



**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. 01/18

Date to Members: 05/01/2018

Member's Deadline: 11/01/2018 (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:

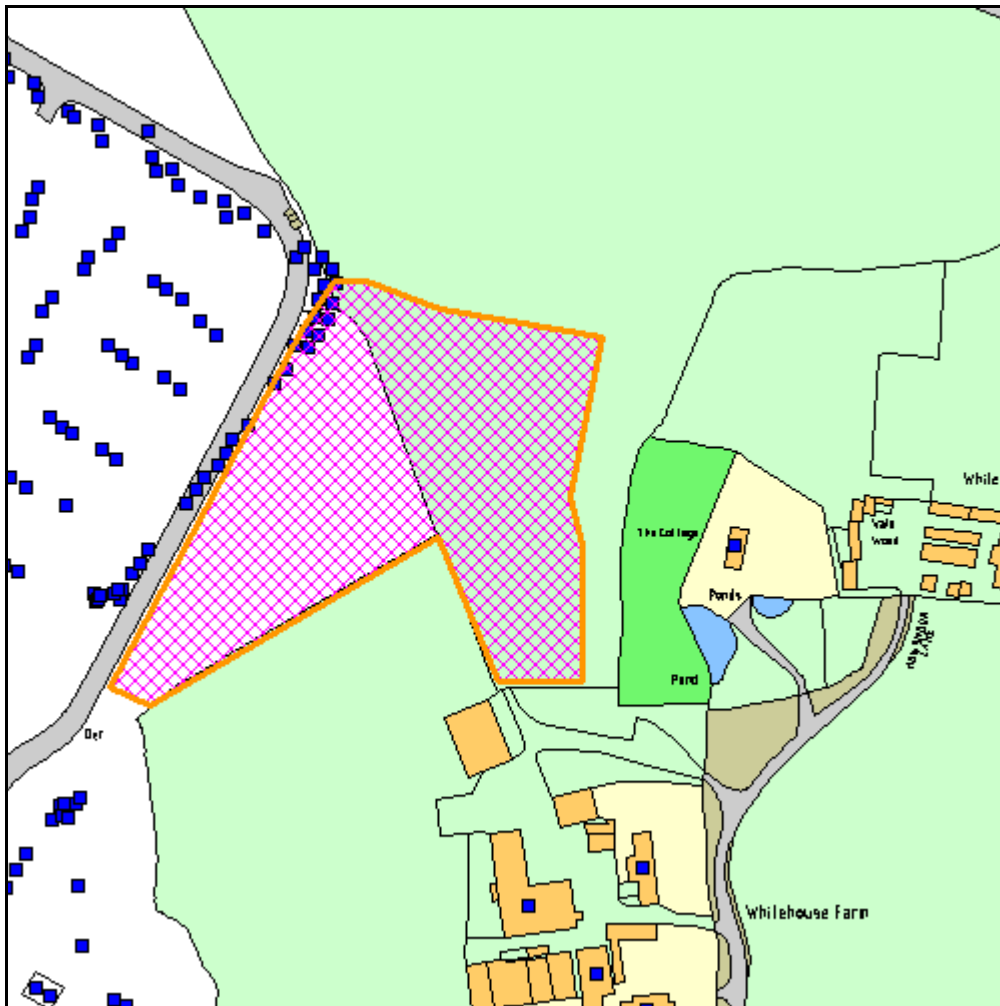
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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 - 05 January 2018

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/2795/RM	Approve with Conditions	Parcel 16, Land To The West of White Cat Stables Howsmoor Lane Emersons Green South Gloucestershire BS16 7AH	Boyd Valley	Emersons Green Town Council
2	PK17/3833/O	Approve with Conditions	370 North Road Yate South Gloucestershire BS37 7LL	Ladden Brook	Iron Acton Parish Council
3	PK17/4706/F	Approve with Conditions	21 Portland Street Staple Hill South Gloucestershire BS16 4PT	Staple Hill	None
4	PK17/5184/TRE	Approve with Conditions	16 Avon View Hanham South Gloucestershire BS15 3LG	Hanham	Hanham Abbots Parish Council
5	PT17/4359/F	Approve with Conditions	The Old Vicarage Stowell Hill Road Tytherington Wotton Under Edge South Gloucestershire	Ladden Brook	Tytherington Parish Council
6	PT17/4567/F	Approve with Conditions	Barns At Hayfields The Street Alveston South Gloucestershire BS35 3SX	Thornbury South And	Alveston Parish Council
7	PT17/4937/CLE	Refusal	Dilkhush Gloucester Road Rudgey South Gloucestershire BS35 3SA	Severn	Olveston Parish Council

