEXT

- 2.1 National Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)
National Planning Policy Framework July 2018
National Planning Practice Guidance March 2014
Managing Significance in Decision-Taking in the Historic Environment (GPA 2)
The Setting of Heritage Assets (GPA 3 Second Edition)
- 2.2 Development Plans

South Gloucestershire Local Plan: Core Strategy Adopted December 2013
CS1 High Quality Design
CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan: Policies, Sites and Places Adopted November 2017
PSP17 Heritage Assets and the Historic Environment
- 2.3 Supplementary Planning Guidance
Marshfield Conservation Area SPD

3. RELEVANT PLANNING HISTORY

- 3.1 P86/1052/L
Demolition of existing chimney stack and reconstruction of chimney.
Consent
18.03.1986

4. CONSULTATION RESPONSES

- 4.1 Marshfield Parish Council
Objection

- on grounds of scope and scale of replacement extension

- 4.2 Other Consultees

Conservation Officer

No objection

- condition requiring material samples, accordance with the approved plans and some large scale details

Archaeology Officer

No objection

Landscape Officer

No objection

National Amenity Societies

No comment

Other Representations

- 4.3 Local Residents

1 local residents has objected – comments are summarised as follows –

- loss of light

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks listed building consent for works to a grade II listed building in Marshfield to create additional living accommodation.

- 5.2 Principle of Development

This is an application for listed building consent. As such, the only consideration is what impact the proposed development would have on the special historic or architectural features of the property.

- 5.3 Assessment of Heritage Impact

Since submission the proposals have been amended with the previous box dormer first reduced in scale and then correctly removed altogether and

- replaced with a more convincing and appropriate two storey and single storey rear extension.
- 5.4 The design is now far more in keeping and the scale and massing of this addition would correctly appear modest and subordinate to the host building. Although the extension would be a traditional gable roof in form, through fenestration it will possess a lighter more contemporary approach which is supported as this helps provide a clear historic context for the extension i.e. the old and new will clearly be distinct. The detailing will however be key in ensuring a high quality design is secured.
- 5.5 The alterations to the roofline of the existing lean-to have also been changed to ensure the apex of the raised roof will sit below the eaves of the main house.
- 5.6 Overall the proposed extension is far more convincing and should represent an interesting and appropriate evolution of the building.
- 5.7 The proposed replacement windows to the front elevation would also provide for a degree of enhancement to the listed building.
- 5.8 Following the amendments that have been made to the design and scale of the scheme, to the rear the proposed extension would now ensure the special architectural and historic character of the building is preserved.
- 5.9 It is therefore considered that subject to conditions requiring material samples, accordance with the approved plans and some large scale details, the significance of the listed building would be preserved.
- 5.10 Amenity
Comments received regarding loss of light are noted, but are addressed under application PK18/1783/F which appears elsewhere on this agenda.

6. RECOMMENDATION

- 6.1 It is recommended that listed building consent is GRANTED subject to the conditions listed below:

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. Sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

3. Prior to the commencement of the relevant part of the development a sample of the roofing material 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

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

4. Prior to the commencement of the relevant part of the development, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.
 - a. The junction between the existing eaves and the raised lean-to roof
 - b. All new vents and flues
 - c. All new windows and fixed glazing (including cill, head, reveal and glass details)

The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

5. The development shall be implemented strictly in accordance with the following documents:
Received 13.04.2018:
Internal Perspectives (180.3.133)
Block & Site Location Plan (180.3.000)

Received 17.04.2018:
Listing Details

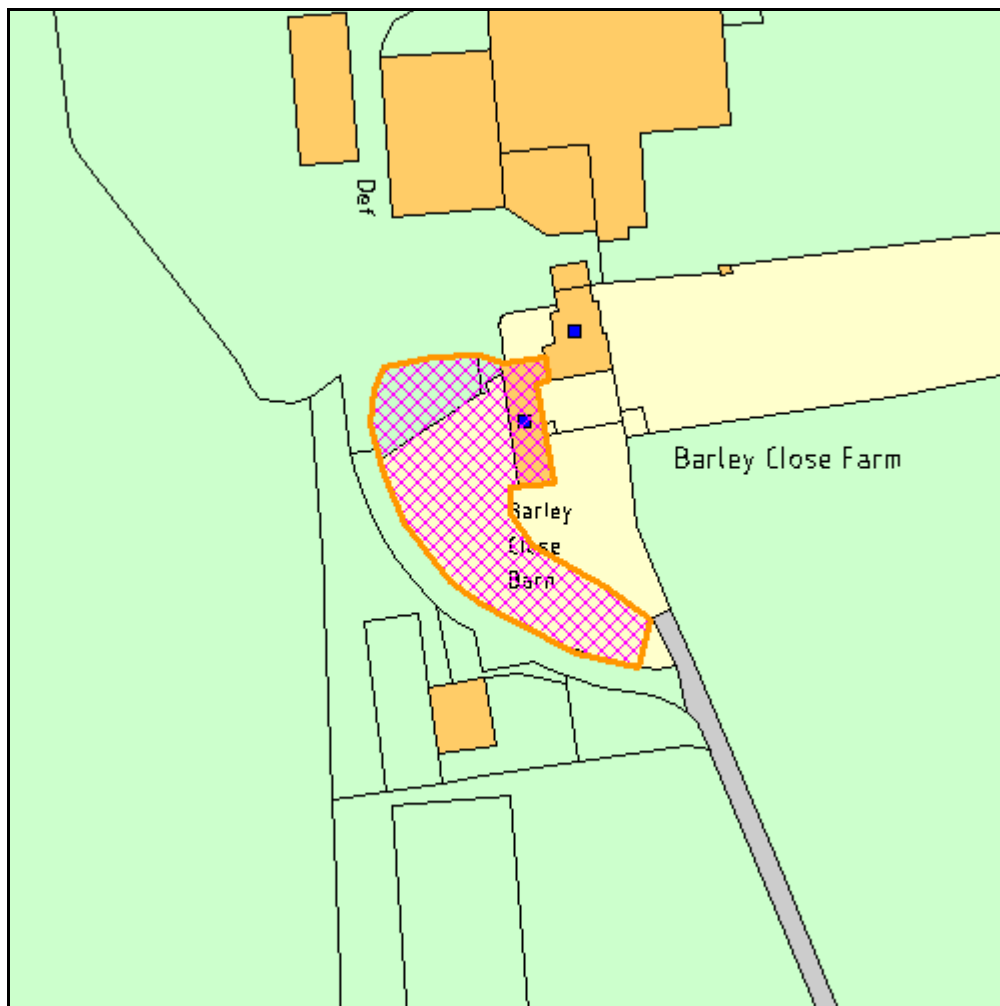
Received 27.04.2018:
Existing First Floor and Roof Plan (180.3.011)
Existing South and East Elevations (180.3.020)
Existing and Proposed Stairs (180.3.142)
Existing North and West Elevations (180.3.021)
Existing Ground Floor and Basement Plans (180.3.010)
Proposed Window Detail 1 (180.3.140)
Proposed Window Detail 2 (180.3.141)

Received 13.06.2018:
Ground and Basement Floor Plans (180.3.110 Rev C)
South and West Elevations (180.3.120 Rev C)
High Street Perspectives (Existing & Proposed) (180.3.132 Rev C)
East Elevation (180.3.122 Rev C)
Perspectives-1 (180.3.130 Rev C)
Design and Access Statement/Statement of Significance (amended)
First Floor and Roof Plan (180.3.111 Rev C)
North & West Elevations (180.3.121 Rev C)
Perspectives 2 (180.3.131 Rev C)

Reason
For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 30/18 – 27 JULY 2018

App No.:	PK18/2377/CLE	Applicant:	Mr A Taylor
Site:	Barley Close Farm Hinton Road Pucklechurch Bristol South Gloucestershire BS16 9SJ	Date Reg:	24th May 2018
Proposal:	Continued occupation as a single independent dwelling with non compliance of plans approved under planning consent P95/1501 and erection of extensions	Parish:	Dyrham And Hinton Parish Council
Map Ref:	371015 177222	Ward:	Boyd Valley
Application Category:		Target Date:	18th July 2018



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule in accordance with the Council's scheme of delegation as it is for a certificate of lawfulness.

1. THE PROPOSAL

- 1.1 This application seeks a certificate of lawful development for the continued occupation as a single independent dwelling with non compliance of plans approved under planning consent P95/1501 and erection of extensions, at Barley Close Farm, Near Pucklechurch.
- 1.2 Planning ref. P95/1501 permitted the conversion and extension of an agricultural building to be used as an annexe to the existing dwelling. It is understood that the building was not built in accordance with the plans and has always been used as a single independent dwelling.
- 1.3 It is therefore submitted that as the building was constructed more than 4 years preceding the date of this application, then it is immune from enforcement action under section 171B(2) of the Town and Country Planning Act 1990 ("the Act") and therefore, in accordance with section 191 of the Act, the development is lawful.

2. POLICY CONTEXT

- 2.1 National Guidance
 - i. Town and Country Planning Act 1990: s171B and s191
 - ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
 - i. National Planning Practice Guidance: 17c (06.03.2014)
- 2.2 Development Plans

This application is for a Certificate of Lawfulness which is a legal assessment rather than one relating to planning policies.

3. RELEVANT PLANNING HISTORY

- 3.1 P95/1501 Approval 01.08.1995
Use of agricultural building as annexe accommodation to existing dwellinghouse and erection of single storey linking extension.

4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION

The applicant has submitted the following as evidence in support of the application:

- 4.1 Statutory Declaration of Alvin Taylor signed 27th April 2018. Mr Taylor states that:
 - He is the owner of the property shown red edged on the attached plan marked AT1. The property comprises a farm, including a farmhouse, farm buildings and agricultural land.

- In 1995 he applied for planning permission to convert an existing outbuilding into an Annexe to the farmhouse. This relates to the property edged in blue within AT2
- Planning consent was granted under reference P95/1501. The approved plans are attached marked AT3.
- Building work commenced in late 1996 and was completed in 1997 under Building Regulation reference B95/0706.
- The building was not converted in accordance with the plans. The alterations are marked on AT4
- The majority of the building was new build and the resulting building is substantially shorted than approved.
- The majority of the external walls were completely rebuilt
- Since completion in 1997 there has never been an interconnecting door between the farmhouse and barn conversion
- Since completion in 1997 there has always been a Kitchen within the barn conversion instead of a Farm Office.
- The Utility Room and Lobby were not built
- The ground floor bedroom was never built
- During and since completion we have substantially changed the fenestration
- The existing property is shown within photographs marked AT5
- At all times since, the conversion has been occupied as a self-contained and single independent dwellinghouse.
- At all times since 1997 my parents remained within the farmhouse as a self-contained and single independent dwellinghouse.
- At all times since 1997 we have treated the farmhouse and barn conversion as separate self-contained and single independent dwelling houses.
- In approximately 2004 we erected a conservatory. We did not apply for planning consent
- In approximately 2007 we extended the property above to provide a further bedroom. We did not apply for planning consent
- In approximately 2012 we erected a porch. We did not apply for planning consent.
- The building has been continuously occupied at all times since completion as a single independent dwellinghouse and this has therefore been for a period of over 20 years.

4.2 Submission of plans (as referenced above) showing 'as approved' and 'as built' for comparison.

5. **SUMMARY OF CONTRARY EVIDENCE**

5.1 No contrary evidence has been received from third parties.

5.2 The LPA does not itself hold any contrary evidence.

6. **OTHER CONSULTATIONS**

6.1 Local Councillor

- There has been awareness by the applicant that he was in infringement of planning policy
- Will council tax be charged for the period the property was used as a separate dwelling - it would seem over many years?

- 6.2 Dyrham and Hinton Parish Council
No comments received.

Other Representations

- 6.3 Local Residents
No comments received.

7. ANALYSIS OF PROPOSAL

- 7.1 The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully, without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. This submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority *must* grant a certificate confirming that the proposed development is lawful.
- 7.2 The key issue in this instance is to determine whether the existing use and development on site would accord with the provisions of Section 191 of the Town and Country Planning Act 1990.
- 7.3 This basis of the argument for lawfulness with regard to this application is based on the assertion that the dwellinghouse (and other associated operational development) was substantially completed over 4 years prior to this application being received (18th May 2018). It should be noted that ref. P95/1501 a condition was attached as follows;

“The additional residential accommodation hereby authorised shall be used incidentally to the dwellinghouse within the same curtilage and shall at no time be severed therefrom to form a separate residential unit or be used for any other purpose.”

In this way it could be considered that the development was in breach of this condition. This would require some consideration as to whether the 4 year or 10 year rule applied. It is likely that it would be concluded that it was the 4 year immunity rule. However, in this instance, Officers are mindful of the submitted statutory declaration which states that the building was built as a dwellinghouse and that it was not built in accordance with the originally permitted plans. As such, on the evidence before Officers, it is considered that ref. P95/1501 was not implemented, and as such the condition did not come into force. This Certificate of Lawfulness will therefore be assessed in the context that the building was built as a new dwellinghouse without planning permission and therefore, on the balance of probabilities would need to have been substantially completed over 4 years prior to this application being received.

- 7.4 This is based on a matter of fact and degree relating to how the building has been used, and whether it would be reasonably classed as a separate planning

unit. On that basis the current new unit would be immune from any planning enforcement action.

- 7.5 The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probability”. Advice contained in Planning Practice Guidance states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. “beyond reasonable doubt.” Furthermore, the applicant’s own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous. The planning merits of the development are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant’s version of events less than probable, should be taken into account.
- 7.6 Assessment of the Evidence
The evidence submitted comprises a statutory declaration as well as the supporting plans.
- 7.7 Mr Taylor has stated in his Statutory Declaration that the dwelling was substantially completed in 1997 and that it has been used as a single independent dwellinghouse since. He states that it was built shorter than was shown on the approved annex plans. He also stated that later additions comprised a conservatory in 2004, loft conversion (including installation of rooflights) in 2007 and a porch in 2012.
- 7.8 From an inspection of the aerial photographs within the Council’s own archive, it is evident that the building was in situ in 1999 and had been constructed shorter than originally permitted without the utility and lobby areas, as set out in the statutory declaration of Mr Taylor. It also appears that a separate residential curtilage appears to have been created. This is also reflected in aerial photos in 2005, 2006, 2008 and 2017.
- 7.9 In accordance with Mr Taylor’s statutory declaration, the conservatory appears on aerial photographs in 2005, and additional rooflights are shown on aerial photographs in 2008, further the porch only appears on the most recent aerial photograph in 2017.
- 7.10 Given that there is no evidence to the contrary and that the photographic evidence concurs with Mr Taylor’s version of events, as given in a sworn statement, it is likely on the balance of probability that the building was in-situ and completed prior to the start of the requisite 4 year period on the 18th May 2014.
- 7.11 Under Section 171B(2) of the Planning Act, the existing dwelling is immune from enforcement action having been constructed more than 4 years preceding the date of this application. It is therefore, lawful under Section 191 of the Act.

7.12 Was there Deliberate Concealment?

Although the site is fairly remote; there is nothing to suggest that there was any attempt to deliberately conceal the building.

Other Matters

7.13 The Local Councillor questioned regarding Council Tax payments. This is not a matter for planning.

8. RECOMMENDATION

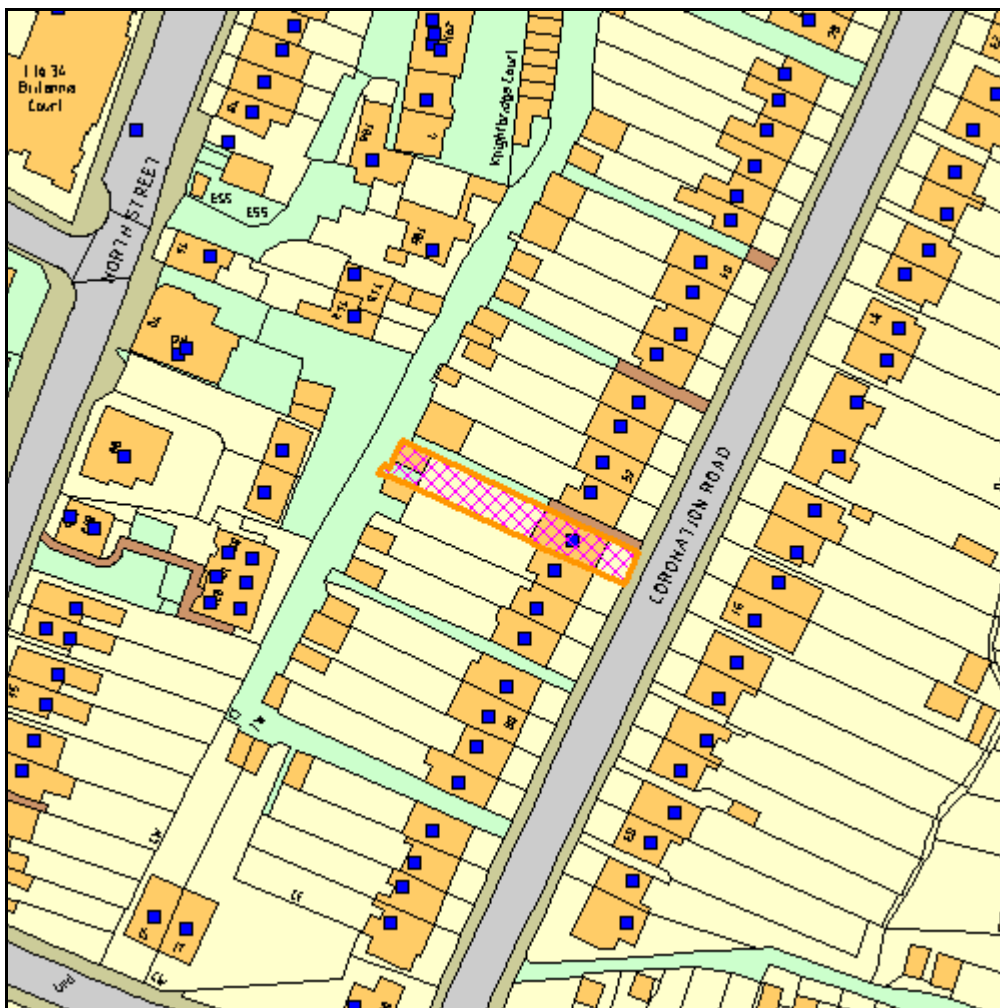
8.1 That a Certificate of Lawful Development should be GRANTED for the existing dwelling for the reason below.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

Sufficient information has been submitted to demonstrate that, on the balance of probability, the building shown outlined in red on the submitted Site Location Plan has been present and used as a dwelling for a continuous period of 4 years or more immediately prior to the submission of the application.