CIRCULATED SCHEDULE NO. 01/18 – 5 JANUARY 2018

App No.:	PK17/2795/RM	Applicant:	Persimmon Homes Severn Vally
Site:	Parcel 16, Land To The West Of White Cat Stables Howsmoor Lane Emersons Green South Gloucestershire BS16 7AH	Date Reg:	5th July 2017
Proposal:	Erection of 56no. dwellings including garages, parking, landscaping and associated works. (Approval of Reserved Matters - appearance, landscaping, layout and scale; to be read in conjunction with Outline Planning Permission PK15/4232/RVC, formerly PK04/1965/O).	Parish:	Emersons Green Town Council
Map Ref:	367891 178033	Ward:	Boyd Valley
Application Category:	Major	Target Date:	29th September 2017



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 100023410, 2008. **N.T.S.** **PK17/2795/RM**

INTRODUCTION

This application appears on the circulated schedule because concerns have been raised by Emersons Green Town Council which are contrary to the Officer's recommendation.

1. THE PROPOSAL

1.1 This application seeks reserved matters consent for the erection of 56no. dwellings, including garages, parking, landscaping and associated works. The reserved matters, which comprises appearance, landscaping, layout and scale should be read in conjunction with outline planning permission PK04/1965/O (as amended by PK15/4232/RVC). This outline consent included details of access to the site as a whole off the Rosary Roundabout. The site has the benefit of an approved Detailed Masterplan and Design Code.

1.2 The application is for parcel 16A, which is in the first phase of development, as shown on the approved phasing plan. Comprising an area of some 1.08 hectares, parcel 16A is located towards the northern end of the Lyde Green development. The site fronts the main spine roads Jenner Boulevard to the north and Willowherb Road to the west, with employment and residential development beyond respectively. The site abuts an open field, which is outside the original EGE outline consent but within the overall allocation on the southern boundary, and abuts parcel 16B to the east. No application in respect of parcel 16B has been submitted to the Local Planning Authority at this point. The proposal would provide vehicular access to the land safeguarded for residential development around Whitehouse Farm.

1.3 The 56 dwellings in parcel 16a would include houses and apartments of 2 and 3 bedrooms, ranging between 2, 2.5 and 3 storeys. A statement of compliance has been submitted in support of the application.

1.4 The following changes have been made to the scheme through the application process:

- Improved the design and appearance of a key corner building
- Improved the security of the layout
- Stronger frontage provided to the spine road
- Balconies added to apartment block
- Improved shape and size of some gardens
- Secured higher quality boundary treatments
- Ensured the facing brick is consistent with other parcels

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
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS23 Community Infrastructure and Cultural Activity
CS29 Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) November 2013

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodland
PSP6 Onsite Renewable and Low Carbon Energy
PSP8 Residential Amenity
PSP10 Active Travel Routes
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP17 Heritage Assets and the Historic Environment
PSP19 Wider Biodiversity
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP21 Environmental Pollution and Impacts
PSP37 Internal Space and Accessibility Standards for Affordable Dwellings
PSP43 Private Amenity Space Standards
PSP47 Site Allocations and Safeguarding

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Residential Parking Standards SPD (adopted)
Waste Collection: Guidance for New Developers SPD (adopted)
Extra Care and Affordable Housing SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PK04/1965/O - Urban extension on 99 hectares of land comprising of :- Residential development of up to 2550 dwellings; up to 100,000m² of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m² of small scale A1, A2, A3, A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavilion (Class D1) and health centre. Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network.

- A network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined. Approved 14th June 2013.
- 3.2 Development Control East Committee on 15th February 2013 approved the Detailed Masterplan associated with outline planning permission PK04/1965/O at Emersons Green East.
 - 3.4 Environmental Impact Assessment was carried out for the Outline planning permission for this development and officers can confirm that the current RM application does not raise any issues that would call into question the EIA conclusions.
 - 3.5 PK16/4926/RM, Construction of road 5 and adjoining roads, including carriageway and footway. Construction of Pond C4 and reprofiling of Lyde Green Watercourse. Approval of reserved matters - appearance, landscaping, layout and scale; to be read in conjunction with outline planning permission PK15/4232/RVC, formerly PK04/1965/O). Approved on 19th January 2017.
 - 3.6 PK14/4110/RM, Erection of 99 dwellings with garaging, parking, landscaping and associated works. (Reserved Matters to be read in conjunction with outline planning permission PK04/1965/O). Approved on 31/03/2015 (Parcel 12).

4. CONSULTATION RESPONSES

- 4.1 Emersons Green Town Council
Members have noted that the provision of parking is still some distance away from the proposed dwellings
- 4.2 Drainage Officer
I can confirm having read through the emails that the comments provided by the developer (dated 31st of August) answers the queries raised and we have no further comments to raise on these matters. The proposed surface water drainage system for this particular parcel conforms to the site wide Emerson's Green Drainage Strategy and as such we have no objection to this application and as indicated above have no further comments/queries to raise on this application.
- 4.3 Affordable Housing Officer
The scheme has been amended to ensure that it complies with the agreed affordable housing tolerance in terms of providing no less than 17.75% affordable housing on this parcel.

Enabling sought confirmation from the Agent that the proposed affordable homes will comply with the required size standards. Whilst this has not been provided, the developer is however, bound by the S106 obligation.

Enabling require a LTH audit to be carried out specifically for this scheme.

4.4 Transportation DC Officer

I can confirm my acceptance to the developer's suggestion to redesign of the 'dogleg section' of the road extending south between plots 15 and 20 in order to create a 'homezone' (6.8m wide road) layout at this location.

However, I must reiterate that it would be up to the developer to relocate / lower down as necessary any services that currently exists to suit the new road layout and to the approval of colleagues in Development Implementation team as well as the relevant service authorities within the limits of new adopted area.

4.5 Crime Prevention Design Advisor

Having viewed the information as submitted on the revised plans submitted 22 Nov 2017 we find the design to be in order and complies appropriately with the crime prevention through environmental design principles.

4.6 Archaeological Officer

No objection

4.7 Listed Building Officer

With this RM application following an outline approval, subject to compliance with masterplan and the agreed scale parameters, it is the case that the impact on the setting of the adjacent grade II listed Whitehouse Farmhouse has been previously assessed and agreed as part of the outline approval. Additional landscaping could however be considered for plot 30, as there appears to be no landscaping proposed at all for this plot which sits at the southern end of the site. Tree planting to the southern and front boundaries should therefore be considered.

4.8 PROW Officer

No objection

4.9 Highway Structures Officer

Standard advice

4.10 Waste Engineer

Waste management provision is satisfactory.

4.11 Environmental Agency

No objection

4.12 Public Rights of Way Officer

No comment - public art scheme for EGE being delivered as part of the community hall development.

Other Representations

4.13 Local Residents

No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of the development has been established with the approval of outline planning permission under application PK04/1965/O, which covers a substantial part of the Emersons Green East (EGE) development, allocated by saved policy M2 in the South Gloucestershire Local Plan (adopted) January 2006 and superseded by PSP47 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017. The outline planning permission reserved all matters for future consideration, except the means of access off the Rosary roundabout, which has been approved in detail.

5.2 The DC East Committee in February 2013, approved the site wide detailed masterplan, and subsequently officers approved the design code under delegated powers for the whole of the outline application site. Parcel 16a is for residential development and is in accordance with the Detailed Masterplan no.9405 rev.Z7 and the Development Framework Plan no.9402 rev.P previously approved. It is therefore, considered that the principle of residential development is established for the site.