CIRCULATED SCHEDULE NO. 30/18 – 27 JULY 2018

App No.:	PK18/2514/F	Applicant:	Mr Darren Stevens
Site:	56 Coronation Road Downend Bristol South Gloucestershire BS16 5SL	Date Reg:	12th June 2018
Proposal:	Demolition of existing garage. Erection of detached garage	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365095 176371	Ward:	Downend
Application Category:	Householder	Target Date:	6th August 2018



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PK18/2514/F

REASON FOR APPEARING ON CIRCULATED SCHEDULE PROCEDURE

This application appears on the Council's Circulated Schedule procedure following letters received from a member of the public which are contrary to the officer recommendation detailed below.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of the existing single garage and the erection of a detached double garage at 56 Coronation Road, Downend.
- 1.2 The application site is situated within the settlement boundary of the North Bristol urban area.

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

South Gloucestershire Policies, Sites and Places Plan Adopted November 2017

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

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/6420/F Approve with conditions 24/01/2017
Alterations to roofline to facilitate installation of 1no rear dormer.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection.

4.2 Other Consultees

Transport

Objection – only parking space for dwelling cannot be within a garage.

Other Representations

4.3 Local Residents

One objection was received stating the following:

- The backside elevation includes a 1800mm set of double doors, large window & roof skylight, which appears rather excessive for a garage. This does raise the question has this application been made for correct use? Is this meant instead for a business or exterior dwelling purposes?

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design and Visual Amenity

The existing single garage facing onto a laneway to the rear of the property is proposed to be demolished and replaced by a double garage, with a pitched roof. The plans state that the roof is to be tiled to match the existing dwelling and the walls will have a render finish, with a steel roller shutter door on the north-west elevation and UPVC windows and a door facing into the rear garden. The design of the garage is in keeping with the surroundings and is considered to accord with policy CS1 of the Core Strategy.

5.3 Residential Amenity

The new garage will be adjacent to the boundary of no. 58, however there are no windows proposed facing directly into their garden, and with the garage positioned to the north there is unlikely to be any significant loss of light. The eaves of the garage are low so it will not overbear on the immediate neighbour to the south. A footpath to the north divides the application site from no. 54 and so no other neighbouring properties will be affected. Adequate garden space will remain at the host property and so there is no objection on the grounds of residential amenity.

5.4 Transport

The Council's Transport officer has objected on the grounds that the parking space adjacent to the single garage will be lost when it is replaced by a double garage, with the only parking space available to the property being within a

garage. This is not accurate, as there is an existing parking space to the front of the property which meets the minimum standards, provided the vehicle parks diagonally. As the single garage did not meet the minimal internal standards to count as a parking space, there has been no loss in the number of parking spaces following development and two will remain for use by occupiers of the property.

5.5 Other Matters

An objection letter received has speculated about the future use of the garage as a dwelling due to its size and the installation of windows. The subdivision of the plot in this manner would require a further planning application, so limited weight has been given to this point.

5.6 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 864735

CONDITIONS

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

Reason

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

CIRCULATED SCHEDULE NO. 30/18 – 27 JULY 2018

App No.:	PK18/2897/TRE	Applicant:	Rosecourt Dev Ltd
Site:	169 Whittucks Road Hanham Bristol South Gloucestershire BS15 3PY	Date Reg:	21st June 2018
Proposal:	Works to fell 1 no. Pine tree covered by SGTPO 07/17 dated 2nd February 2017	Parish:	Hanham Abbots Parish Council
Map Ref:	364090 171351	Ward:	Hanham
Application Category:		Target Date:	16th August 2018



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE/COMMITTEE

This application has been referred to the Circulated Schedule as comments have been received that are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 Works to fell 1 no. Pine tree covered by SGTPO 07/17 dated 2nd February 2017.
- 1.2 The tree is situated in the rear garden of no.169 Whittucks Road, Hanham, Bristol, South Gloucestershire, BS15 3PY.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant.

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council have commented as follows. We would have no objections if the tree is diseased and is likely to cause a danger to the public, but if the tree is healthy then we would object to it being felled.

Other Representations

- 4.2 Local Residents
Comments have been received from a neighbour in support of the application.

5. ANALYSIS OF PROPOSAL

- 5.1 Proposed Work
To fell a Pine tree situated in the rear garden of no.169 Whittucks Road, Hanham.
- 5.2 Principle of Development
The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.

5.3 Consideration of Proposal

The tree was protected at the time of the development of the two houses on land to the rear of numbers 167 and 165 Whittucks Road.

5.4 One of the properties was built in close proximity to the tree and concerns are now raised over the impact the tree is having on this dwelling and its potential to cause further impact in the coming years.

5.5 The applicant has also raised concerns that the tree has developed a significant lean towards the new property in the interim period. This is, however, anecdotal and is not supported with evidence.

5.6 The tree is now in a location where needle and cone fall will impact onto the adjacent property and where pruning of touching limbs will be necessary on an inappropriate frequency.

5.7 It is considered that removal of the tree and replacement with a species capable of reaching a similar mature size in an appropriate location is the most pragmatic course of action.

6. RECOMMENDATION

6.1 That consent is GRANTED subject to the conditions on the decision notice.

Contact Officer: Simon Penfold
Tel. No. 01454 868997

CONDITIONS

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

Reason

To 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.

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

Reason

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

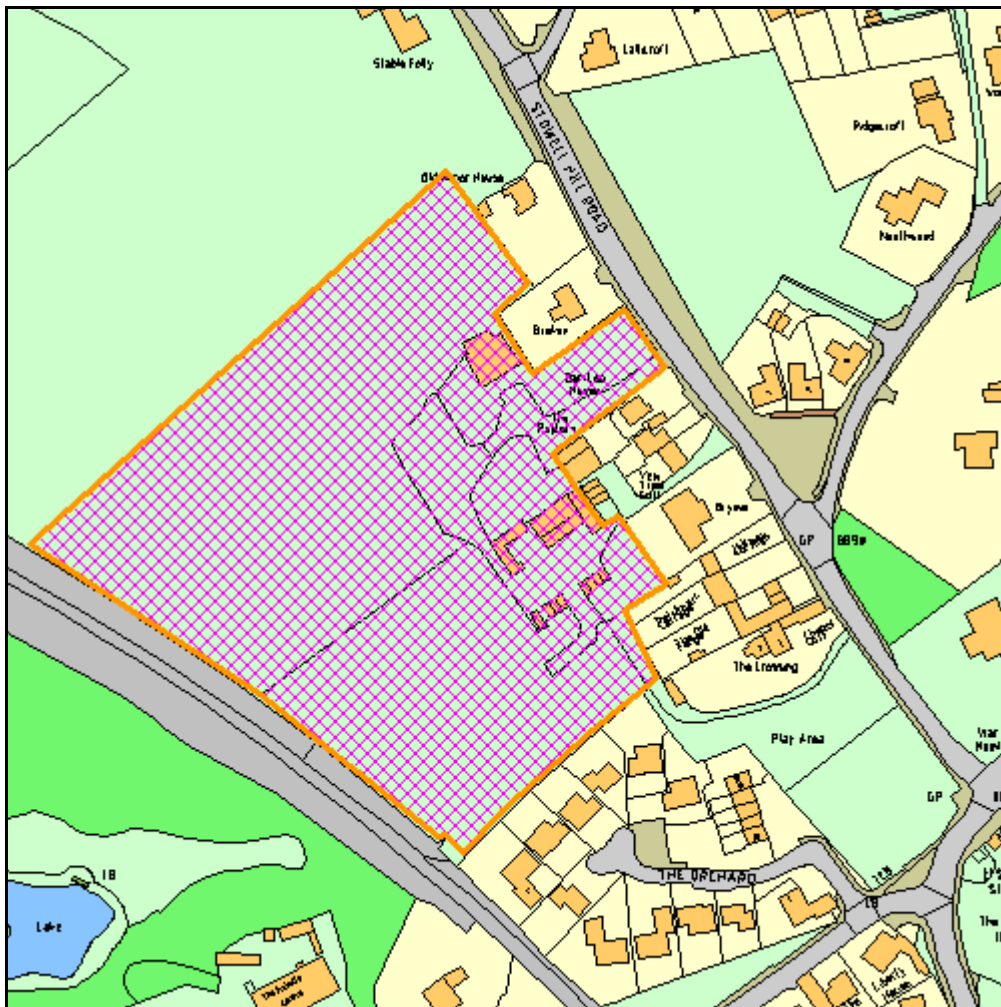
3. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

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

CIRCULATED SCHEDULE NO. 30/18 – 27 JULY 2018

App No.:	PT17/2331/O	Applicant:	Caddick Land Ltd
Site:	Land To The West Of Stowell Hill Road Tytherington South Gloucestershire GL12 8UH	Date Reg:	7th June 2017
Proposal:	Erection of 29no. dwellings (Outline) with layout, siting and access to be determined. All other matters reserved.	Parish:	Tytherington Parish Council
Map Ref:	366760 188396	Ward:	Ladden Brook
Application Category:	Major	Target Date:	15th August 2017



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application previously appeared before the Development Control (West) Committee on 14 December 2017. At that meeting Members resolved to grant planning permission subject to the applicant entering into a planning obligation within 6 months and subject to a number of conditions.

Work on the accompanying legal agreement has been progressing. It is now nearing completion. However, the resolution made by the Committee has now expired. This application has therefore be referred to the Circulated Schedule in order to renew the resolution to grant planning permission. Given the advanced state of negotiations, it is considered likely that the legal agreement will be completed shortly. As there has been no change to the application details, a full report is not provided here. The original and updated report are attached as appendices for reference.

RECOMMENDATION

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

a) Affordable housing:

35% of dwellings to be delivered as affordable housing on site, as defined by the NPPF. For the proposed development of 29no. dwellings, this would equate to 10 dwellings for affordable housing

Tenure split of 73% social rent and 27% shared ownership. Based on a requirement of 10 affordable homes this will generate a tenure split of:

- 7 social rent
- 3 shared ownership

In all other respects the development shall comply with the requirements as set out in paragraphs 5.82 – 8.93 inclusive of this report.

The reason for this :

To accord with Policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 11th December 2013.

b) Transport to school:

A financial contribution of £26,964 towards the costs of providing home to school transport for secondary pupils

The reason for this:

To accord with Policy CS23 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

c) Public open space:

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Minimum spatial amount provided on site (sq.m.)	Shortfall in provision (sq.m.)	contributions towards off-site provision and/or enhancement	Maintenance contribution
Informal recreational open space	800.40	800.40	0	0	0
Natural and semi natural open space	1044.00	1044.00	0	0	0
Outdoor sports facilities	1,113.60	0	1,113.60	£55,881.12	£16,913.36
Provision for children and young people	174.00	0	174.00	£29,257.04	£30,764.00
Allotments	No allotments within the recommended access standards				

The reason for this:

To accord with Policy CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

- 1.2 It is recommended that that the Head of Legal and Democratic Services be authorised to check and agree the wording of the Agreement.
- 1.3 That should the agreement not be completed within 3 months of the date this report is published that delegated authority be given to the Director of Environment and Community Services to refuse the application.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

5. The proposal shall be in accordance with the following plans:
As received by the Council on 15.5.17:
Site location plan

As received by the Council on 4.12.17:
Illustrative masterplan Y81:1018.12 rev A
Illustrative masterplan Y81:1018.11 rev A

Reason

For the avoidance of doubt.

6. Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, shall not take place outside the hours of;
Monday - Friday.....7.30 - 18.00
Saturday.....8.00 - 13.00.
No noisy activities on Sundays or Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 and PSP21 of the South Gloucestershire Policy Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

7. Prior to the commencement of development details of the composite facade calculations regarding internal noise levels are to be submitted to the LPA for written approval and implemented in accordance with the approved details.

Reason

To protect the amenities of the occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; Policy PSP8 and PSP21 of the South Gloucestershire Policy Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework. A pre-commencement condition is needed in order to avoid the need for future remedial action

8. The reserved matters details referred to in condition 1 shall include full details of the drainage as detailed below and all works shall be implemented in accordance with the approved details.

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.

The following details are expected when discharging the above conditions:

- o Any departures from the surface water discharge hierarchy in relation to infiltration such as soakaways, need to be justified and supported by evidence, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365, in line with the requirements of Building Regulations and to ensure best practice and sustainable development.
- o If applicable, confirmation and acceptance from Wessex Water of the connection point (Manhole Number) and agreed discharge rate to their existing surface water sewer to be provided.
- o A clearly labelled drainage layout plan showing the pipe networks and any attenuation / storage tanks or oversized pipe systems.
- o Updated drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- o Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- o Where infiltration forms part of the proposed Surface Water Network such as Soakaways, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365 and in line with the requirements of Building Regulations.
- o The drainage layout plan should also show exceedance / overland flood flow routes, and where applicable if flooding occurs the likely depths of any flooding.
- o The plan should also show any pipe node numbers referred to within the drainage calculations.
- o A manhole / inspection chamber schedule to include cover and invert levels.
- o Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation/Infiltration features and Flow Control Devices where applicable.

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

9. At reserved matters stage a phased tree protection plan and details of the 'no-dig' construction method shall be submitted to the LPA for full consideration.

Reason

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

10. Prior to the commencement of demolition, a Bat Method Statement must be submitted to the council for approval in writing and implemented in accordance with the approved details. This can be in the form of a Natural England bat mitigation licence application (based on section 6.3 Ecological Impact Assessment (ADAS, January 2017

Reason

This is a prior to commencement of the demolition condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

11. Prior to the commencement of demolition, the bat box recommended in Section 6.3 of the Ecological Impact Assessment (ADAS, January 2017) must be installed and its location must be submitted to the council for approval in writing and located in accordance with the approved details.

Reason

This is a prior to commencement of the demolition condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

12. Prior to commencement of development, a bat friendly lighting scheme must be submitted to the council for approval in writing (based on Section 6.3 of the Ecological Impact Assessment (ADAS, January 2017) and implemented in accordance with the approved details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

13. Prior to commencement of development, the location and type of five bat roost bricks/tiles or four bats boxes, and four bird boxes (as set out in Section 7 of the Ecological Impact Assessment (ADAS, January 2017)) should be submitted to the local planning authority for approval in writing and implemented in accordance with the approved details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

14. The development should proceed in accordance with the recommendations made in the in Section 6.3 and 7 of the Ecological Impact Assessment (ADAS, January 2017). This includes the retention and enhancement through native planting of the existing hedgerow, retention of trees, inspection and soft felling of ash trees (if necessary), avoidance of harm to reptiles and European hedgehog and timing of works regarding breeding bird season

Reason

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

15. Contaminated Land

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

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

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

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

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.

- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason:

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. A pre-commencement condition is needed in order to avoid the need for future remedial action.

16. The reserved matters details referred to in condition 1 shall include full details for a unique site specific integrated public art scheme including but not limited to detailed designs, timescales and triggers. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm - Planning Advice Note.

Reason:

To protect the character, distinctiveness and visual amenity of the site and the surrounding locality; and to accord with Policy CS23 - Community Infrastructure and Cultural Activity and Policy CS1 - High Quality Design Point 7 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

17. Prior to the commencement of development full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines indicating lines, manhole); retained historic landscape features and proposals for restoration where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

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. A pre-commencement condition is needed in order to avoid the need for future remedial action.

18. Application for the approval of the reserved matters shall be in accordance with the indicative parameters described in the design and access statement (Resolved Developments ADAS) dated January 2017 and the design and access addendum (PRA Architects) dated October 2017.

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.

19. Visibility splays of 2.4 x 52m in each direction must be provided prior to first use of the proposed access onto Stowell Hill Road, with no obstruction greater than 0.9m high within the prescribed visibility splays.

Reason

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

20. No development shall take place until construction details of the proposed access have been submitted to and approved by the Council, with the development proceeding in accordance with the approved details

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition to avoid any remedial action in future.

APPENDIXES:

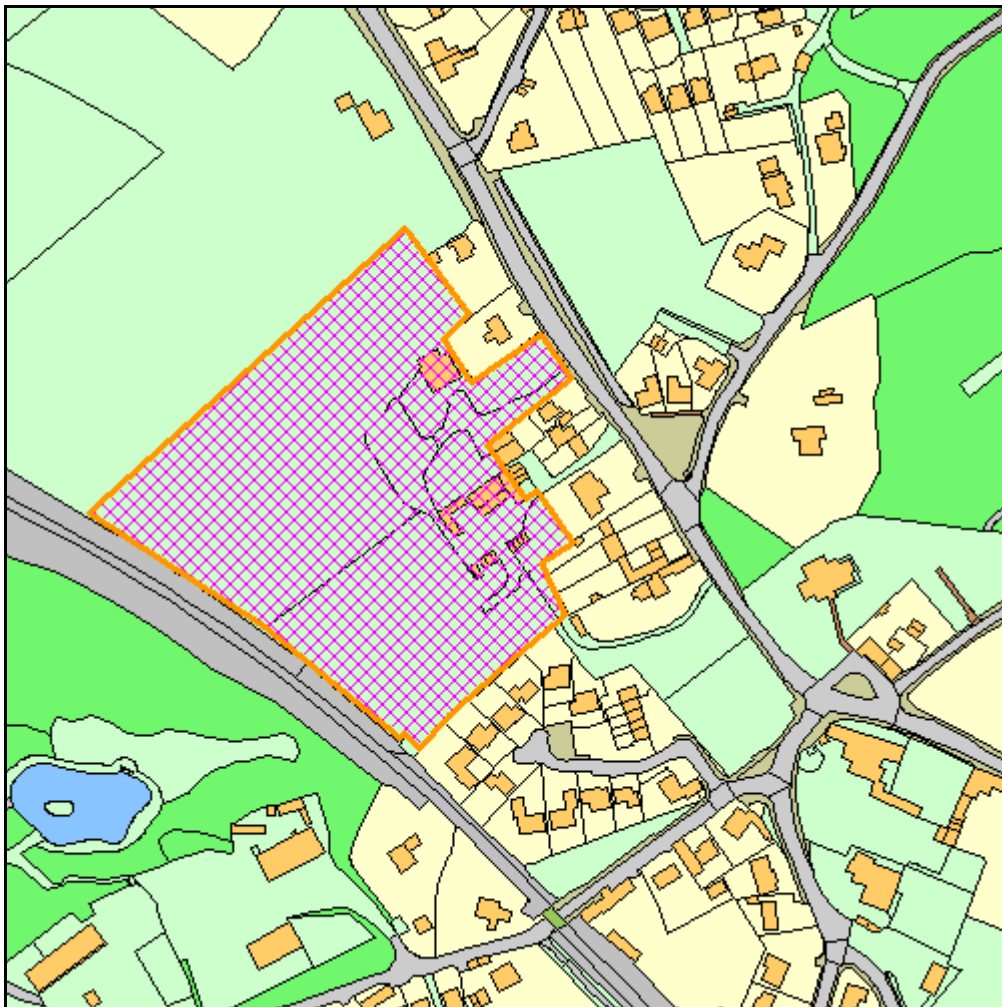
1. Development Control (West) committee Report-14 December 2017
2. Circulated Schedule Report- 13/18 – 29 March 2018

APPENDIX 1-

DEVELOPMENT CONTROL (WEST) COMMITTEE REPORT-14
DECEMBER 2017

DEVELOPMENT CONTROL (WEST) COMMITTEE – 14 DECEMBER 2017

App No.:	PT17/2331/O	Applicant:	Caddick Land Ltd
Site:	Land To The West Of Stowell Hill Road Tytherington South Gloucestershire GL12 8UH	Date Reg:	7th June 2017
Proposal:	Erection of 29no. dwellings (Outline) with layout, siting and access to be determined. All other matters reserved.	Parish:	Tytherington Parish Council
Map Ref:	366760 188396	Ward:	Ladden Brook
Application Category:	Major	Target Date:	15th August 2017



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100023410, 2008. N.T.S. PT17/2331/O

REASON FOR REPORTING TO THE COMMITTEE

Members will recall this application was called to Sites Inspection for 24th November by Cllr Marian Lewis for the following reason:

- Because there is such a large number of objections, I would like the Committee to be fully aware of the controversial nature of this application.
- Because I have concerns about the safety of residents exiting the site on to the Stowell Hill Road at peak times when a considerable number of cars exceed the speed limit (30mph)

1. THE PROPOSAL

- 1.1 The applicant seeks outline consent for the erection of 29 no. residential dwellings with access, layout and siting to be determined and other matters of landscaping and scale to be reserved.
- 1.2 The application site is land to the west of Stowell Hill Road, Tytherington. The site is situated outside of the settlement boundary of Tytherington in the countryside, however it directly abuts the settlement and the Tytherington Conservation Area to the south-east. The site is not situated within the Green Belt. The grade II listed Old Manor House is situated immediately to the north of the proposed development, and Chapel Cottage, a locally listed building, lies to the east. The site is also approximately 100m from a Scheduled Ancient Monument known as the Castle, which is situated to the east. A 'mothballed' railway line lies to the west. It is stated on the application form that part of the site is previously developed, used as workshops and outside storage comprising of plant, vehicles, skips, caravans, machinery etc. The remainder of the site is agricultural. No public rights of way run across the site.
- 1.3 During the course of the application the applicant has been willing to work with the LPA to address matters of concern raised. This has included the submission of a noise report, updated transport details, revised tree report, revised landscape scheme, revised site layout, and detailed drainage discussions. Revised plans show all roads having a 5.5 metres wide carriageway with 2metre wide footways or service margins to both sides.
- 1.4 It is noted that application PT17/2240/F at Duck Street, Tytherington for the erection of 28no. dwellings has been received by the Council. This is a material consideration, but each application is to be assessed on its own merits and the recommendations reached independently according to their individual issues.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy guidance (NPPG) 2014

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
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS19	Rural Housing Exception Sites
CS23	Community Infrastructure and Cultural Activity
CS24	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
PSP9	Health Impact Assessments
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP28	Rural Economy
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

Residential Parking Standard SPD (Adopted) 2013

Affordable Housing and Extra-care SPD (Adopted) May 2014

Landscape Character Assessment SPD:LCA 17 The Rudgeway and Tytherington Ridge

Waste Collection SPD (Adopted) January 2015

CIL and S106 SPD (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

3.1	P99/1672	Refusal	29/10/1999
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Change of use of land for storage of plant and two heavy goods vehicles (retrospective)

- 3.2 P98/2783/CL Refused 29/01/1999
Lorry park/yard (Certificate of Lawfulness).
- 3.3 P88/3016 Approval 23/11/1988
Use of agricultural building as carpenter's/builder's workshop (renewal of temporary consent)
- 3.4 P86/2825 Refusal 21/01/1987
Change of use of barn to use for the retailing of builders materials.
- 3.5 P85/2670 Refusal 26/02/1986
Erection of single-storey building for use for refreshment and toilet facilities; erection of single storey building for use as sales office, and storage and maintenance of plant and machinery; construction of car park and access drive.
- 3.6 P84/1159 Refusal 18/04/1984
Erection of 31 houses and 2 bungalows, and associated garages; conversion of existing barn to residential use and erection of associated garage; construction of estate road.
- 3.7 N1466/6 Refusal 1 1/06/1981
Residential and ancillary development on approximately 19.6 acres (7.9 ha.) and formation of vehicular access (outline).
- 3.8 N1466/2 Approval 11/03/1976
Use of land for the stationing of a residential caravan for agricultural worker. (Renewal of temporary consent).

From the site history it appears that only a very small portion of the site is previously developed, and this is the red line area agreed under P88/3016 for a carpenter's/builder's workshop

- 3.9 **Other planning applications**
PT17/2240/F Erection of 28no. dwellings with new access, landscaping and associated works.
Pending consideration

4. CONSULTATION RESPONSES

- 4.1 Tytherington Parish Council
The Parish Council objects to this application.

The Parish Council question the Sustainability Report submitted by the applicant in support of the proposed development.

The Parish Council argue that the submitted Sustainability Report conflicts with the National Planning Policy Framework and the local plan policies on their head and is in direct opposition to the Supreme Court ruling 10/05/2017.

The Parish Council notes that the sustainability report suggests that the village can not only sustain one development but in fact two; and that within the sustainability document there is a PDF entitled Strategic Policy Statement by a Planning Officer which says that unless the Parish Council and residents can prove that the developments had opposition from heritage and environmental officers then they should go ahead.

Officers understand the Parish are referring to comments made by specialist officers in their consultee response. These issues are covered in the main body of the report.

Other Consultees

4.2 Crime Prevention:

No objection – advises using Crime prevention through environmental design (CPTED) and Secured by Design (SBD) principles.

4.3 Archaeology

Objection: The application site is less than 70m from the edge of the Scheduled Monument (the Castle). Whilst a geophysical survey has taken place a programme of trial trenching is needed to test this.

Updated comments:

The archaeological report is considered acceptable and the site does not warrant any further archaeological investigation.

4.4 Environmental Protection (Noise)

Officers recommend a noise report is submitted detailing how noise from the M5, quarry and railway line will affect the proposed development. A construction hours condition should also be attached to any decision notice.

Updated comments:

No objection: Officers are satisfied with the findings of this report and have no objections based on these results. On p20/21 of the report, it states that certain plots will be above the level acceptable for indoor bedrooms as stated in BS8223. The report advises that “these facades will require alternative means of ventilation (in addition to double glazing units) in the form of trickle vents. Specific composite facade calculations would be provided once plot layouts have been finalised to confirm internal noise criteria can be met.”

It is requested that this is conditioned to ensure that those properties that cannot achieve the required internal noise criteria are identified and the appropriate mitigation is installed prior to occupation.

4.5 Environmental Protection (Land Condition)

No objection subject to conditions:

Officers consider the submitted report by *Avie Consulting Ltd., Stowell Hill Road, Tytherington, Phase 1 Environmental Assessment, ref: P21222 Rev 02,*

dated December 2016 is deemed to be a generally satisfactory Preliminary Risk Assessment and contains a conceptual site model.

4.6 Natural England

No objection – the application is unlikely to affect any statutorily protected sites or landscapes. The proposed development is within an area that could benefit from enhanced green infrastructure (GI) provision.

4.7 Tree Officer:

Revised plans requested as tree constraints plans are not to scale, trunks not annotated onto the plan which might be problematic when it comes to checking RPAs or positioning of fences. Also the crown spreads be altered to reflect their actual shape.

Updated comments:

No objection following revised details; subject to conditions

4.8 Wessex Water

No objection: Bristol Water is responsible for the water supply at this location.

4.9 Public Open Spaces

No objection subject the following contributions.

Category of open space	contributions towards provision and/or enhancement	off-site and/or	Maintenance contribution
Informal recreational open space	£20,196.33		£35,599.63
Natural and semi natural open space	£14,598.04		£24,216.73
Outdoor sports facilities	£55,881.12		£16,913.36
Provision for children and young people	£29,257.04		£30,764.00
Allotments	£1,280.93		£1,633.29
Totals	£121513.66		£109127.01

4.10 Policy Comments:

Neutral: The application would, on balance, be considered suitable for approval. The benefit of providing additional housing units should be afforded significant weight under paragraph 14 of the NPPF, provided they would be delivered within five years, to assist the five year supply of housing in South Gloucestershire.

There does not appear to be significant harm or policy conflict from a rise in private car use to access key services and facilities due primarily to the available public transport connections from Tytherington to nearby locations.

The size of growth from either this scheme or both this and the one at Duck Street combined would not change the size of the settlement from that which is commonly associated with a village. However, there is potential that individually or particularly cumulatively the proposals would affect the character and form of Tytherington as a rural village.

4.11 Conservation Officer

Initial comments: by reason of its layout and siting the proposed development would detract from and harm the character of the immediate context, as it would appear as a poorly-related back land development that fails to reflect the historic patterns of development that characterised the village. The proposed “suburban bulge” would consequently be considered harmful to the setting and in turn significance of the Tytherington Conservation Area.

By reason of its siting and proximity to the Grade II listed Old Manor House, the resultant urbanising effects of the development and the potential proximity of the new building would detract from the setting of the listed building and this would be harmful to its significance.

Updated comments:

Improvements have been made to the overall site layout which indicate the residential development moved significantly away from the designated heritage asset –closet point 60m away. Still have urbanising effect but the buffer will ensure the listed building will still be experienced in a degree of isolation through visual and spatial separation. High quality materials and good boundary treatments will be important. Overall through the changes in layout the previous concerns about loss of significance through harm to setting have been addressed.

The setting of the conservation area will be preserved with key views through the site retained.

Layout responds more positively to its context but design principles regarding detailing, materials and scale still required.

The level of harm (in heritage terms) is considered less than substantial and the harm identified should be weighed against the public benefit of the development in the overall planning balance.

4.12 Urban Design comments:

Objection:

Although the Illustrative Layout is not being sought to be approved and fixed by the Outline Application, the qualities that it illustrates are not a satisfactory response to the site and its context and show that stronger analysis, appraisal and guidance needs to be undertaken and committed to in the Design and Access Statement – in order that fuller confidence can be gained that any

Reserved Matters applications that flow from it will be able to possess sufficient design quality.

Updated comments:

The received updated plans have improved the overall site layout and the scheme is considered acceptable.

4.13 Children and Young People

No objection subject to a legal agreement for a contribution required for transport to school would be £26,964.

4.14 Enabling

No objection subject to a legal agreement :

35% of dwellings to be delivered as Affordable Housing, as defined by the NPPF, to be provided on site without any public subsidy.

A scheme of 29 dwellings will generate a requirement for 10 affordable homes

Tenure:

To meet identified housing need, as set out in the Wider Bristol Strategic Housing Market Assessment (SHMA), as follows:

- 73% Social Rent
- 22% Shared Ownership
- 5% Affordable Rent (ART)

4.15 Ecology

No objection subject to conditions should the application be approved

4.16 Landscape comments:

Officers consider the layout has evolved since the initial pre-app advice with some consideration given as to the potential landscape impact of the development. However, given the sensitivity of the location, the application lacks convincing illustrative material. It is hoped that the intention is to create a sustainable, special place which would be a positive asset to the village.

Updated comments:

No objection: The revised and recently submitted master plans (above) are much improved giving additional breathing space to the Old Manor House and the amended central green corridor improves the green visual link up to the railway embankment vegetation. This is felt to be acceptable and there is no further landscape comment.

4.17 Waste Engineer

No objections

4.18 Sustainable Transport

Officers are in discussion with the applicant and have requested additional information regarding speed and visibility splays on Stowell Hill Road. The information is currently being prepared and Officers will provide an update for Committee.

4.19 Drainage

Extensive discussions have assured an acceptable form of development. No objection subject to appropriate conditions.

4.20 Arts and Development

A programme of public art that is relevant and specific to the development and locality should be conditioned.

Other Representations

4.21 Local Residents

Initial representations were made by 68 local residents prior to revised plans being received:

The initial points raised are summarised as being:

Traffic

Increase in traffic

Query Tytherington as a sustainable location

Impact on road safety

Poorly served by public transport

Location

Outside settlement boundary should not be built on

Density unsuitable and would spoil character of village

Impact on conservation area

Green Belt and Strategic Green Infrastructure area

Impact on the listed building

Not infilling

Wildlife

Should be kept for wildlife

Field is grade 2 agricultural farmland

Removal of this land will impact on wildlife habitat and on food chains

Roaming hedgehogs need proper connections

Could wildflowers and shrubs be planted in new housing developments to provide shelter for hedgehogs and their insect and other food sources?

Drainage

Inadequate to cope with increase in numbers

Residential amenity

Overlooking of nearby properties on The Orchard

Plants growing in gardens of The Orchard will be affected by dwellings obstructing light and producing more shade

New plans show 2 houses tight up to the boundary fence, numbered 19 and 20 and 2 with a small strip of garden, 17 and 18. As the site is elevated over the current residences in The Orchard all light to those houses would be blocked out. My house in particular has 2 sides with no light due to the protected trees and another by the neighbour's house.

Other matters

Other land already earmarked for development should be used

Consultation letters not received

Unsure if the affordable housing will be built – may be little need for affordable housing in Tytherington

Aware of other application which in total would mean around 60 new homes in Tytherington

Overload for healthcare facilities

No protection for views already enjoyed by The Orchard

Recent decision from Court of Appeal suggests concerns over sustainability of a community can outweigh benefit of satisfying a five year land supply

Major increase in noise pollution during construction and from new occupants

Increase in light pollution impacting residents, bats and owls

No reference to the ransom strip of 1 metres behind The Orchard is owned by Hanson PLC

Reference to P98/2783/CL in 1999 on the Yew Tree Farm which was refused for highway reasons

Public right of way issues have not been addressed

No jobs in Tytherington

Following the submission of revised plans, 8 additional submissions have been received to date. The new points raised relate to:

- safety of proposed access and visibility splay is for a road with 30mph speed – speedvisor sign has recorded 85 percentile speeds of 42 mph
- lack of NHS facilities and schools in the village
- new houses even closer to existing development in The Orchard, different in height will block out all natural light to those residents in the Conservation area
- newly adopted PSP will guide sustainable development until 2027 and should ensure all new housing developments that are not sustainable are refused
- reliance on factually incorrect expert reports

5. ANALYSIS OF PROPOSAL

5.1 Description of Development

The applicant seeks outline consent for the erection of 29no. residential dwellings (of which it has been agreed that 10no. shall be affordable housing) with associated access, parking, hard/soft landscape works, public open space and allotments. The application is made in outline with access, layout and siting to be determined. Matters of landscaping and scale are reserved for consideration at a later date (reserved matters application). The agent has confirmed the intention to deliver the housing within 5 years. This is a material consideration in the assessment.

5.2 Principle of Development

This application stands to be assessed against the above listed policies and all material considerations. The application site lies outside a settlement boundary and therefore in the open countryside.

- 5.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Policy CS5 of the South Gloucestershire Local Plan Core Strategy is the key locational policy in relation to development and states that development on land such as the application site which is located in the open countryside outside a settlement boundary (but outside the Green Belt) should be strictly limited. Furthermore CS34 focusing on Rural Areas states that settlement boundaries around rural settlements should be maintained and that development outside those boundaries should be strictly controlled. Therefore historically, given the local of the proposed development there would have been an “in principle” objection to this development.
- 5.4 The National Planning Policy Framework sets out that the purpose of the planning system is to contribute to sustainable development (para 6) and the three dimensions to achieving sustainable development are an economic, environmental and social role (para 7). Ordinarily this type of application would be assessed against whether it contributes towards achieving sustainable development in the light of the policies listed above and other material; planning considerations. However, of particular relevance in this case is the proximity of heritage assets and in assessment terms the impact of the proposed development upon the heritage assets attracts great weight. Therefore the presumption in favour of sustainable development and lack of housing supply is somewhat diminished, but is nevertheless an important element of the assessment.
- 5.5 **Housing Land Supply**
The National Planning Policy Framework is in itself an important material consideration. Paragraph 49 states that where a Local Planning Authority cannot demonstrate a deliverable five year housing land supply, relevant policies that restrict the supply of housing should not be considered up to date.
- 5.6 Paragraph 14 states that where relevant policies are out of date, planning permission should be granted and sets out the presumption in favour of sustainable unless:
1. any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework (known as the tilted balance) as a whole OR;
 2. Specific policies (these policies include SSSIs, Green Belt or AONBs and Heritage Assets), in the framework indicate that development should be restricted (in which case the test set out in relation to that specific policy applies)
- 5.7 The latest five housing year supply is set out in the 2016 Authority’s Monitoring Report (AMR). Table 2.3, on page 29 of the AMR sets out the 5 year supply position

The five year supply deficit: **960**

Five year supply figure: **4.54**

- 5.8 Given the above, South Gloucestershire Council is not able to demonstrate a 5 year supply of housing land and thus the requirements of Para 14 as set out above apply.
- 5.9 In the Supreme Court ruling on the cases *Suffolk Coastal District Council v Hopkins Homes Ltd* and *Richborough Estates Partnership LLP v Cheshire East Borough Council*, the Supreme Court accepted that “relevant policies for the supply of housing” legally require a narrow interpretation. Policies that are not specifically related to housing supply will not be deemed “out of date” where a local planning authority cannot demonstrate a five year housing land supply. However, the judgement emphasises that the absence of a five year housing land supply triggers NPPF paragraph 14 and the “presumption in favour of sustainable development”. As such, restrictive policies will remain a relevant consideration; but will have reduced weight if a five year supply cannot be demonstrated. The decision maker still needs to give weight to the lack of five year housing land supply against a wider range of policies.
- 5.10 Paragraph 14 indicates specific policies in the framework retain full weight and that certain development should be restricted. In the framework these restricted policies that dis-apply the presumption in favour of sustainable development (ie the need for the adverse impact to significantly and demonstrably outweigh the benefit) include impact upon heritage assets.
- 5.11 The built form within the development site lies close to The Old Manor House, a Grade II Listed Building and thus within its setting. The proposal is considered to have an impact (albeit a less than substantial one) on the setting of The Old Manor House. Therefore, if the application is to be considered in the context of the presumption in favour of sustainable development (under NPPF paragraph 14), it must first satisfy NPPF paragraph 134 – that the public benefits of the scheme outweigh the harm to the heritage asset (Heneage Farmhouse). A full assessment of the impact upon the heritage asset is made in the report below.
- 5.12 *Loss of agricultural land*
A further issue to be considered with respect to whether the application is acceptable in principle is the loss of the agricultural land that would result from the proposal.
- 5.13 The National Planning Policy Framework (para 112) states:
Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Annex 2 of the NPPF indicates that the best and most versatile agricultural land is in grades 1, 2 and 3a
- 5.14 Policy CS9 of the Core Strategy also states that development should avoid using the “*best and most versatile agricultural land*”.
- 5.15 Original information submitted by the applicant stated that the agricultural land classification is Grade 3c identified by the Ministry of Agriculture, Fisheries and

Food (MAFF) in 1991. Subsequently MAFF amalgamated grade 3 into just two classifications 3a and 3b.