5.3 Urban Design

In accordance with the Design and Access Statement approved at outline stage, the approved design code seeks to deliver a series of three distinct character areas – southern, northern and central, each of which contains sub areas of Spine, Core and Edge. The idea is to provide continuity and consistency in some elements within the character areas and within the sub areas, with the aim of creating a development that is harmonious yet legible and varied. The site lies within the northern character area as outlined in the approved design code and comprises ‘spine’ and ‘core’ sub character areas.

5.4 Parameter Plans

The approved parameter plans show parcel 16a falling within an area of high density residential development ranging between 40-80dph, and up to 4 storeys in height across the parcel. The proposal has a density of approximately 52dph and a maximum height of 3 storeys; therefore, the proposal falls within the limits set by the parameter plans.

5.5 Street Hierarchy/Safe Route to School

The site wide Street Hierarchy Plan within the EGE Design Code defines the network of streets across the whole Lyde Green development. The plan demonstrates two vehicular accesses into the site off the boulevard to the north and west onto tertiary streets and a homezone. The plans also demonstrate a safe route to school, which extends through the parcel.

5.6 The proposed plans submitted accord with the Street Hierarchy Plan in terms of the number and location of the vehicular/pedestrian accesses into the site. The plans demonstrate a standard road layout for the main central road with 3m and 2m wide footpaths either side of a 5.1m wide road. There are issues with the design of the dogleg section of road between plots 15 and 20, as existing services laid would prevent the construction of parking areas and a garage.

In addition, the footpath is of substandard design and would not be adopted by the Council's Highway Adoption Team because it would serve no practical highway purpose. The developer has agreed to reroute the services within a 2m wide maintenance strip as part of a 6.8 metre wide adoptable shared surface street. This is acceptable in principle and the detail of the homezone will be secured by condition.

5.7 Waste Collection and Storage

All properties are accessed off an adoptable road, which will provide convenient access to refuse bins by occupiers and bin collection crews. The Council's Waste Engineer has no objections to the proposal but considers that a dropped kerb to serve the refuse store of the flat block would aid with collections. Revised plans demonstrate a dropped kerb adjacent to the bin collection point.

5.8 Layout and Appearance

The Design Code states that the main route into the site from the northern entrance is framed by an asymmetrical arrangement of buildings and a formal arrangement of avenue planting. The EGE Design Code requires a landmark building to be provided in the northwestern corner of parcel 16.

5.9 The main issue with the plans originally submitted was that the proposed 'landmark' apartment block to the northwest of the parcel had a chamfered form replicating the opposite building in parcel 12. The style of the building, in the location proposed, would provide poor legibility, as it would indicate that the spine road to the north and east of parcel 16 have equal status in terms of road hierarchy. However, the spine road to the west, which leads to the local centre, is clearly the primary route, whereas the spine road to the north of the parcel leads only to employment buildings. The revised building has a simpler form and would better define the primary route and provide better legibility. The appearance of the landmark building has been amended a number of times, and the latest amendment now achieves an adequate design standard, and complies with design code guidance for landmark buildings. Although only three storeys in height, changes of material to render and blue weatherboard cladding, projecting central column and full height gables, parapet roof detailing, and projecting balconies will ensure that the building is distinctive from its surroundings.

5.10 The other main issue was that the layout was considered too low density with semi-detached dwellings being the prevailing house types. This did not provide strong continuous frontages envisaged by the EGE Detailed Masterplan and Design Code for the spine area. The amended layout is higher density, with a greater number of terrace units which provide more continuous built form. Units fronting the spine road have a consistent building line, which would provide formality to this part of the development.