- 5.16 Additional information was requested of the applicant to confirm the land classification and this is discussed in more detail below.
- 5.17 In summary therefore the presumption against the principle of development set out in Policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy is given less weight as these policies are out of date. Consequently, and as set out in paragraph 14 of the National Planning Policy Framework of paramount importance is the proximity of the listed building and its setting, any harm to which attracts substantial weight. The presumption in favour of development does not apply. The remainder of this report will weigh the benefits of the scheme against the adverse impacts.
- 5.18 **Layout and siting**
The application is in outline format with layout, siting and access to be determined. The developer has worked hard to accommodate suggestions made by urban design officers and conservation officers to improve the overall design of the scheme and to take into consideration the location of the scheme and its surroundings. This has resulted in a scheme which is considered appropriate for the site.
- 5.19 With regard to the specific design, the indicative masterplan shows the position of the 29no. houses on the site making an interesting new development which includes allowing views through the site from Stowell Hill Road, being respectful of the listed building and at the same time being mindful of residential and parking standards.
- 5.20 As this application is limited to layout, siting and access the detail of scale and appearance is not being assessed. However, additional information in the design and access statement and the subsequent addendum have given indications of the intended houses. The houses would be a mix of 1.5 and 2 storey with single storey ancillary outbuildings and off-shoot extensions, being respectful of the adjacent existing development. It is intended that the eaves, roof heights and orientations would be varied to achieve an interesting roof scape pattern. Suggested materials include rubble stone walling, casement windows, shallow brick heads over windows, clay profiled roof tiles, timber framed door canopies, exposed brick chimney stacks and rubble stone walling to key frontages and to enclose rear gardens to visual locations. Other boundary treatments to individual gardens would comprise 1.8 metre high fencing. The proximity of the railway line is noted. There is no direct access over the application site onto land associated with the railway. This is separated from the field by existing boundary treatments including hedges and trees which would remain and then further by the proposed boundaries/garden fences to be erected here. This is not an unusual treatment for many houses in similar situations adjacent to railway lines all over the country.
- 5.21 The application site being on around 2.6 ha of land would achieve a density level of 18 dwellings per hectare for the 29 houses. By comparison the adjacent estate at The Orchard achieved a density of 36 dwellings per hectare. Using

pure numerical calculations, the site could accommodate more houses than the number proposed. However, each site is assessed on its own merits and given this site is just outside the existing settlement boundary it is appropriate for it to be less densely packed. Furthermore, this gives opportunity to move development away from the sensitive Old Manor House, allows views through the site and provides an attractive central green area. The appropriate number of dwellings has therefore, been proposed for this location.

5.22 **Heritage Asset and Conservation area**

The application site lies immediately to the south-west of the Tytherington Conservation Area and can be considered to form part of the setting of the Grade II 'Old Manor House'.

- 5.23 Paragraph 133 of the NPPF indicates that *“where a proposal will lead to a substantive harm to or total loss of significance of a designated heritage asset local planning authorities should refuse consent unless there are substantial benefits that outweigh that harm”*. Paragraph 134 of the NPPF states *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use”*. At the same time Policy CS9 of the South Gloucestershire Local Plan Core Strategy both seek to ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance.
- 5.24 Revised plans were received in response to Officer comments in an attempt to address the concerns raised. The proposed revised scheme (drg no. Y81:1018.11) now sees the residential development moved significantly away from the designated heritage asset. The closest point will now be approximately 60m and although the scheme will still result in a change to its setting (through urbanisation of backdrop), the buffer to be provided will ensure that the listed building will still be experienced in a degree of isolation through visual and spatial separation. Its limited scale will also not be overwhelmed by the proposed new development that was previously the case due to its close proximity which would have caused a degree of visual competition.
- 5.25 The setting of the conservation area will also be preserved with the key views through the site retained.
- 5.26 Matters of scale including ridge and eaves heights, roof pitches and materials remain outstanding to be addressed at reserved matters stage. Although the Design and Access addendum does give a list of design principles for some of the properties, notably the key frontages, it does not cover all the units. These are important considerations and a scheme which fails to be sympathetic to the setting would not be supported. As such these details would need very careful attention and would be rigorously assessed at reserved matters stage.
- 5.27 Overall the harm to the listed building and its setting is considered as being less than substantial and therefore, paragraph 134 of the NPPF is engaged. This guidance states the harm should be weighed against the public benefits of the proposal. A finding of less than substantial harm does not, however, imply a less than substantial objection and the council must be satisfied that the

- public benefits resulting from the development outweigh the harm to the heritage asset.
- 5.28 As set out above the 'tilted balance' as stated in Paragraph 14 (presumption in favour of sustainable development) of the NPPF does not apply unless the paragraph 134 test is satisfied. Under paragraph 134 of the Framework, the harm to the significance of a designated heritage asset must be weighed against the public benefits of the proposal, having special regard to the great weight given to the protection of heritage
- 5.29 **Residential Amenity**
The two main aspects of impact on residential amenity resulting from the scheme would be the impact on future occupants and the impact on existing nearby residents.
- 5.30 The scheme would provide sufficient individual amenity space to accord with adopted policy for the various 29 no dwellings and on this basis there can be no objection to the scheme.
- 5.31 It is noted that some comments have been made with regards to views out across the existing field, but there is no right to a view and this comment is not something that could result in a robust objection to the scheme. Other comments have stated their property would be surrounded on three sides by development. Plans indicate that the existing properties nos. 7 to 10 would be closest to the proposed new dwellings. However, the plan shows that new dwellings here would be side on to these houses at distances of between 20 metres and 23 metres. This is an acceptable distance level to respect the privacy of properties with no concerns of inter-visibility, overlooking or overshadowing. Ordinary plants growing in a residential garden do not receive any statutory protection or right to light – this is not a valid planning objection to the scheme.
- 5.32 Other comments have mentioned light pollution from the development as having a negative impact on existing residential amenity. Light pollution is generally considered to be excessive artificial outdoor light which competes with starlight in the night sky. This small scale development would not have such an impact as to block out the night sky or prevent stars from being seen. Details of the lighting of the development would be discussed and planned at reserved matters stage using the most up-to-date and appropriate lighting methods.
- 5.33 Excessive noise pollution during the construction phase has been given as an objection reason. It is acknowledged that there will be some noise but a condition attached to the decision notice will specify the hours of work on site and this is considered an appropriate and acceptable and usual method to help alleviate any inconvenience to local residents during a construction phase.
- 5.34 One neighbour has cited a ransom strip of land running between The Orchard and the application site. A simple Land Registry search shows a very thin strip of land running between The Orchard and the field. The land may well be under the ownership of another party, but it also remains outside the application site.

Furthermore, it cannot be regarded as being a true ransom strip from the point of view of this application as the site has its own access and none of the properties would require access over it to enter or leave the site

5.35 **Sustainable Development**

The three main strands of sustainable development are economic, environmental and social. It is useful to consider the proposal under these separate headings.

5.36 **Economic:**

Within this section would be the services and local facilities present in Tytherington. Reference must also be made to the benefit the 29no. new houses would have to the supply of housing.

Access to Services and Local Facilities

5.37 Key to the social role in achieving sustainable development is the creation of built environments with accessible local services that reflect the community's needs and support its health, social and cultural well-being. Access to facilities that can be accessed by walking, cycling and public transport is considered a vital component in determining the overall sustainability of a development (paragraphs 17, 28, 29, 34, 37, 55 and 70 of the NPPF). Policy CS8 of the Core Strategy also states that:

New development proposals which generate significant demand for travel will be more favourably considered the nearer they are located to existing and proposed public transport infrastructure and existing facilities and services. Developments which are car dependent or promote unsustainable travel behaviour will not be supported.

5.38 In November 2015 South Gloucestershire Council published the "Rural Settlements and Villages 2015 Topic Paper; Sustainable Access to Key Services and Facilities & Demographic Information (November 2015)", a technical evidence document for the PSP, produced to provide an understanding of the relative sustainable access to services and facilities in rural villages and settlements of South Gloucestershire.

5.39 In November 2017, the Policy Sites and Places Plan was adopted by the Council. PSP11 is considered to be relevant under paragraph 14 of the NPPF as it provides detail and guidance relating to the sustainable patterns of growth and avoiding the reliance on private car journeys. This policy is considered to carry significant weight in the determination of this proposal.

5.40 Within context, Tytherington is located about 4.7 miles from the centre of Yate, 11 miles from Bristol and about 2.3 miles from Thornbury. The following is a breakdown of the services and facilities for Tytherington. The key services and facilities lacking in Tytherington are in locations (including Thornbury, Yate and the North Fringe of Bristol) that are beyond a reasonable distance and without a quality of route to facilitate or encourage walking and cycling. Future residents will be dependent on car journeys unless suitable frequent and timed public transport connections exist.

5.41 To possibly mitigate the lack of walking and cycling access there are public transport connections to facilities in nearby locations and these and the facilities are detailed below:

5.42 Public Transport

Bus Services at the time of this report operating through Tytherington are as follows:

5.43 *Bus services*

There are at least 5 journeys a day (each way), with at least one service arriving before 9am and returning after 5pm on weekdays:

- Thornbury (direct services 622, 201 and 922 – all services take under 10 minutes)
- Yate (direct services 622 – service takes 20 minutes).

5.44 *Rail services*

The nearest rail services can be found in Yate.

5.45 Retail and Community Facilities

From the settlement of Tytherington there is walking and cycling access to a convenience store for basis day to day needs, a Post Office and public house, two primary schools (2 miles away) and a secondary school (3 miles away).

5.46 There is not however, considered to be suitable walking and cycling access to some essential services namely, a dedicated community centre, all health facilities, retail and large scale food shopping and employment opportunities.

5.47 The lack of these facilities could be considered to place a reliance on private car journeys, conflicting with the aim of creating sustainable patterns of growth. However, there are public transport connections from Tytherington to tow nearby centres with a minimum suitable frequency of services and relatively short journey times. This would assist to mitigate reliance on private cars. Bus stops are positioned close to the application site on Stowell Hill Road.

5.48 **Environmental**

Included in this section is impact on the character of Tytherington, transport, environmental health, ecology, landscape and trees, flooding and drainage.

5.49 **Impact on the character of the village:**

The additional residential development would make a positive contribution to addressing the Council's lack of 5 year supply of housing. Significant weight is given in favour of the development, particularly as the heritage assessment has indicated the less than substantial harm to the listed building The Old Manor House.

5.50 To assess if this application for housing would have an impact on the character of the village, information from the Sustainable Access Profiles, prepared by the spatial planning team released in January 2017 has been used. This report indicates the count of the number of individual dwellings with the settlement boundary of Tytherington as at 2015. At that time the number was recorded as being 174. The introduction of a further 29no. dwellings would represent

approximately a 16% increase in the size of the village. An increase of this size is not considered to have a significant impact on the overall character of the village.

- 5.51 Officers are aware of other applications in the area, namely 28no. houses in Duck Street PT17/2240/F. Each and every application must be considered on its own unique and individual points. However, the spatial planning team broadly indicate that the cumulative increase, amounting to around 32%, would not result in a seismic shift to the nature or character of the village and Tytherington would still be considered a relatively small rural village.
- 5.52 **Transport:**
The proposed access to the development would be off Stowell Hill Road. During the application the applicant has worked with the LPA to provide additional information and clarification to allow a full assessment of the proposal and existing situation.
- 5.53 Stowell Hill Road is a classified highway with a speed limit of 30mph. From the site, the road rises to the northwest towards Thornbury but flattens out in the opposite direction towards the centre of Tytherington. In the locality of the site entrance is a raised centre slip that is part of the traffic calming for the village.
- 5.54 Speed and volume readings have been undertaken at the entrance to the site that indicate an 85th percentile speed for traffic in this location being 33.4 mph and 34.1mph recorded in the northwest and southeast direction respectively. These equate to visibility splays of 50m and 52metres.
- 5.55 The applicant has submitted a plan that indicates that appropriate visibility splays can be achieved. Visibility splays of 2.4m x 60m and in excess of 2.4m x 80metres would be achieved at the access.
- 5.56 Concern has been raised by locals in relation to the speed visor readings located halfway up Stowell Hill Road. It is stated this records an 85th percentile speed of 42mph. Such a speed would equate to the necessity of a visibility splay of 2.4m x 71 metres in that direction. This visibility splay can be achieved from the site entrance but moreover, caution is required with regards to the speed visor readings as they are recording speeds associated with vehicles coming into the village from a de-restricted speed limit and are not reflective of the situation at the site entrance. Given the above there can be no objection to the scheme on visibility grounds.
- 5.57 With regards to the proposed layout the applicant has provided a layout that has been tracked in accordance with the Council's standards which indicates that refused vehicles can access the site appropriately. Confirmation and revised plans show the shared surface within the site would achieve the required carriageway width of at least 5.5 metres. This is considered acceptable.
- 5.58 There are therefore no highway objections subject to conditions regarding the visibility splay and details of the construction of the proposed access to the site.

5.59 Environmental health:

Noise

The proximity of the site to the railway line, the motorway and other road networks is noted. The submitted noise impact assessment included noise monitoring at three positions across the development site and the predicated noise levels across the site along with mitigation measures. The results were based on computer noise modelling predictions developed from road traffic predictions. Predicted internal levels would be of a magnitude whereby standard double glazing systems (with additional ventilation where appropriate) would be required to meet the recommended internal day and night ambient noise levels to the main source affecting the site i.e. the M5 and for outdoor living areas with a 1.8 metre high timber fence, the BS8233 noise criteria for outdoor living would be met. This findings and conclusions are considered acceptable and appropriate conditions would be attached to the decision notice as necessary. Regard must also be had to the development being in a similar location to existing houses at The Orchard. Therefore the introduction of new houses here would not give rise to a refusal reason that could be substantiated in an appeal situation and neutral weight is awarded for this reason.

5.60 Contamination:

The Phase 1 Environmental Assessment report is regarded as being a generally satisfactory Preliminary Risk Assessment which also contains a conceptual site model. It is considered appropriate and reasonable that conditions should be attached to the decision notice to determine soil conditions and the presence of contamination prior to commencement of the development. For this reason the scheme attracts neutral weight.

5.61 Ecology and Agricultural Land Classification:

It is noted that comments have been made regarding the loss of the field and its consequential impact on wildlife in the area. The Ecology Report has noted that being mostly arable land, the site is generally of low ecological value. The scheme will provide open grassed areas, individual gardens and furthermore, allotments are also proposed within the site, the precise location of which is to be determined in the reserved matters stage. All these area will provide opportunities for wildlife and insects, albeit changed from the existing situation. It must also be noted that this is a rural location and the field on which this development is proposed is surrounded by trees and other countryside which would not be affected by the scheme. Neutral weight is awarded for this reason.

5.62 The high agricultural land classification has been given as an objection reason. Currently there are five types of agricultural land classification ranging from grade 1 excellent to grade 5 poor. Grade 3 is divided into two sub-sets. Details provided with the application show a letter written in 1990 by the Department of Fisheries and Agriculture stating the field in question was grade 3c land. This classification does not form part of the current categorisation and as such the applicant conducted further soil investigations.

5.63 Additional information provided by the applicant indicates that the original farm holding has been constrained by the construction of the M5 motorway. It is stated this has makes it difficult to run as a viable agricultural holding. It is

acknowledged that the owners use the land for arable farming but, it is specified, not as a commercial farm holding. Overall around 1.6ha of the area would be for residential dwellings with the remainder being used for landscaping and green infrastructure.

5.64 A report commissioned by the applicant has indicated that the site has falls into three separated agricultural land classifications: 1, 2 and 3a. The proportion of the land in each class are respectively: 0.42ha, 0.37ha and 1.07ha.

5.65 The best and most versatile land is defined as Grades 1, 2 and 3a and it is acknowledged that when considering planning applications the best grade of agricultural land is to be protected, where possible. Analysis indicates that one third of the site is occupied by buildings and hard surfacing and therefore only two thirds of the land is agricultural land capable of growing crops.

5.66 The loss of the agricultural land of this high grading is given significant weight. However, this weighting must be balanced not only by 29no. new houses contributing to the housing shortage, but by the fact that the area of land to be lost is quite small, the continued use of the land within the existing farming enterprise is uncertain and the proposal would clear an unsightly and potentially contaminated area of land currently housing machinery etc. Cumulatively, these positive factors help to balance and demote the loss of the agricultural land to a modest weighting.

5.67 **Landscape**

The application site lies outside the settlement boundary on the edge of the village and butts up to the Conservation Area of Tytherington. Stowell Hill Road rises up to the edge of the ridge where the M5 motorway runs. The site itself gently slopes up to the tree line along the disused railway to the southwest.

5.68 When travelling through Tytherington the dwellings and other buildings appear well spaced and separated by open space and structural soft landscape. There are currently views through to the tree line to the south and west and views to the tree lined ridge that runs north south

5.69 Initial comments criticised a rather suburban scheme which did not give sufficient regard to the character of the village. However, the revised plans give breathing space to the Old Manor House and the amended central green corridor improves the green visual link up to the railway embankment vegetation. It has been confirmed that the green areas will be privately managed.

5.70 The importance of a good landscape scheme remains and this would be something that would be discussed at reserved matters stage.

5.71 **Trees**

A number of trees are within the proposed development site. Given the condition of the trees and the location of the site, it was considered appropriate to place a tree preservation order on the site. Some minor discrepancies have been identified with regards to tree identification/siting on the plans but it is considered these matters can be satisfactorily dealt with by conditions and by

details at reserved matters stage and as such there are no objections to the scheme on this basis.

5.72 **Flooding and drainage:**

During the course of this application detailed correspondence was held between the applicant and the drainage engineer. It is considered that the use of the Sustainable Drainage system will contribute to place making and sustainability and a condition requiring the following details would be attached to the reserved matters notice:

- Any departures from the surface water discharge hierarchy in relation to infiltration such as soakaways, need to be justified and supported by evidence, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365, in line with the requirements of Building Regulations and to ensure best practice and sustainable development.
- If applicable, confirmation and acceptance from Wessex Water of the connection point (Manhole Number) and agreed discharge rate to their existing surface water sewer to be provided.
- A clearly labelled drainage layout plan showing the pipe networks and any attenuation / storage tanks or oversized pipe systems.
- Updated drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- Where infiltration forms part of the proposed Surface Water Network such as Soakaways, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365 and in line with the requirements of Building Regulations.
- The drainage layout plan should also show exceedance / overland flood flow routes, and where applicable if flooding occurs the likely depths of any flooding.
- The plan should also show any pipe node numbers referred to within the drainage calculations.
- A manhole / inspection chamber schedule to include cover and invert levels.

Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation/Infiltration features and Flow Control Devices where applicable.

5.73 **Social**

Included in this section is affordable housing, school transport, public open space; these to be secured as planning obligations. A contribution regarding

public art for the site has been suggested. This would only need to be proportionate to the size of the development and could be secured by condition.

5.74 Planning obligations

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

- a. Necessary to make the development acceptable in planning terms
- b. Directly related to the development; and
- c. Fairly and reasonably related in scale and kind to the development

5.75 Community Infrastructure (open space)

Based upon the projected population of the proposed development it would generate the requirement to provide the following in respect of public open space to offset the impact of the development:

i)	Informal recreation open space	800.40 sq m
ii)	Natural and semi-natural open space	1044.00 sq m
iii)	Outdoor sports facilities	1113.60 sq m
iv)	Provision for children and young people	174.00 sq m
v)	Allotments	139.20 sq m

5.76 However, there is not sufficient space within the development to provide the other required level of open space as set out above. Accordingly a financial contribution is requested in order to provide off-site provision of and /or improvements to existing open space in the locality; along with a proportionate amount for the maintenance of that provision, as follows:

i)	Off-site provision and/or enhancement	£121513.66
ii)	Off-site maintenance contribution	£109127.01

5.77 The funds would be directed to improvements at the following sites:

- i) Tytherington Hill Wood and Hardwick Field (informal recreational open space)
- ii) Tytherington Hill Wood and Tytherington Common (natural and semi natural open space)
- iii) Hardwick Playing Field (outdoor sports facilities)
- iv) Jubilee Field (provision for children and young people)

5.78 The applicant has indicated willingness to provide allotments on the site. Potential locations have been discussed but it has been concluded that the space for on-site allotments would be limited and on this basis the applicant has accepted the proposed financial contribution for off-site provision. The developer has therefore agreed to meet this obligation in full. Officers are satisfied that sufficient mitigation is provided in order to offset the impact in respect of the provision of public open space and as such the development is consistent with Policy CS24 of the South Gloucestershire Local Plan: Core Strategy (adopted) 2013. This can be secured by legal agreement.

5.79 In this instance, it has been confirmed that no more than five legal agreements have been secured in respect of projects in the location that would benefit from the obligations. Officers are therefore satisfied that the planning obligations required to secure public open space are consistent with the CIL Regulations (Regulation 122) and the S106/Cil SPD

5.80 Transport to school

The proposed development of 29 dwellings would generate 6 additional secondary pupils according to the pupil number calculator. The proposed development is in the area of prime responsibility of Marlwood School (2.6 miles away). As there is no safe walking route to school, a requirements towards costs for transport to school would be required.

5.81 The closest school is Castle School and the most cost effective mode of transport is by bus. The total cost of transport would be £642 (annual cost per pupil) x 7 years education x 6 secondary pupils amounting to £26,964.00.

5.82 **Affordable housing**

This scheme would generate a requirement for 10no. affordable homes.

- 35% affordable housing with a tenure split of 73% social rent and 27% shared ownership

5.83 Tenure:

The application form proposes 10 affordable homes as social rent and under paragraph 4.2 of the Design and Access Statement states “*The units are proposed to be a mix of one to four bed detached, semi-detached and short terraces across the site of which 35% (subject to viability) will be a mixture of Affordable and Starter Homes*”. The following tenure mix is required and for the avoidance of doubt Enabling can confirm that until such times as the necessary national and local plan policies are in place regarding starter homes we will not secure starter homes as part of the affordable housing mix. To meet identified housing need, as set out in the Wider Bristol Strategic Housing Market Assessment (SHMA), as follows:

- 73% Social Rent
- 22% Shared Ownership
- 5% Affordable Rent (ART)

5.84 As 5% ART requirement generates 1.45 unit, Enabling will seek a tenure split of 73% social rent and 27% shared ownership. Based on a requirement of 10 affordable homes this will generate a tenure split of:

- 7 social rent
- 3 shared ownership

5.85 Type:

A range of Affordable Homes to meet housing need, based upon the SHMA house types shown below:

Social Rent:

Percentage	Type	Min Size
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		m2
15%	1 bed 2 person flats	50
15%	2 bed 4 person flats	70
28%	2 bed 4 person houses	79
34%	3 bed 5 person houses 2 storey	93
8%	4 bed 6 person houses 2 storey	106

Shared Ownership:

Percentage	Type	Min Size m2
8%	1 bed 2 person flats	50
16%	2 bed 4 person flats	70
35%	2 bed 4 person houses	79
41%	3 bed 5 person houses 2 storey	93
0%	4 bed 6 person houses 2 storey	106

5.86 Affordable homes must be built in line with the same standards as the market units and to include lifetime homes standard, part 2 of Secured by Design and compliance with a specified registered providers requirements. One wheelchair accessible home is required and this will be discussed in full with the enabling team under reserved matters to establish the house type. The standards are:

5.87 Standards of Design

Affordable Homes to be built in line with the same standards as the market units (if higher) and include Lifetime Homes standard, Part 2 of Secured by Design, and compliance with the RP Design Brief as follows;

- i. All rear gardens to be turfed and generally to have 1.8m high close boarded fencing to boundaries and privacy panels;
- ii. All properties to have vinyl/tiles on floor in all ground floor rooms;
- iii. Ceiling height tiling to 3 sides of bathroom to be provided;
- iv. Provide wall mounted shower (either electric or valve and kit);
- v. Provide gas and electric points to cooker space (where gas is available);
- vi. Painted softwood curtain battens to each window (where construction is traditional as opposed to timber frame)

8% of the Affordable Homes provided to meet wheelchair accommodation standards. The wheelchair specification can be found here [Wheelchair specification](#)

5.88 Clustering and Distribution

Affordable Homes to be distributed throughout the site in clusters of no more than 6 units.

5.89 Delivery Mechanism

The Council to refer potential occupants to all first lettings and 75% of subsequent lettings.

5.90 Delivery is preferred through the Council's list of Approved Registered Providers. In the event of the developer choosing a Registered Provider from outside the partnership then the same development and management standards will need to be adhered to.

5.91 Affordable Homes to be built at the same time as the market housing on site in line with agreed triggers as per S.106 agreement. Where the development will proceed over more than one phase, the location, amount, type and tenure of the Affordable Housing in each phase will need to be set out in an Affordable Housing Masterplan and Schedule. The Affordable Housing Plan and Schedule to be approved prior to submission of the first residential Reserved Matters application.

5.92 Rent Levels and Affordability

Social Rent homes to be let at Target Rent, as per the Direction on the Rent Standard 2014. Shared Ownership homes to be sold at no more than 40% of the market value, and the annual rent on the equity retained by the RP should be no more than 1.5%. Service charges will be capped at £650 per annum (April 2016 base and linked to RPI) to ensure that all housing costs are affordable to potential occupants. Capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.

5.93 One neighbour comment has mentioned that there would be no take up of affordable housing in Tytherington. However, given there is a housing shortage it is unlikely that there would not be some need in the area and furthermore, any development of this size is required to be policy compliant.

5.94 Impact on Equalities

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

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

5.95 **Other Matters**

A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.

5.96 It is noted that some comments stated notification letters were not received. It is acknowledged that problems regarding the delivery of letters did occur earlier in the year. However, as soon as the Council was made aware of the situation strategies were put in place to successfully overcome the problem.

5.97 Comments have indicated the awareness of the another proposal for development at Duck Street; that such development would individually and cumulatively change the village; that development should be directed elsewhere; that there are insufficient services in Tytherington. None of these would be valid reasons to refuse this application. Each planning application must be considered on its own basis where a full assessment of all the individual merits are carefully taken into account to reach an overall conclusion.

5.98 **Planning Balance**

Whilst the starting point for the decision maker is the adopted development plan the Council is not able to demonstrate a five-year supply of deliverable housing sites, so (as per paragraph 14 of the National Planning Policy Framework), the relevant policies for the supply and location of housing cannot be considered up to date but are not irrelevant. Thus an "in principle" objection to the development on the grounds that the application site lies outside of a settlement boundary is given less weight.

5.99 As indicated above the harm to the heritage asset is considered to be less than substantial and therefore the second 'limb' of paragraph 14 of the NPPF is considered passed. The proposal must be assessed against the first 'limb' which is generally referred to as the 'tilted balance'. When this is applied, the planning balance is tilted in favour of planning permission being granted unless the harm of the development would significantly and demonstrably outweigh the public benefits of the scheme. The public benefits can be summarised under the sustainability assessment of the site which include environmental, social and economic reasons.

5.100 The proximity of the listed building, The Old Manor House, has been noted. A full assessment of the impact on this heritage asset has been required and through revised plans and by working with Officers, the harm is considered as being less than substantial and an acceptable scheme which respects The Old Manor House, and one which does not adversely harm the conservation area has been submitted.

5.101 Harm has been identified to the countryside location and the character of the village of Tytherington. However, benefits comes in the form of 29no. new homes that would make a significant contribution to the housing supply (and would be delivered within 5 years), changes to the proposal have been respectful of the listed building and the overall scale of the development would not cause an adverse impact on the character of Tytherington village. It is acknowledged changes would occur, but even if the proposal at Duck Street

were to be allowed the impact on the village would not be significant and its size would not be dissimilar to many other typical villages. The layout of the scheme would be appropriate but matters of appearance and materials are to be secured under reserved matters. Landscape, trees and ecology have been discussed and appropriate mitigation will be secured by conditions. Issues of highway safety have been raised, fully examined and it has been found that the scheme would be acceptable. The siting allows for appropriate distances between proposed and existing dwellings and the residential amenity of occupants would be preserved. A legal agreement would secure planning obligations in the form of affordable housing, transport to school and public open space. It is considered together these form an acceptable development in this location.

5.102 Overall the above report has shown that the harm of the proposed development has been outweighed by the resulting public benefits.

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 authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
- a) Affordable housing:
35% of dwellings to be delivered as affordable housing on site, as defined by the NPPF. For the proposed development of 29no. dwellings, this would equate to 10 dwellings for affordable housing
 - b) Tenure split of 73% social rent and 27% shared ownership. Based on a requirement of 10 affordable homes this will generate a tenure split of:
 - 7 social rent
 - 3 shared ownership
 - c) In all other respects the development shall comply with the requirements as set out in paragraphs 5.82 – 8.93 inclusive of this report.

The reason for this :

To accord with Policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 11th December 2013.

- d) A financial contribution of £26,964 towards the costs of providing home to school transport for secondary pupils

The reason for this:

To accord with Policy CS23 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

- e) Public open space:

- Off-site provision and/or enhancement £121513.66
- Off-site maintenance contribution £109127.01

The reason for this:

To accord with Policy CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013

- 7.2 That should the agreement not be completed within 6 months of the date of the Committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

5. The proposal shall be in accordance with the following plans:
As received by the Council on 15.5.17:
Site location plan

As received by the Council on 4.12.17:
Illustrative masterplan Y81:1018.12 rev A
Illustrative masterplan Y81:1018.11 rev A

Reason

For the avoidance of doubt.

6. Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, shall not take place outside the hours of;
Monday - Friday.....7.30 - 18.00
Saturday.....8.00 - 13.00.
No noisy activities on Sundays or Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 and PSP21 of the South Gloucestershire Policy Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

7. Prior to the commencement of development details of the composite facade calculations regarding internal noise levels are to be submitted to the LPA for written approval and implemented in accordance with the approved details.

Reason

To protect the amenities of the occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; Policy PSP8 and PSP21 of the South Gloucestershire Policy Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework. A pre-commencement condition is needed in order to avoid the need for future remedial action

8. The reserved matters details referred to in condition 1 shall include full details of the drainage as detailed below and all works shall be implemented in accordance with the approved details.

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.

The following details are expected when discharging the above conditions:

- o Any departures from the surface water discharge hierarchy in relation to infiltration such as soakaways, need to be justified and supported by evidence, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365, in line with the requirements of Building Regulations and to ensure best practice and sustainable development.
- o If applicable, confirmation and acceptance from Wessex Water of the connection point (Manhole Number) and agreed discharge rate to their existing surface water sewer to be provided.
- o A clearly labelled drainage layout plan showing the pipe networks and any attenuation / storage tanks or oversized pipe systems.
- o Updated drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- o Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- o Where infiltration forms part of the proposed Surface Water Network such as Soakaways, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365 and in line with the requirements of Building Regulations.
- o The drainage layout plan should also show exceedance / overland flood flow routes, and where applicable if flooding occurs the likely depths of any flooding.
- o The plan should also show any pipe node numbers referred to within the drainage calculations.
- o A manhole / inspection chamber schedule to include cover and invert levels.
- o Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation/Infiltration features and Flow Control Devices where applicable.

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

9. At reserved matters stage a phased tree protection plan and details of the 'no-dig' construction method shall be submitted to the LPA for full consideration.

Reason

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

10. Prior to the commencement of demolition, a Bat Method Statement must be submitted to the council for approval in writing and implemented in accordance with the approved details. This can be in the form of a Natural England bat mitigation licence application (based on section 6.3 Ecological Impact Assessment (ADAS, January 2017

Reason

This is a prior to commencement of the demolition condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

11. Prior to the commencement of demolition, the bat box recommended in Section 6.3 of the Ecological Impact Assessment (ADAS, January 2017) must be installed and its location must be submitted to the council for approval in writing and located in accordance with the approved details.

Reason

This is a prior to commencement of the demolition condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

12. Prior to commencement of development, a bat friendly lighting scheme must be submitted to the council for approval in writing (based on Section 6.3 of the Ecological Impact Assessment (ADAS, January 2017) and implemented in accordance with the approved details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

13. Prior to commencement of development, the location and type of five bat roost bricks/tiles or four bats boxes, and four bird boxes (as set out in Section 7 of the Ecological Impact Assessment (ADAS, January 2017)) should be submitted to the local planning authority for approval in writing and implemented in accordance with the approved details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

14. The development should proceed in accordance with the recommendations made in the in Section 6.3 and 7 of the Ecological Impact Assessment (ADAS, January 2017). This includes the retention and enhancement through native planting of the existing hedgerow, retention of trees, inspection and soft felling of ash trees (if necessary), avoidance of harm to reptiles and European hedgehog and timing of works regarding breeding bird season

Reason

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

15. Contaminated Land

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

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

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

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

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

Reason:

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. A pre-commencement condition is needed in order to avoid the need for future remedial action.

16. The reserved matters details referred to in condition 1 shall include full details for a unique site specific integrated public art scheme including but not limited to detailed designs, timescales and triggers. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm - Planning Advice Note.

Reason:

To protect the character, distinctiveness and visual amenity of the site and the surrounding locality; and to accord with Policy CS23 - Community Infrastructure and Cultural Activity and Policy CS1 - High Quality Design Point 7 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

17. Prior to the commencement of development full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines indicating lines, manhole); retained historic landscape features and proposals for restoration where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

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. A pre-commencement condition is needed in order to avoid the need for future remedial action.

18. Application for the approval of the reserved matters shall be in accordance with the indicative parameters described in the design and access statement (Resolved Developments ADAS) dated January 2017 and the design and access addendum (PRA Architects) dated October 2017.

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.

19. Visibility splays of 2.4 x 52m in each direction must be provided prior to first use of the proposed access onto Stowell Hill Road, with no obstruction greater than 0.9m high within the prescribed visibility splays.

Reason

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

20. No development shall take place until construction details of the proposed access have been submitted to and approved by the Council, with the development proceeding in accordance with the approved details

Reason

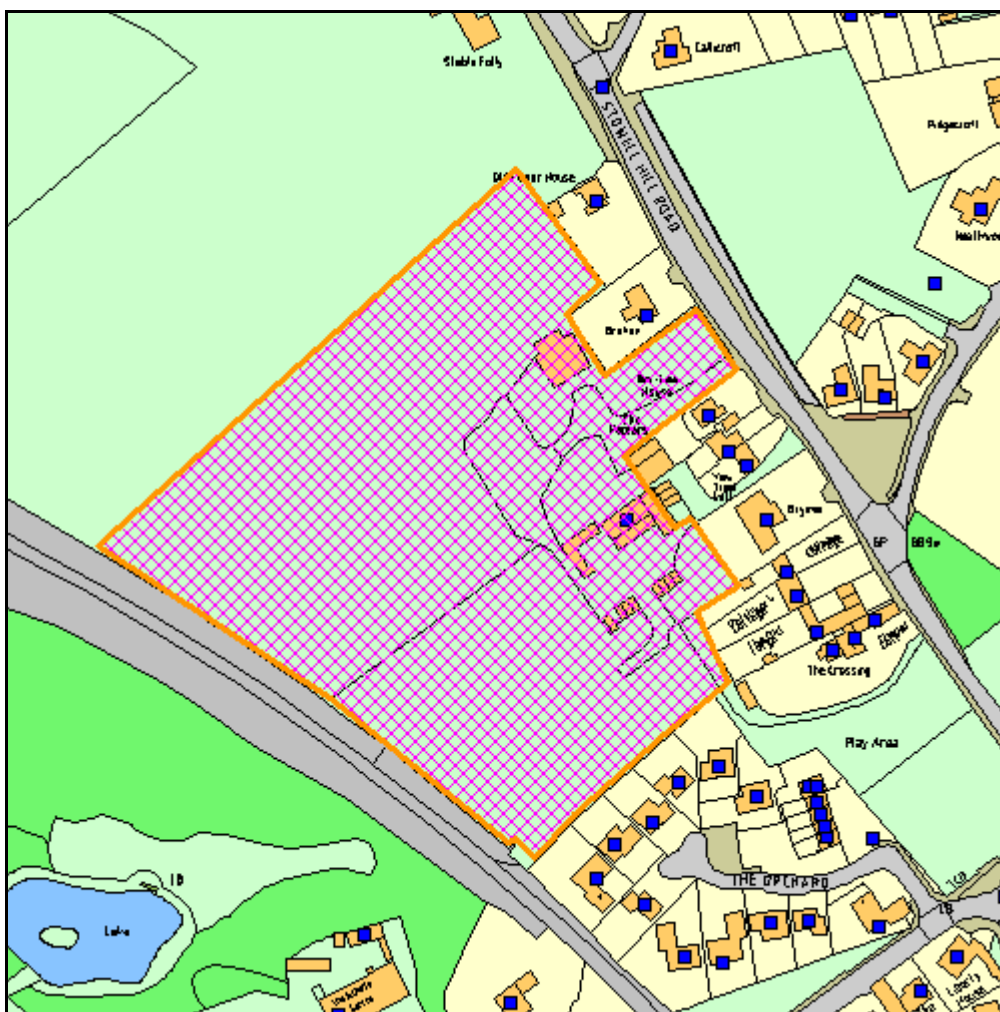
In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition to avoid any remedial action in future.

APPENDIX 2-

CIRCULATED SCHEDULE REPORT- 13/18 – 29 MARCH 2018

CIRCULATED SCHEDULE NO. 13/18 – 29 MARCH 2018

App No.:	PT17/2331/O	Applicant:	Caddick Land Limited
Site:	Land To The West Of Stowell Hill Road Tytherington South Gloucestershire GL12 8UH	Date Reg:	7th June 2017
Proposal:	Erection of 29no. dwellings (Outline) with layout, siting and access to be determined. All other matters reserved.	Parish:	Tytherington Parish Council
Map Ref:	366760 188396	Ward:	Ladden Brook
Application Category:	Major	Target Date:	15th August 2017



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 100023410, 2008. N.T.S. PT17/2331/O

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

UPDATE REPORT RELATING TO PT17/2331/O LAND TO THE WEST OF STOWELL HILL, TYTHERINGTON:

1. INTRODUCTION:

- 1.1 Members will recall this application was heard at the D C West Committee on 14th December 2017 having been called to Sites Inspection on 24th November by Cllr Marian Lewis. The application sought outline consent for the erection of 29 no. residential dwellings with access, layout and siting to be determined and other matters of landscaping and scale to be reserved. The application site is land to the west of Stowell Hill Road, Tytherington. The site is situated outside of the settlement boundary of Tytherington in the countryside, however it directly abuts the settlement and the Tytherington Conservation Area to the south-east. The grade II listed Old Manor House is situated immediately to the north of the proposed development, and Chapel Cottage, a locally listed building, lies to the east. The site is also approximately 100m from a Scheduled Ancient Monument known as the Castle, which is situated to the east. A 'mothballed' railway line lies to the west. It is stated on the application form that part of the site is previously developed, used as workshops and outside storage comprising of plant, vehicles, skips, caravans, machinery etc. The remainder of the site is agricultural. No public rights of way run across the site.
- 1.2 The resolution was to grant permission subject to a S106 agreement for affordable housing and home to school transport for secondary school pupils and subject to 20 conditions.

2 ASSESSMENT

- 2.1 This is an update report to consider changes that have arisen since the resolution to grant permission and as a result of discussions during the s. 106 process. It has now been shown that both informal and natural open space can now be provided on-site and as there are no allotments within the recommended access standards we can no longer request a financial provision for such facilities. These changes would not alter the overall resolution and because the s. 106 has not yet been signed it is possible to re-visit the terms by submitting the details for consideration under the Circulated Schedule process.
- 2.2 The on-site provision of informal recreational open space and natural and semi-natural space is considered a betterment to the scheme but would require amendments to the amount of monetary contributions regarding public open space that appeared in the original Committee Report. This update report is to consider these changes only. There would be no material change to the scope of the development and the overall recommendation including the other planning obligations and conditions would remain as before.

2.3 As this situation would not alter the scope of the proposed development, the revised details have not been put out for consultation. It must further be noted that the fall-back position for the developer is that they can proceed as per the previous recommendation. However, having the provision of public open space on-site rather than off-site is considered a betterment and on this basis, would be a preferable option.

2.4 The resolution to grant permission was made on 14.12.17 subject to s. 106 and conditions. It is confirmed that other than those relating to public open space, which are listed below, there have been no other changes and all other areas remain as previously assessed i.e. landscape, ecology and trees, impact on highways, impact on listed building and conservation area, archaeology and environmental protection, drainage, urban design, children and young people, housing enabling, arts and development and impact on residential amenity.

2.5 Members should refer to the Committee Report for a full appraisal of this development proposal.

2.6 **Updated Planning Obligations**

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

- a. Necessary to make the development acceptable in planning terms
- b. Directly related to the development; and
- c. Fairly and reasonably related in scale and kind to the development

2.7 **Community Infrastructure (open space)**

These details have been updated:

Based upon the projected population of the proposed development it would generate the requirement to provide the following in respect of public open space to offset the impact of the development:

- i) Outdoor sports facilities 1113.60 sq m
- ii) Provision for children and young people 174.00 sq m

A financial contribution is requested in order to provide off-site provision of and /or improvements to existing open space in the locality; along with a proportionate amount for the maintenance of that provision, as follows:

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Spatial amount provided on site (sq.m.)	Shortfall in provision (sq.m.)	contributions towards off-site provision and/or enhancement	Maintenance contribution
Outdoor sports facilities	1,113.60	0	1,113.60	£55,881.12	£16,913.36

Provision for children and young people	174.00	0	174.00	£29,257.04	£30,764.00
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2.8 Transport to school

These details remain the same as before:

The proposed development of 29 dwellings would generate 6 additional secondary pupils according to the pupil number calculator. The proposed development is in the area of prime responsibility of Marlwood School (2.6 miles away). As there is no safe walking route to school, a requirements towards costs for transport to school would be required.

2.9 The closest school is Castle School and the most cost effective mode of transport is by bus. The total cost of transport would be £642 (annual cost per pupil) x 7 years education x 6 secondary pupils amounting to £26,964.00.

2.10 Affordable housing

These details remain the same as before:

This scheme would generate a requirement for 10no. affordable homes.

- 35% affordable housing with a tenure split of 73% social rent and 27% shared ownership

2.11 Tenure:

The application form proposes 10 affordable homes as social rent and under paragraph 4.2 of the Design and Access Statement states “*The units are proposed to be a mix of one to four bed detached, semi-detached and short terraces across the site of which 35% (subject to viability) will be a mixture of Affordable and Starter Homes*”. The following tenure mix is required and for the avoidance of doubt Enabling can confirm that until such times as the necessary national and local plan policies are in place regarding starter homes we will not secure starter homes as part of the affordable housing mix. To meet identified housing need, as set out in the Wider Bristol Strategic Housing Market Assessment (SHMA), as follows:

- 73% Social Rent
- 22% Shared Ownership
- 5% Affordable Rent (ART)

As 5% ART requirement generates 1.45 unit, Enabling will seek a tenure split of 73% social rent and 27% shared ownership. Based on a requirement of 10 affordable homes this will generate a tenure split of:

- 7 social rent
- 3 shared ownership

2.12 Type

A range of Affordable Homes to meet housing need, based upon the SHMA house types shown below:

Social Rent:

Percentage	Type	Min Size m2
15%	1 bed 2 person flats	50
15%	2 bed 4 person flats	70
28%	2 bed 4 person houses	79
34%	3 bed 5 person houses 2 storey	93
8%	4 bed 6 person houses 2 storey	106

Shared Ownership:

Percentage	Type	Min Size m2
8%	1 bed 2 person flats	50
16%	2 bed 4 person flats	70
35%	2 bed 4 person houses	79
41%	3 bed 5 person houses 2 storey	93
0%	4 bed 6 person houses 2 storey	106

2.13 Affordable homes must be built in line with the same standards as the market units and to include lifetime homes standard, part 2 of Secured by Design and compliance with a specified registered providers requirements. One wheelchair accessible home is required and this will be discussed in full with the enabling team under reserved matters to establish the house type. The standards are:

2.14 Standards of Design

Affordable Homes to be built in line with the same standards as the market units (if higher) and include Lifetime Homes standard, Part 2 of Secured by Design, and compliance with the RP Design Brief as follows;

- i. All rear gardens to be turfed and generally to have 1.8m high close boarded fencing to boundaries and privacy panels;
- ii. All properties to have vinyl/tiles on floor in all ground floor rooms;
- iii. Ceiling height tiling to 3 sides of bathroom to be provided;
- iv. Provide wall mounted shower (either electric or valve and kit);
- v. Provide gas and electric points to cooker space (where gas is available);
- vi. Painted softwood curtain battens to each window (where construction is traditional as opposed to timber frame)

8% of the Affordable Homes provided to meet wheelchair accommodation standards. The wheelchair specification can be found here [Wheelchair specification](#)

- 2.15 Clustering and Distribution
Affordable Homes to be distributed throughout the site in clusters of no more than 6 units.
- 2.16 Delivery Mechanism
The Council to refer potential occupants to all first lettings and 75% of subsequent lettings.
- 2.17 Delivery is preferred through the Council's list of Approved Registered Providers. In the event of the developer choosing a Registered Provider from outside the partnership then the same development and management standards will need to be adhered to.
- 2.18 Affordable Homes to be built at the same time as the market housing on site in line with agreed triggers as per S.106 agreement. Where the development will proceed over more than one phase, the location, amount, type and tenure of the Affordable Housing in each phase will need to be set out in an Affordable Housing Masterplan and Schedule. The Affordable Housing Plan and Schedule to be approved prior to submission of the first residential Reserved Matters application.
- 2.19 Rent Levels and Affordability
Social Rent homes to be let at Target Rent, as per the Direction on the Rent Standard 2014. Shared Ownership homes to be sold at no more than 40% of the market value, and the annual rent on the equity retained by the RP should be no more than 1.5%. Service charges will be capped at £650 per annum (April 2016 base and linked to RPI) to ensure that all housing costs are affordable to potential occupants. Capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.
- 2.20 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.
- 2.21 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.
- 2.22 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.

2.23 **Planning Balance**

The planning balance was discussed in the full Committee Report with the conclusion that taking all factors into account the positives of the proposed development outweighed any negatives and the resolution to grant permission was made at Committee. With respect to the changes to the provision of public open space, it has been confirmed that there would be no variation to the scope of the development, merely the provision would be on-site instead of being off-site. This is considered an overall betterment and on this basis the changes to the planning obligation as detailed above are recommended for approval.

2. **CONCLUSION**

- 2.1 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.
- 2.2 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.

3. **RECOMMENDATION**

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

a) Affordable housing:

35% of dwellings to be delivered as affordable housing on site, as defined by the NPPF. For the proposed development of 29no. dwellings, this would equate to 10 dwellings for affordable housing

Tenure split of 73% social rent and 27% shared ownership. Based on a requirement of 10 affordable homes this will generate a tenure split of:

- 7 social rent
- 3 shared ownership

In all other respects the development shall comply with the requirements as set out in paragraphs 5.82 – 8.93 inclusive of this report.

The reason for this :

To accord with Policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 11th December 2013.

b) Transport to school:

A financial contribution of £26,964 towards the costs of providing home to school transport for secondary pupils

The reason for this:

To accord with Policy CS23 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

c) Public open space:

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Minimum spatial amount provided on site (sq.m.)	Shortfall in provision (sq.m.)	contributions towards off-site provision and/or enhancement	Maintenance contribution
Informal recreational open space	800.40	800.40	0	0	0
Natural and semi natural open space	1044.00	1044.00	0	0	0
Outdoor sports facilities	1,113.60	0	1,113.60	£55,881.12	£16,913.36
Provision for children and young people	174.00	0	174.00	£29,257.04	£30,764.00
Allotments	No allotments within the recommended access standards				

The reason for this:

To accord with Policy CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

- 3.2 That should the agreement not be completed within 6 months of the date of the Committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

5. The proposal shall be in accordance with the following plans:
As received by the Council on 15.5.17:
Site location plan

As received by the Council on 4.12.17:
Illustrative masterplan Y81:1018.12 rev A
Illustrative masterplan Y81:1018.11 rev A

Reason

For the avoidance of doubt.

6. Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, shall not take place outside the hours of;
Monday - Friday.....7.30 - 18.00
Saturday.....8.00 - 13.00.
No noisy activities on Sundays or Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 and PSP21 of the South Gloucestershire Policy Sites and Places

Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

7. Prior to the commencement of development details of the composite facade calculations regarding internal noise levels are to be submitted to the LPA for written approval and implemented in accordance with the approved details.

Reason

To protect the amenities of the occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; Policy PSP8 and PSP21 of the South Gloucestershire Policy Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework. A pre-commencement condition is needed in order to avoid the need for future remedial action

8. The reserved matters details referred to in condition 1 shall include full details of the drainage as detailed below and all works shall be implemented in accordance with the approved details.

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.

The following details are expected when discharging the above conditions:

- o Any departures from the surface water discharge hierarchy in relation to infiltration such as soakaways, need to be justified and supported by evidence, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365, in line with the requirements of Building Regulations and to ensure best practice and sustainable development.
- o If applicable, confirmation and acceptance from Wessex Water of the connection point (Manhole Number) and agreed discharge rate to their existing surface water sewer to be provided.
- o A clearly labelled drainage layout plan showing the pipe networks and any attenuation / storage tanks or oversized pipe systems.
- o Updated drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- o Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- o Where infiltration forms part of the proposed Surface Water Network such as Soakaways, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365 and in line with the requirements of Building Regulations.
- o The drainage layout plan should also show exceedance / overland flood flow routes, and where applicable if flooding occurs the likely depths of any flooding.
- o The plan should also show any pipe node numbers referred to within the drainage calculations.
- o A manhole / inspection chamber schedule to include cover and invert levels.

o Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation/Infiltration features and Flow Control Devices where applicable.

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

9. At reserved matters stage a phased tree protection plan and details of the 'no-dig' construction method shall be submitted to the LPA for full consideration.

Reason

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

10. Prior to the commencement of demolition, a Bat Method Statement must be submitted to the council for approval in writing and implemented in accordance with the approved details. This can be in the form of a Natural England bat mitigation licence application (based on section 6.3 Ecological Impact Assessment (ADAS, January 2017

Reason

This is a prior to commencement of the demolition condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

11. Prior to the commencement of demolition, the bat box recommended in Section 6.3 of the Ecological Impact Assessment (ADAS, January 2017) must be installed and its location must be submitted to the council for approval in writing and located in accordance with the approved details.

Reason

This is a prior to commencement of the demolition condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

12. Prior to commencement of development, a bat friendly lighting scheme must be submitted to the council for approval in writing (based on Section 6.3 of the Ecological Impact Assessment (ADAS, January 2017) and implemented in accordance with the approved details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

13. Prior to commencement of development, the location and type of five bat roost bricks/tiles or four bats boxes, and four bird boxes (as set out in Section 7 of the Ecological Impact Assessment (ADAS, January 2017)) should be submitted to the local planning authority for approval in writing and implemented in accordance with the approved details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial work in the future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

14. The development should proceed in accordance with the recommendations made in the in Section 6.3 and 7 of the Ecological Impact Assessment (ADAS, January 2017). This includes the retention and enhancement through native planting of the existing hedgerow, retention of trees, inspection and soft felling of ash trees (if necessary), avoidance of harm to reptiles and European hedgehog and timing of works regarding breeding bird season

Reason

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

15. Contaminated Land

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

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

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

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

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

Reason:

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. A pre-commencement condition is needed in order to avoid the need for future remedial action.

16. The reserved matters details referred to in condition 1 shall include full details for a unique site specific integrated public art scheme including but not limited to detailed designs, timescales and triggers. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm - Planning Advice Note.

Reason:

To protect the character, distinctiveness and visual amenity of the site and the surrounding locality; and to accord with Policy CS23 - Community Infrastructure and Cultural Activity and Policy CS1 - High Quality Design Point 7 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

17. Prior to the commencement of development full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines indicating lines, manhole); retained historic landscape features and proposals for restoration where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

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. A pre-commencement condition is needed in order to avoid the need for future remedial action.

18. Application for the approval of the reserved matters shall be in accordance with the indicative parameters described in the design and access statement (Resolved Developments ADAS) dated January 2017 and the design and access addendum (PRA Architects) dated October 2017.

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.

19. Visibility splays of 2.4 x 52m in each direction must be provided prior to first use of the proposed access onto Stowell Hill Road, with no obstruction greater than 0.9m high within the prescribed visibility splays.

Reason

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

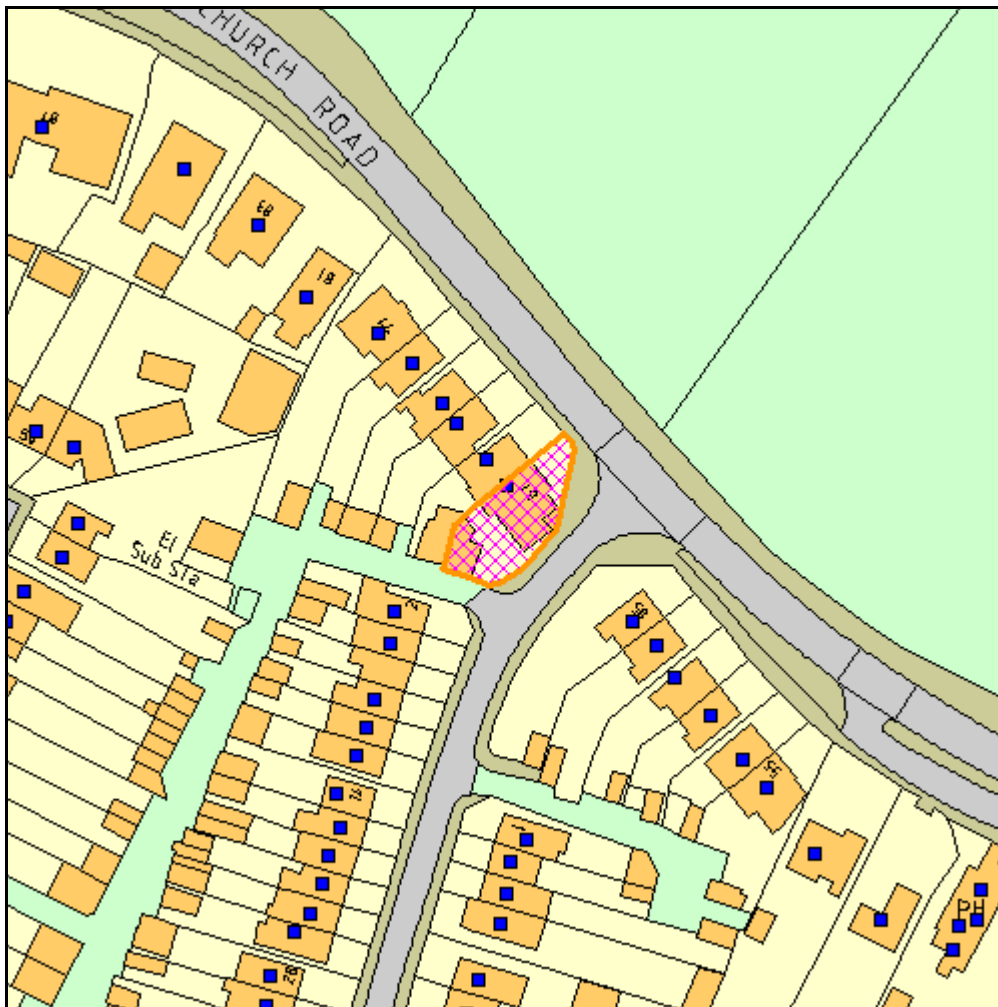
20. No development shall take place until construction details of the proposed access have been submitted to and approved by the Council, with the development proceeding in accordance with the approved details

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition to avoid any remedial action in future.