5.11 The treatment of units 14 and 46 which stepped down to 2 storeys at a prominent junction into the site, was not considered to be acceptable. This is because virtually all urban design theory suggests that the corners where streets join are best composed as strong elements, usually rising to create emphasis rather than falling. Revised plans have therefore, increased the

- height of the corner units to provide stronger and more prominent gateway buildings.
- 5.12 Concerns were raised that the side elevations of certain properties, as well as the boundary treatments prominent from public views, had not been adequately considered in the plans. For example, the southern elevation of plot 1 and flank boundary treatment, very prominent from views from the spine road, originally comprised blank elevations and timber fencing. Revised plans have address this issue by adding glazing to the side elevation and returning the spine road railings.
- 5.13 The external materials plan has been amended to specify Ibstock Bridgewater Weathered brick, which has been used in all other northern spine buildings and will unify the northern area spine road frontage. Roof tiles for properties fronting the spine road are Marley Eternit Blue/Black, whilst concrete roof tiles are specified elsewhere. All window facing spine road are to be grey uPVC. The appearance of fenestration, porches, front doors and dormer windows will ensure that the dwellings have a contemporary appearance which is a requirement of the design code.
- 5.14 Black metal ball top railings and ornamental hedge planting are proposed to the spine road frontage which complies with the requirements of the design code. Ball top railings need to continue along the northern spine frontage. This will be secured by a condition.
- 5.15 Security
The Crime Prevention Design Advisor originally considered that the design was unacceptable in its current format. The layout has been made more secure by providing gates to secure alleyways formed where there are narrow gaps between properties. The gates are located towards the front of the building for added security. The parking court serving plots 50-55 has been reconfigured so that it is smaller in size, benefits from more overlooking from properties and does not have contiguous boundaries with other parking courts. The parking court serving units 41-45 has been removed from the scheme, and the parking court serving plots 1-7 has been reduced in size and made more secure by introducing side windows into plot 3 which abuts the access road. The permeability of the scheme has been reduced in accordance with the Crime Prevention Design Advisor comments such that there are no routes via alleyways between dwellings on the spine frontage that provide access through to the central area of the parcel. Fenestration has been included in prominent side elevations to avoid blank gables and provide a more surveillance to the street. Accordingly, it is considered that the comments made by the Crime Prevention Design Advisor have been satisfactorily addressed, and would result in a sufficiently secure scheme.
- 5.16 Landscaping
Concerns were raised by officers regarding the impact on an existing hedge which abuts the southern boundary of the parcel, as it was not shown on the plans originally submitted. The revised plans indicate that hard surfaces would clearly encroach into the route protection zone of the hedge such that there would likely be a harmful impact on its health and amenity. No arboricultural

surveys or method statements have been submitted in support of the scheme. However, after considering this matter carefully, it is not considered to constitute a reason for refusal in this instance. This is because, based on the approved EGE Detailed Masterplan, the majority of the hedge will be screened from views from the public realm. It would be trapped between private residences and would therefore, provide little public benefit in terms of visual amenity. It is also indicated on the Landscape and Ecological Management Plan (LEMP) approved under condition 32 of the outline consent that the hedge would not be retained, and therefore, is considered to hold little ecological value. Weight is also given to the fact that it has been approved in principle that the hedge is to be severed in a number of places to provide access to plots within the EGE allocation.

5.17 Planting

Concerns were also raised that the shared street design is too hard with the dominance of parking and the very extensive block paving up to all house fronts not creating an attractive environment. In response, the plans have been revised to provide more ornamental hedge and shrub planting to the frontages of properties 14-15 and 20 – 23. Plots 17, 18 and 19 do not have any planting or gardens; however, these frontages will be considered within the revised informal homezone design. It was requested that the tree sizes be increased from 12-14cm girth to 16-18cm in order to make them more robust and less susceptible to damage and vandalism. It was also requested that the width of the shrub planting area be increased where it is very narrow to the rear of plots 6-9; the developer has not acceded to these requests. However, 12-14cm girth trees have been approved in surrounding parcels and are considered acceptable.

5.18 Residential Amenity

Amendments have been made to the scheme which will provide a better standard of amenity for future occupiers. For example, the garden sizes of plots 3 and 4 have been increased in size, made more regular in shape and would function better and provide more amenity for future occupiers. The outlook from the rear of plot 15 has been improved significantly by increasing the size of the rear garden. Following concerns raised regarding the overbearing impact of the side elevation of plot 43 on plot 44, the garden of plot 44 has been increased in width to lessen the overbearing impact. The addition of balconies to the northwest apartment block will provide an element of private amenity space for occupiers. Although the properties to the north would face the EGE employment zone and a commercial plot occupied by DPD, it is considered that an existing landscape bund and acoustic fencing would provide adequate mitigation such that occupiers would not be significantly adversely affected in terms of noise and disruption. This relationship has also been acceptable in principle by virtue of the approved EGE Detailed Masterplan.

5.19 There are no existing properties within close proximity to the parcel which would be significantly adversely affected in terms of loss of natural light or privacy.

5.20 Transportation

The main issue with the application related to the treatment of the internal residential road that extends through the parcel. Following amendments made to the plans, the east-west internal road has reverted to a standard street design with 2 and 3 metre wide pavements either side of a 5 metre wide road, which is acceptable. For the dogleg section of road which extends south between plots 15 and 20, the layout demonstrates pavements with arbitrary widths and substandard design. The road has already been partially constructed and the Council's Highway Implementation Team have identified that services including gas and water mains, and electric and telephone cables have already been laid and would conflict with the location of a garage and parking spaces shown on the layout plan. Therefore, these existing services would need to be re-routed or the layout altered to avoid the services. The developer has confirmed that they will provide an informal homezone to this area and re-route the services within a 2metre wide service strip, which. A condition is therefore, attached for an informal homezone design for the section of road to be agreed with the Local Planning Authority. The Council's Highway Officer has raised no objections to the proposal but has advised that it would be up to the developer to relocate / lower down as necessary any services that currently exists to suit the new road layout and to the approval of colleagues in Development Implementation team as well as the relevant service authorities within the limits of new adopted area. An informative note will be included accordingly.

5.21 Listed Building Impacts

Although planting has not been proposed to the south of plot 30 as recommended by the Council's Listed Building Officer to soften views of the development from the listed building, the proposal is in accordance with the approved EGE Detailed Masterplan. Significant weight is therefore, given to the fact that the relationship between the development and the listed building and the impact on its setting has already been agreed in principle. Moreover, the approved scale parameter plan allows buildings up to four storeys across the parcel; however, two storeys are proposed to the southeast edge which would have far less of an impact on the setting of the listed building. The setting of the listed building would be considered in any future application relating to the development of the allocated site to the south.

5.22 Affordable Housing

Revised plans submitted have addressed the concerns raised by the Council's Affordable Housing Officer in respect of tenure, and a revised Affordable Housing Schedule (Rev F) has been submitted which demonstrates an acceptable amount of affordable housing for parcel 16A. The floor area of the affordable units are also considered to comply with the size standards set out in the S106 agreement. The applicant has not acceded to the officer's request for a Lifetime Homes compliance audit to be submitted as part of the application to demonstrate LTH standard compliance for all internal and external areas, although they have confirmed that the proposed unit types are the same as those already approved on parcels 1 and 22. A condition is considered to be reasonable for a LTH compliance audit to be submitted to and approved by the Local Planning Authority prior to any construction of any of the affordable housing on the site.

5.23 Drainage

The Lead Local Flood Authority (LLFA) originally raised a number of concerns regarding the proposals. Following the submission of additional Information by the developer, the LLFA are now satisfied that the drainage strategy complies with the approved Emersons Green East Drainage Strategy

5.24 Balance

Through a great deal of negotiation with the developer, officers have managed to bring the design standard up to an adequate level. Although there are concerns remaining regarding the quality of the landscaping in some areas of the scheme, as well as the proximity of some of the parking spaces to some of the residential units it is not considered that these will bring about any significant adverse issues in terms of visual amenity or highway safety and it is considered that the balance lies in favour of approving the development.

6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 Reserved Matters Consent is GRANTED subject to the conditions below.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

1. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the corresponding buildings are first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies PSP11 and PSP16 of the South Gloucestershire Policies Sites and Places Plan (adopted) November 2017; policy CS8 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (adopted).