CIRCULATED SCHEDULE NO. 30/18 – 27 JULY 2018

App No.:	PT17/5023/F	Applicant:	Mr David Ashley
Site:	Hartlebury 67 Church Road Frampton Cotterell Bristol South Gloucestershire BS36 2NE	Date Reg:	7th November 2017
Proposal:	Sub division of existing dwellinghouse to form 2 no. self-contained dwellings and erection of single storey rear extension to main dwelling to form additional living accomodation with parking associated works (resubmission of PT17/0020/F).	Parish:	Frampton Cotterell Parish Council
Map Ref:	367607 181549	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	28th December 2017



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CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks permission to subdivide the existing dwellinghouse to form 2 self-contained dwellings and to erect a single storey rear extension to form additional living accommodation for the 3-bed unit.
- 1.2 The application relates to an existing end terrace dwelling located on a corner plot at the junction of Church Road and Meadow View.
- 1.3 The applicant submitted a support comment confirming vehicles associated with Hartlebury did not park on Meadow View.

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
CS34 Rural Areas

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

PSP1 Location Distinctiveness
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP20 Flood Risk, Surface Water & Watercourse Management
PSP38 Development within Existing Residential Curtilages
PSP39 Residential Conversions, Subdivisions & HMOs
PSP43 Private Amenity Space

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
CIL and S106 SPD (Adopted) 2015

3. RELEVANT PLANNING HISTORY

3.1 PT17/0020/F

Conversion of existing two storey side extension to form 2no. self contained flats and installation of external steel staircase. Erection of single storey rear extension to main dwelling to form additional living accommodation with parking and associated works.

Refusal

23.03.2017

Reasons:

1. The development, if permitted, would fail to respect or enhance the character, appearance and distinctiveness of the locality or its context. The layout of the proposal results in a cramped and contrived development. It is considered that the quantum of development exceeds that which the plot can accommodate and therefore the proposal amounts to the overdevelopment of the site. The harm to the character and visual amenity of the area is considered to outweigh the benefit of the proposal. The development therefore does not benefit from the presumption in favour of sustainable development and is contrary to policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework.
2. The proposed development fails to provide a good standard of residential amenity to future occupiers of the proposed dwellings. This is due to the cramped nature of the units themselves and the limited outdoor private amenity space that the properties are afforded. The proposal fails to accord with the Technical Housing Standards - Nationally Described Space Standards (2016) which indicates that the units are undersized and do not provide for a good standard of living condition. The impact on residential amenity is considered to be harmful. It is further considered that the harm to residential amenity is significant enough to outweigh the moderate benefit of the proposal. The proposal therefore does not benefit from the presumption in favour of sustainable development and fails to accord with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the provisions of the National Planning Policy Framework.

3.2 P89/2874

Erection of two storey side extension to provide bathroom, lobby, bed/sitting room with bedroom and ensuite bathroom above.

Approval

15.11.1989

3.3 P88/1705

Erection of single storey side extension to provide additional bed/sitting room, bathroom and lobby space

Approval

01.06.1988

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council

Objection

- lack of amenity space contrary to development plan

4.2 Other Consultees

Highway Structures

No objection

- informative advising applicant to apply for technical approval or that they are responsible for maintaining boundary walls

Lead Local Flood Authority

No objection

Sustainable Transport

No objection

- attach condition securing car and cycle parking arrangements

Landscape Officer

No comment

Other Representations

4.3 Local Residents

2 local residents have objected – comments are summarised as follows:

- inadequate on-site parking resulting in extra pressure for on-street parking
- garage cannot be extended due to BT box
- poor visibility for vehicles leaving garage or single space adjacent

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP39 of the Local Plan states that subdivision of existing residential buildings into smaller units is acceptable provided that it would not harm the character and amenity of the surrounding area or the amenity of neighbours; it would provide adequate amenity space; and comply with the Council's parking standards.

5.2 Design

The proposal would involve a relatively modest rear extension to the existing dwelling which would provide additional space to an existing lounge as well as internal operations. The extension is considered acceptable and in context with the site and surroundings given there is similar development either side and materials would match the existing dwelling.

5.3 Residential Amenity

Whilst it is not considered that the effect on the living conditions of nearby occupiers would be unduly harmful, the levels of accommodation for both units are discussed more below.

5.4 In terms of amenity space, the Council have calculated that the existing garden, to which the 3-bed unit would have exclusive access, would provide in the

- region of 73sqm of private outdoor amenity space, clearly in excess of the development plan's minimum standards. The upper floor 1-bed unit would not however have access to any private amenity space. Nevertheless, the proximity of the application site to the open spaces of Beesmoor Road Playing Fields is noted, a 12 minute walk away which would provide opportunities for activity and recreation. The harm that would result from lack of provision of such amenity space would not outweigh the overall benefit of the provision of additional housing in this rural location.
- 5.5 On the question of subdivision, it is considered that the proposal would create 2 separate units comprising 1 flat and 1 residential dwellinghouse. Consequently, there would be no established permitted development rights under Class A of the GDPO for the former as a flat is not a dwellinghouse under the terms of Article 2. However, that is not the case for the latter and Officers are concerned that without control, any further development at the property could harm visual and residential amenity. A condition will therefore be included removing certain permitted development rights.
- 5.6 Parking and Transport
Although the parking spaces are slightly sub-standard, the parking to the front and the garage are existing arrangements and make adequate provision for the two dwellings. The proposal should therefore not lead residents to seek to park their cars in neighbouring streets, adding to levels of street parking in the area. Furthermore, the Transport Officer has not objected on the basis that the proposed development would be detrimental to highway safety in respect of visibility from any of the spaces.
- 5.7 Subject to a condition securing the car and cycle parking arrangements, there is no transport objection.
- 5.8 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.
- 5.9 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.
- 5.10 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.
- 5.11 Overall Planning Balance
The proposed development would lead to the creation of an additional dwelling in a sustainable rural area of the district. This holds substantial weight in favour of permitting the proposal.

5.12 The flat however does not provide exemplary standards of living conditions but whilst this cannot act in favour of the proposal, it is not considered the level of harm would be tangible. Furthermore, Officers are satisfied that the development would be policy compliant in relation to the design and its effect on highway safety.

5.13 It is concluded though that any adverse impact of development is outweighed by the positive impact of the provision of additional housing in a sustainable village location.

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 Policies, Sites and Places (Adopted) November 2017 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is GRANTED subject to the conditions 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 dwellings hereby approved shall not be occupied until the car parking areas and cycle parking provision shown on the approved plans have been completed, and thereafter, these areas shall be kept free of obstruction and available for the parking of vehicles associates with the development.

Reason

In the interests of highway safety, to ensure the provision and availability of adequate cycle parking, and to accord with Policy PSP11 and PSP16 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November

2017; Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; Residential Parking Standards SPD (Adopted) 2013; and, the National Planning Policy Framework.

3. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, C, D 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) 2013, Policy PSP39 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017, and the provisions of the National Planning Policy Framework 2012.

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

Received 23.10.2017:

Design & Access Statement

Existing Front, Side & Rear Elevations (DJR/DA/102)

Existing Ground & 1st Floor (DJR/DA/101)

Proposed Front, Side & Rear Elevations (DJR/DA/104)

Proposed Ground & 1st Floor (DJR/DA/103)

Site Plan Existing (DJR/DA/99)

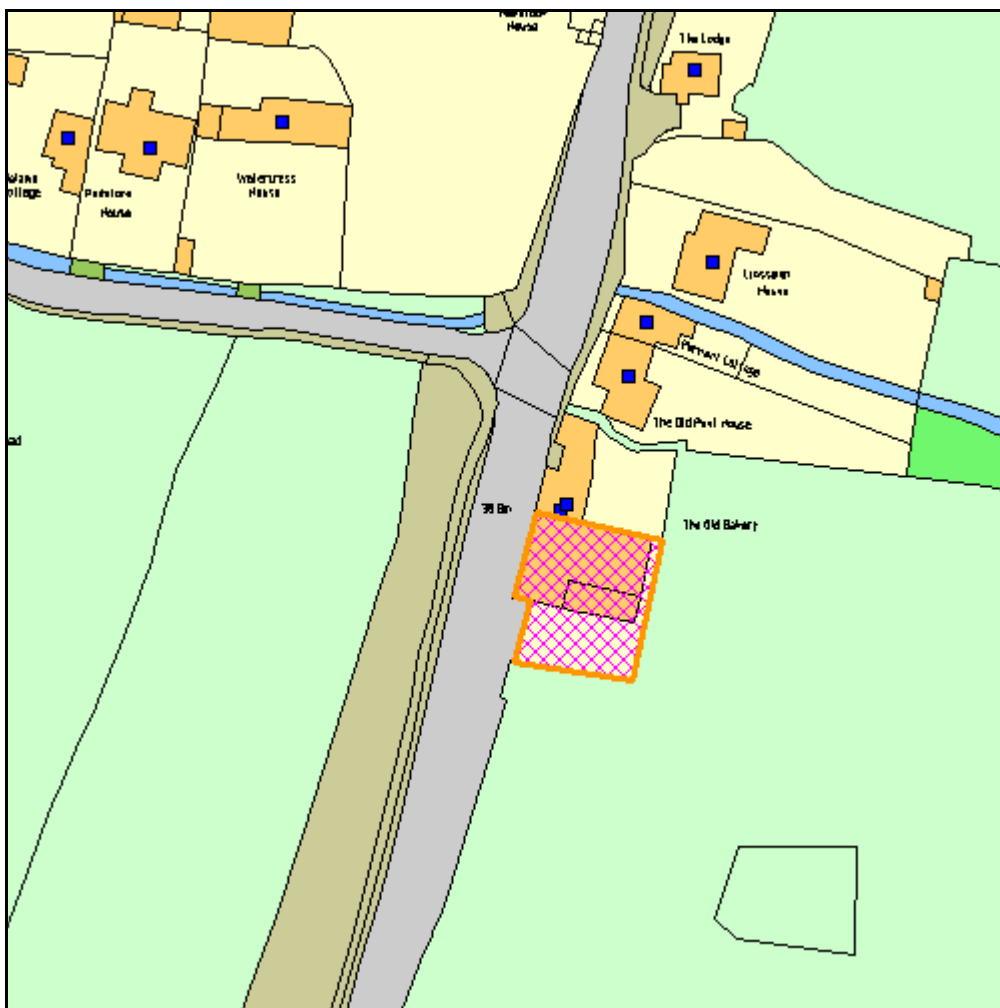
Sit Plan Proposed & Block Plan (DJR/DA/100)

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 30/18 – 27 JULY

App No.:	PT18/2309/F	Applicant:	Great Western Brewing Co
Site:	Stream Bakery Bristol Road Hambrook South Gloucestershire BS16 1RF	Date Reg:	17th May 2018
Proposal:	Demolition of existing side canopy. Erection of two storey side extension and alteration to car park layout	Parish:	Winterbourne Parish Council
Map Ref:	364048 178709	Ward:	Winterbourne
Application Category:	Minor	Target Date:	10th July 2018



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CIRCULATED SCHEDULE

This report appears on the Circulated Schedule list following comments from two local residents and the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of an existing canopy and the erection of a two storey side extension and alterations to the car park layout.
- 1.2 The application relates to a two-storey extended semi-detached building situated on Bristol Road, Hambrook. The building is locally listed and operates as the Great Western Brewing Company. The site is located within the village settlement boundary of Hambrook, washed over by the Bristol/Bath Green Belt and within a conservation area.
- 1.3 Although the red edge plans clearly identified the application site it was agreed during the course of the application, to identify the application site as The Stream Bakery to avoid any confusion. Revised plans were received to address initial concerns by the Conservation Officer.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

National Planning Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

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

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

The Setting of Heritage Assets (GPA 3 Second Edition)

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

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS12 Safeguarded Areas for Economic Development

CS13 Non-Safeguarded Economic Development Sites

CS23 Community Infrastructure and Cultural Activity

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
PSP7	Development in the Green Belt
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP21	Environmental Pollution and Impacts
PSP28	Rural Economy

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

3. RELEVANT PLANNING HISTORY

The application site:

- 3.1 PT15/1153/F Erection of single storey extension to north elevation (Part Retrospective)
Approved 5.5.15
- 3.2 PT07/0203/F Change of use from bakery (Class B1) to micro brewery (Class B2) as defined in the Town and Country Planning Act (Use Classes) Order 1997 (as amended)
Approved 2.4.07
- 3.3 N1826/2 Erection of plastic sheeting covered vehicle port, to provide cover at loading bay.
Approved 30.6.83
- 3.4 N1826/1 Erection of rear extension to bakery to form store and loading bay and enclosure of existing open yard to form storage area.
Approved 24.1.80
- 3.5 N1826 Construction of new vehicular access and of parking area for vehicles (in accordance with the revised plan received by the Council on 1st October 1975).
Approved 13.11.75

The property next door – The Old Bakery:

- 3.6 PT07/2112/F Insertion and alterations to windows on front elevation. Removal of 1 no. door on front elevation. Change of use of ground floor from bakery (Class B1] to residential (Class C3) as defined in the Town and Country Planning Act (Use Classes) Order 1997 (as amended).
Approved 29.10.07

4. **CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council

The Parish Council have noted the comments made by the Conservation Officer and are of the same opinion. The Parish Council are unsatisfied with the drawings and there are no construction materials shown.

Updated comments:

Objection. The building will block light to the garden of the Old Bakery next door. Also although it is not a planning consideration, members query whether the business has outgrown the building.

Internal Consultees

4.2 Conservation Officer

By reason of design and form not convinced that the proposed scheme would pass the test of the need to “preserving or enhance the character or appearance of the conservation area.

It is also not considered that it would help sustain the historic significance of the locally listed building.

The design should be reconsidered if the scheme is to be supported.

Updated comment:

Following revised plans and additional information no objections are raised.

4.3 Archaeology

No comment

4.4 Drainage team

No objection

4.5 Transport

No objection

4.6 Economic Development

No objection.

4.7 Highway Structures

No objection

Other Representations

4.8 Local Residents

Letters of objection have been received from 2 local residents. The points raised are summarised as:

Notification:

- Site has been incorrectly identified and therefore I was not notified of the application – the same happened with a previous application.

Residential amenity:

- Height of new extension will block light to my rear garden
- Are windows proposed? Which may overlook my property
- What sound insulation will there be – already noise of banging beer barrels
- Cars park outside my house blocking light in to the house and preventing me from parking there
- Delivery lorries to the brewery also parking outside my house again blocking light and knocking into my house causing damage
- Moving the cask washing and handling inside will be detrimental to health and will increase noise levels

Environmental issues:

- Concerned of fire risk to the cladding and access for fire fighters
- High risk to flooding because rain water pipes from guttering and sewage run through my house at ground level
- Members of family are intolerant to alcohol
- Smell of the brewery is intense and will become more frequent if this building goes ahead
- Constant stream of industrial waste running down from the brewery to outside my house which I have to walk and drive through daily
- On occasions white industrial fluid runs down from the brewery
- Rodent control especially rats has never been taken seriously by the brewery. This building will be used for hops and malt storage and I feel I will be overcome by them.

Impact on conservation area:

- This is no longer a micro-brewery but a factory which is inappropriate and dangerous to have next to a busy road and adjoining my private residence
- Not in-keeping with a conservation area
- When first became a brewery in 2007 there were 3 people working there now there are 6 so the brewery has doubled in size and so has the number of cars parked on the public highway – the 200 or so beer barrels take up the parking area on the proposed plan

Other:

- The brewery operates a fork lift truck which I have seen operating on the public highway without a registration plate
- Although approved, the retrospective extension is clearly an extension
- Dispute the claim that the applicant does not consider the business to be near outgrowing the location
- Disappearance of beer casks irrelevant
- Will adversely affect value of my property
- Where are the 200 large beer barrels to be stored after construction?
- Will the electricity supply affect my home?

5. ANALYSIS OF PROPOSAL

5.1 The proposal is for the demolition of an existing side canopy, the erection of a two storey side extension and alterations to the existing car parking area.

5.2 Principle of Development

The proposal stands to be assessed against the above listed policies and all material considerations. Of importance is its locally listed status and its current use as a micro-brewery. The location of the building within a conservation area and washed over by the Green Belt is noted. Relevant to this application would be the overall appearance and impact on the locally listed building, the conservation area, its impact on the residential amenity of future occupants and closest neighbours and potential impact on highway safety. In particular PSP17 seeks to ensure that proposals affecting locally important heritage assets should ensure they are preserved or enhanced, having regard to their significance. New development must also satisfy Policy CS1 and Policy PSP1 which along with the NPPF encourage high quality design for new development.

5.3 Green Belt

Both national and local planning policies limit development in the Green Belt. Only that development which falls within the listed criteria is considered appropriate.

5.4 In this instance the proposal would fall under the criteria:

The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

5.5 It is evident that the building has been subject to extensions in the past, but planning history is not clear as to when this might have happened. It appears from limited information available that the large extension to the rear was in situ prior to the former bakery building being divided into units ie the residential part (The Old Bakery) and the brewery (Stream Bakery). It is therefore not unreasonable to assume that the extension was part of its function as a bakery and therefore part of the whole building at the time.

5.6 The NPPF does not give a definition of disproportionate and so it can be a matter of judgement as to what would be an acceptable increase given the existing situation. If it is assumed that the extension to the rear was part of the whole building (now separated into two), then the starting point must be the existing situation. Therefore the increase in volume in this instance must be the small infill extension to the side considered under PT15/1153/F and the extensions to be considered here.

5.7 This proposal would be to remove an existing canopy and using the same footprint, replace it with a two-storey extension. In volume terms this means creating an additional first floor / mezzanine level to store malt/hops and smaller ground floor bottling area. To achieve this the overall roofline would be raised from an existing 3.5 metres to a proposed 6.1 metres. It is considered that this additional built form would not be disproportionate and in this respect

meets the criteria of the NPPF. It is noted that the purpose of the development is to facilitate the expansion of the existing business, but it is however, worth mentioning that given the constraints of the site in terms of the available curtilage there would be no further opportunity for any more additions given that space is required for vehicles to manoeuvre on site.