2. The bin storage shown on the drawings hereby approved shall be provided before the corresponding buildings are first occupied, and thereafter retained for that purpose.

Reason

To ensure appropriate bin storage for the proposed dwellings in the interests of the amenity of the area and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first available planting season following the first occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

In the interests of the character and appearance of the area, and to accord with Policy PSP2 of the South Gloucestershire Policies Sites and Places Plan (adopted) November 2017; and policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

4. Samples of all external facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to construction above slab level of any of the dwellings hereby approved. Development shall be carried out in accordance with the approved samples.

Reason

To ensure a good quality of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

5. Prior to the commencement of the development, details of street lighting 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 that the lighting scheme does not adversely impact on the landscaping scheme, and to ensure the health and appearance of vegetation in the interest of the character and appearance of the area and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policy PSP2 of the South Gloucestershire Policies Sites and Places Plan (adopted) November 2017.

This is a pre-commencement condition to ensure that street lighting positions are compatible with the landscaping scheme to avoid any unnecessary remedial works.

6. Prior to the construction of any affordable housing at the site (for the avoidance of doubt units 16, 18, 19 and 22-28 inclusive) a Life Time Homes compliance audit for all internal and external areas associated with the affordable homes shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To provide appropriate affordable housing provision and to accord with policies CS1 and CS18 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and the South Gloucestershire Affordable Housing and Extra Care Housing SPD (adopted) May 2014.

7. Notwithstanding the details submitted, prior to the commencement of the development a revised informal homezone layout for the dogleg section of road between plots 15 and 20 based on a 6.8m wide adoptable surface including a 2m wide strip for services shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt the plan shall be to a minimum scale of 1:50 and demonstrate materials, kerbs, drainage, landscaping, and traffic calming measures. The development shall be carried out in accordance with the agreed details prior to the first occupation of units 15-21 inclusive.

Reason

To ensure an adequately designed informal homezone in the interests of the amenities of the area and highway safety and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and PSP11 of the South Gloucestershire Policies Sites and Places Plan (adopted) November 2017.

This is a pre-commencement condition to avoid any unnecessary remedial action.

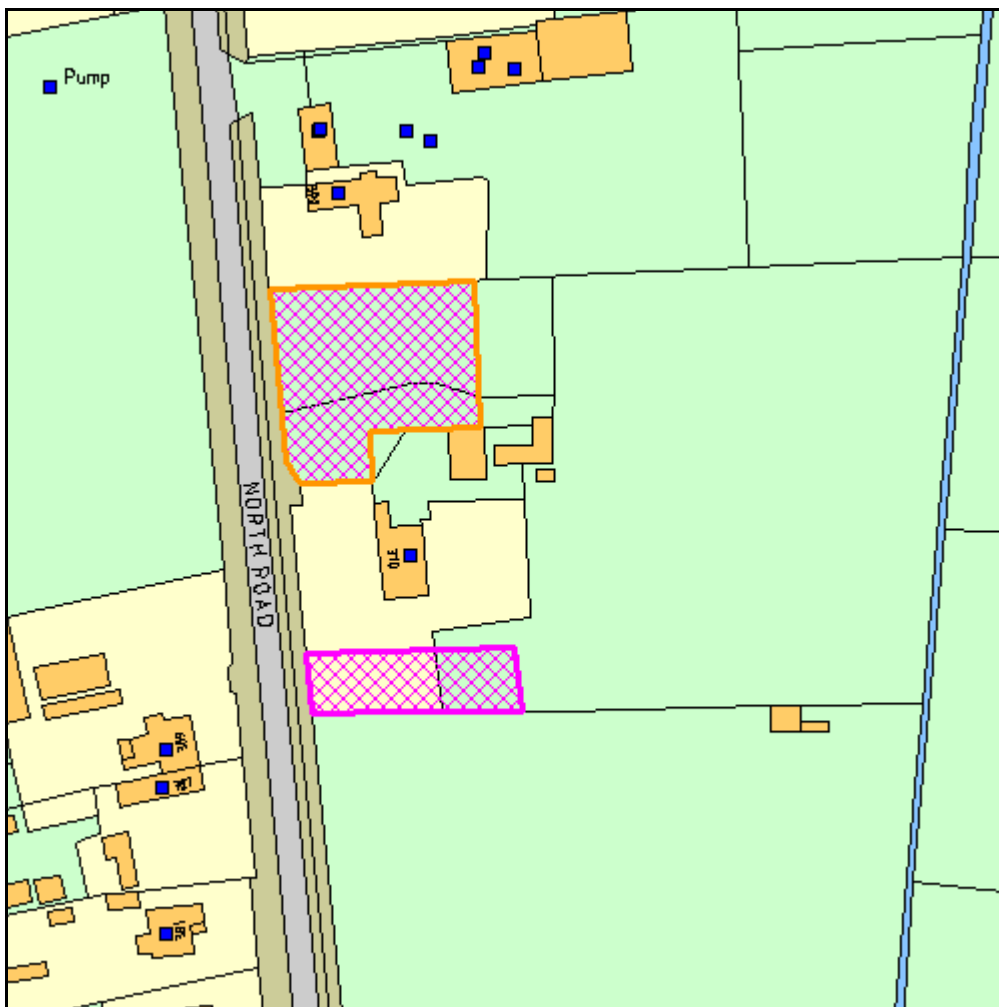
8. Black metal ball top railings to match those used elsewhere on the spine road frontage shall be provided to the front of units 30-36 prior to the first occupation of these units.