5.8 Existing business

Prior to 2007 the application site was part of a larger building run as a bakery. In 2007 the building was divided into 2, with the formation of a residential dwelling The Old Bakery and Stream Bakery which housed the micro-brewery, Great Western Brewery Company. This latter part of the building had therefore had an established commercial use and the change from a bakery to a brewery was supported.

5.9 Proposals for business development outside the defined urban areas and settlement boundaries fall under Policy PSP 28: Rural Economy. Development will be acceptable in the case of intensification, extension or alteration where the development is located within the curtilage of the site; where it is reasonably necessary for the purpose of the business use; where the volume and nature of goods sold would not have a significant adverse effect on shopping facilities of nearby settlements and where the proposal is of a scale consistent with its rural location.

5.10 The proposal is the expansion of an existing business and would not impact on nearby retail facilities. It is currently of a scale appropriate to its location. However, in the long-term any additional/further expansion would need to be thoroughly assessed to ensure that the micro-brewery is able to safely and efficiently facilitate customer and business vehicle movements on this busy road.

5.11 The scheme meets the tests set under Policy PSP28 and can be supported.

5.12 Locally listed building and Conservation Area

Development within conservation areas will be expected to, among other things, preserve or enhance the character of the area and to draw on local character and distinctiveness. The building is a non-designated heritage asset and the conservation of such assets is a priority for South Gloucestershire Council.

5.13 Policy PSP17 sets out criteria where permission will be granted if a case can be made which clearly shows harm can be outweighed by the benefits of a scheme. It is acknowledged that this is a locally listed building and its significance is attributed accordingly, but nevertheless its contribution to the character of the area must be recognised.

5.14 Initial comments from the Conservation Officer expressed concern regarding the design and form. A degree of harm to the locally listed building was therefore identified. Paragraph 135 of the NPPF deals with the effect of development on a non-designated heritage asset advising that a balanced judgement is required regarding the scale of harm and the significance of the asset.

- 5.15 It was therefore suggested that in light of the historic character and context, the building should appear more as a converted agricultural building rather than a portal framed warehouse. Revised plans and additional information were submitted to address the concerns. The revisions including amendments to materials and proportions of the proposed windows, were considered an improvement and the difficulties in achieving a traditional pitch were explained as a compromise in keeping the ridge height lower than that of the historic building to make the proposed extension less visible from the public domain.
- 5.16 The heritage asset in question is locally listed, but the proposed changes are not easily seen from the public realm, only glimpses when travelling from the south to the north along Bristol Road are possible. Overall, the harm identified is less than substantial and furthermore there would be wider benefits from this work such as the continued operation of this successful local business. Given the above the proposals it is concluded that the character and appearance of the conservation area are preserved and the scheme can be supported.
- 5.17 Design and visual appearance
Policy CS1 states that development will only be permitted where the highest possible standards of design and site planning are achieved and requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality. Design, therefore, has a much broader remit than merely appearance and good design incorporates within it a number of elements including function.
- 5.18 The proposed extension would essentially utilise the footprint of an existing canopy which is in a dilapidated condition, and it is argued does not enhance the conservation area. The proposal is for a two-storey replacement the first floor of which would be faced with 'waney' edge boards (stained dark oak) to achieve a rustic appearance while the smaller ground floor area would remain as IBR (inverted box rib) metal profile cladding, creating a contrast between old and new.
- 5.19 Comments have been received from local residents querying where existing casks would be stored. Details included within the application in the form of additional information indicate that the proposed ground floor area will be used for storing casks that have been returned and awaiting washing operations and will also provide sufficient space for a compact bottling line. Clean casks will be stored on the first floor. In this way there will be sufficient room to accommodate the casks without interfering with on-site turning/parking.
- 5.20 The submitted plans show openings to the south elevation only and a condition will be attached to the decision notice to agree materials. It is considered that traditional frames rather than uPVC would be the most appropriate in this location. It is noted that a previous application removed the permitted development rights for the property and for the sake of clarity it is worth mentioning that this condition remains valid and as such does not need to be reattached to this application.

- 5.21 In terms of the design, scale and massing the proposed extension is considered acceptable and can be supported.
- 5.22 Residential amenity
Concerns have been raised by a local resident regarding the potential for overlooking and the loss of light. The plans do not show any windows in the north elevation so there would be no opportunity for overlooking.
- 5.23 It is noted that the proposal would result in the ridge height being raised about 2.3 metres above its existing level. Given that the application site is to the south of the next door neighbour this would result in changes for this property. However, it must be noted that in between the neighbour and the proposed extension is an existing structure which already achieves a height of around 5 metres. Plans indicate that the new addition would be around 12 metres distant from this boundary and only around 0.8metres above the height of this existing building. On balance the effect on the neighbour would not be sufficient to warrant a refusal and could not be substantiated in an appeal situation.
- 5.24 A neighbour has commented that delivery vehicles park close to the front of his property, blocking light and have also caused damage to his house. These are civil matters to be discussed between the relevant parties and not something that can be covered within a planning assessment.
- 5.25 Transport
Submitted plans indicate that there would be sufficient room for vehicles to enter and leave the site in forward gear plus there is provision for two parking spaces on site and a further loading/parking area for goods vehicles. In terms of transportation this application is considered to represent a neutral impact and as such there can be no transportation objections to the scheme.
- 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 Other Matters
A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.

5.30 *Site incorrectly identified:*

Neighbours pointed out that they had not been consulted. The red edge had correctly identified the application site however, there was some initial confusion regarding the correct address. A new set of consultation letters were sent out and the neighbour has not been disadvantaged by the error.

5.31 *Adverse impact on neighbours from noise, smell, waste materials flowing along road, rodent:*

Given that this proposal represents a minor extension to an existing operational business it is not considered that these are matters raised as a result of this proposal, and so have been given limited weight. It would be more appropriate to address such concerns (irrespective of the outcome of this application) through the specific environmental legislation administered by the Environmental Health function of the Council. It is noted however that the details within the application indicate that as the cask handling will take place within the new structure, the current noise is likely to be reduced.

5.32 *Value of property:*

This is not a planning matter and falls outside the remit of a planning application assessment.

5.33 *Effect on existing electricity supply and drainage arrangements:*

These are not planning matters. Concerns regarding the electricity supply should be directed to the appropriate Utilities Company or the applicant. Similarly concerns regarding the capacity of the existing drainage system and the potential for flooding from additional use should be addressed to the relevant water company. Any drainage matters that the proposal raises will be covered adequately through the Building Regulations.

5.34 *Fire risk from use of cladding:*

Fire Regulations will be covered through the Building Regulations legislation.

5.35 *Fork lift truck operating on highway:*

This is not a planning matter and should be reported to the appropriate authorities, such as The Police.

5.37 Planning Balance:

The proposal is for an extension to an existing local business. The continued operation of this business which employs local people is given weight in the overall assessment. The scheme has been shown to comply with the Green Belt criteria and not to impact negatively on the non-designated asset or the conservation area in general. On site manoeuvring can be provided within the application site and the scheme would not have a negative impact on the closest residential dwelling to the north. The proposal can therefore be 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 listed 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. Prior to the commencement of that part of the development details/samples of the proposed windows to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance in the Hambrook Conservation Area, and to accord with and Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP17 of the Policies Sites and Places Plan and the National Planning Policy Framework.

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

Reason

To ensure a satisfactory standard of external appearance in the Hambrook Conservation Area, and to accord with and Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP17 of the Policies Sites and Places Plan and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 30/18 – 27 JULY 2018

App No.:	PT18/2404/FDI	Applicant:	Cotswold Homes Ltd
Site:	Land Off Duck Street Tytherington Wotton Under Edge South Gloucestershire GL12 8QP	Date Reg:	30th May 2018
Proposal:	Diversion of footpath OTY 18/10	Parish:	Tytherington Parish Council
Map Ref:	366904 188130	Ward:	Ladden Brook
Application Category:		Target Date:	24th July 2018



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule as applications of this type are required to be under the current scheme of delegation.

1. THE PROPOSAL

- 1.1 This application is made under section 257 of the Town and Country Planning Act 1990 (as amended). Under this section of the Act the authority may make an Order for the stopping up or diversion of a footpath, bridleway, or other restricted byway where it is necessary to enable development.
- 1.2 Footpath OTY18/10 runs through land on which residential development has been permitted under planning permission PT17/2240/F. The legal route of the path needs to be diverted in line with the layout of the development. At the same time, the opportunity will be taken to rectify a historical error in the route of the path where it passes the village shop.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Practice Guidance
Rights of Way Circular (01/2009)

- 2.2 Development Plans

South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017
PSP10 Active Travel Routes

3. RELEVANT PLANNING HISTORY

- 3.1 PT17/2240/F Approve with Conditions 06/07/2018
Erection of 28no. dwellings with new access, landscaping and associated works.

4. CONSULTATION RESPONSES

- 4.1 Tytherington Parish Council
None received
- 4.2 Internal Consultees
None received
- 4.3 External Consultees
None received

4.4 Local Residents

1 comment of support from a local resident has been received, particularly noting the path's proposed revised route through a green corridor in the development.

5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks to make an Order to divert the legal route of a right of way in Tytherington.

Principle of Development

5.2 Footpaths, bridleways, and other such routes are given legal status through highway legislation. Alterations would not therefore necessarily be considered 'development' and therefore fall under planning legislation.

5.3 However, the Town and Country Planning Act 1990 makes special provision for the stopping up or diversion of a footpath or bridleway where it is necessary in order to enable development to be carried out.

5.4 Under section 257 of the Act, an Order may be made which affects a footpath where the local planning authority is satisfied such Order is necessary. Any such Order should provide for the creation of an alternative route. Where the provisions of this section are met, the Order can be made by the local planning authority.

Proposed Diversion

5.5 The diversion is required to enable the development contained within planning permission PT17/2240/F. The proposed route corrects an existing error in the plan (which currently show the path going through the village shop) by taking the route southwards to the existing stile/gate. The route then follows a designated path through the development retained within the open areas before crossing the site access road and returning to its original route.

5.6 The diversion is considered to retain as far as practical the utility and amenity of the existing right of way. The additional distance is not excessive and reflects the development. The proposed route is consistent with that shown during the determination of the relevant planning application.

Impact on Equalities

5.7 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.

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

6. CONCLUSION

6.1 The recommendation to raise no objection 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.

6.2 The proposal complies with national guidance in relation to public rights of way.

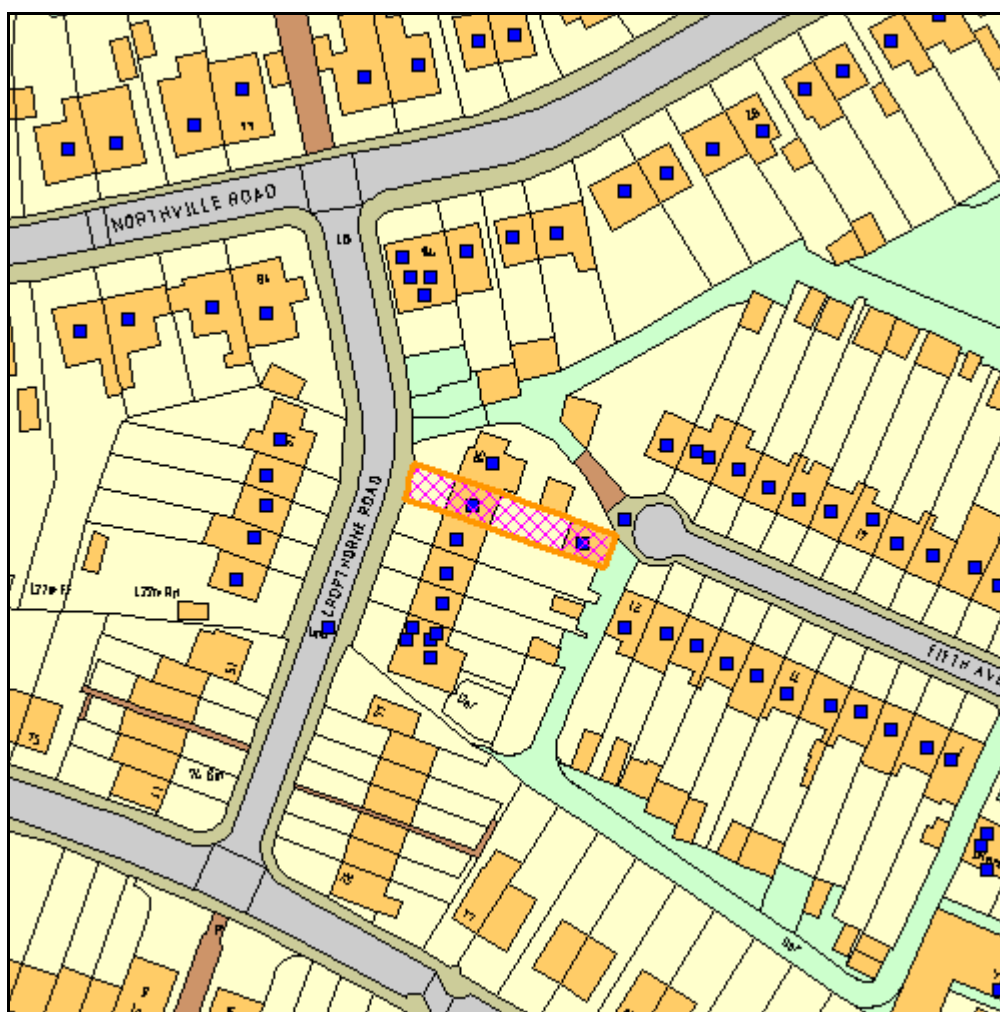
7. RECOMMENDATION

7.1 It is recommended that no objection is raised and an Order to divert the legal route of the footpath is made.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CIRCULATED SCHEDULE NO. 30/18 – 27 JULY 2018

App No.:	PT18/2681/CLE	Applicant:	Mr Tim Batson-James
Site:	54 Croptorne Road Filton Bristol South Gloucestershire BS7 0PT	Date Reg:	11th June 2018
Proposal:	Continued use as self-contained bungalow (Class C3).	Parish:	Filton Town Council
Map Ref:	360329 178119	Ward:	Filton
Application Category:		Target Date:	2nd August 2018



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PT18/2681/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule in accordance with the Council's adopted scheme of delegation. Also an objection has been received from the Town Council.

1. THE PROPOSAL

- 1.1 The application seeks a Certificate of Lawfulness for the existing use of a building as a dwellinghouse.
- 1.2 The certificate of lawfulness is sought on the basis that the use of the building as a separate house is immune from enforcement action under section 171B of the Town and Country Planning Act 1990 as amended and is therefore, lawful.
- 1.3 The application site relates to a building to the rear of 54 Crophorne Road, Filton, Bristol.

2. POLICY CONTEXT

- 2.1 National Guidance
 - i. Town and Country Planning Act 1990: S171B and S191
 - ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
 - iii. National Planning Practice Guidance: 17C (2014)

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/1013/F Approved subject to conditions 21.5.07
Erection of residential annexe.
Condition 2:
The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at 54 Crophorne Road
Reason 1: An independent dwelling in this location would have a poor relationship with the surrounding locality and visual and residential amenity terms and would be contrary to Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.
Reason 2: In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006.
- 3.2 P91/1863 Approved 31.7.91
Erection of detached double domestic garage

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

4.1 List of supporting evidence provided to the LPA:

From	Type of document	Date issued	Period referenced
Bristol Water PLC	Letter re anticipated connection date	28.8.07	
Wales and West Utilities	2 letters one re anticipated connection date and one re achieved connection date	3.11.07	
EDF Energy	Electricity bill	28.3.08	21.11.07 to 28.3.08
EDF Energy	Electricity bill	27.6.08	28.3.08 to 26.6.08
South Gloucestershire Council	Council tax bill	1.2.10	16.10.09 to 31.3.10

5. SUMMARY OF CONTRARY EVIDENCE

5.1 The LPA does not have any contrary evidence.

6. OTHER REPRESENTATIONS RECEIVED

6.1 Filton Town Council

An application for a separate residential dwelling was refused back in March 2006. In March 2007 an annex was approved with conditions. This has clearly been ignored as they have been using the above as a separate dwelling for 10 years, have they been paying council tax? If not the dwelling needs to be assessed for council tax

6.2 Local Residents

None received

7. EVALUATION

7.1 An application for a certificate of lawfulness is not a planning application. It is purely an evidential test and therefore, should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the building has been used as an independent dwelling.

7.2 The guidance contained within the National Planning Practice Guidance states that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application. This is however with the provision that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

- 7.3 In this instance, it is relevant to note that a breach of condition 2 of planning permission PT07/1013/F has taken place because this condition specifically stated the building was to be used ancillary to the main dwelling. The case of *Arun District Council v First Secretary of State* [2006] EWCA Civ 1172 established that where the breach is the change of use to a single dwelling house, the time limit is 4 years from the date of the breach. For the purposes of this assessment it is therefore necessary for 4 years worth of evidence to be provided to definitively show the change of use has occurred.
- 7.4 The applicant must prove that the building in question has been used as an independent dwelling for a period of 4 years or more, prior to the date of this application (4th June 2018). Therefore, the use of the building as a separate unit must have commenced on or before 4th June 2014.
- 7.5 Assessment of Lawfulness
The evidence provided to support this application is very limited as can be seen from the above list.
- 7.6 It is noted that each item of evidence provided have been addressed to Mr Batson-James and this is the name of the applicant on the application form.
- 7.7 Each of the documents have made reference to the building as either *The New House*, *The New Bungalow* or *The Annexe*, all associated with the main property address at No. 54 Crophorne Road.
- 7.8 The very limited evidence provided relates to short periods in 2007, 2008 and for 5 months during 2009/10. These details indicate that the building was used as residential accommodation at that time but there is no evidence to show that the building has been occupied as a dwelling for a continuous period of time.
- 7.9 When analysing the evidence supplied, sworn statements are given the greatest weight, but none have been provided with this application. The evidence that the building was used as a residential property is not proof of continuous use and as such information holds the least amount of weight in this assessment.
- 7.10 It is considered that the evidence provided is **insufficient** to demonstrate that the building has been in use as a separate dwelling for a period of over 4 years.

8. CONCLUSION

- 8.1 Having regard to the above, insufficient evidence has been submitted to prove that, on the balance of probability, the use of the building as a separate dwelling at 54 Crophorne Road, Filton, BS7 0PT has been established for a continuous period of over four years prior to this submission.

9. RECOMMENDATION

- 9.1 That the Certificate of Lawfulness of **REFUSED**.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

REASONS FOR REFUSAL

1. Having regard to the above, insufficient evidence has been submitted to prove that, on the balance of probability, the use of the building as a separate dwelling at 54 Crophorne Road, Filton, BS7 0PT has been established for a continuous period of over four years prior to this submission.