Reason

In the interests of the character and appearance of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

CIRCULATED SCHEDULE NO. 01/18 – 5 JANUARY 2018

App No.:	PK17/3833/O	Applicant:	Mr Steve Williams
Site:	370 North Road Yate Bristol South Gloucestershire BS37 7LL	Date Reg:	22nd August 2017
Proposal:	Erection of 4no. dwellings (outline) with access to be determined. All other matters reserved.	Parish:	Iron Acton Parish Council
Map Ref:	369839 184519	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	9th October 2017



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 100023410, 2008. N.T.S. PK17/3833/O

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated as a result of the objections from three households to the scheme and concern about density from the parish council.

1. THE PROPOSAL

- 1.1 The application seeks outline planning permission for the erection of four dwellings. Access is to be decided as part of this application, leaving matters of appearance, layout, landscaping and scale to be matters reserved for future consideration.
- 1.2 The application follows the refusal of a different part of the applicants land (at the rear/east of the existing house) for 14 units with access also being proposed in a similar location.
- 1.3 Contrary to the Design and access Statement the site of this current application measures approximately 1950m² (not 1.950ha) and uses land on either side of the existing house to create four houses in total. The site is outside of any established settlement boundary and is considered to be within the open countryside, although it is not within the Bristol/Bath Green Belt. This locality is covered by a blanket Tree Preservation Order.
- 1.4 To support the application the following documents were received at submission:
 - a sustainability audit and transport review, including a visibility splay plan for a 40mph road
 - an ecological appraisal ,
 - indicative elevations
 - illustrative layout

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS6 Infrastructure and developer contributions
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS34 Rural Areas

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodland
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP17 Wider Biodiversity
PSP28 Rural Economy
PSP40 Residential Development in the Countryside
PSP43 Private Amenity Standards

2.3 Supplementary Planning Guidance

Design Checklist (Adopted) August 2007
Residential Parking Standard (Adopted) December 2013
Affordable Housing and Extra Care Housing (Adopted) May 2014
Waste Collection Guidance for New Development (Adopted) January 2015
CIL Charging Schedule and the CIL and S106 SPD (Adopted) March 2015
South Gloucestershire Council adopted planning guidelines- Trees on Development Sites
South Gloucestershire Landscape Character Assessment (adopted Nov 2014)
LCA 8 Yate Vale

3. RELEVANT PLANNING HISTORY

- 3.1 PK01/0235/F Retention of use of land for the storage of vintage lorries refused 27.02.2001 (front of site on access road)
- 3.2 P98/2619 Erection of stables, use of land for keeping of horses and retention of existing garage (in accordance with amended plans received by the Council on 4 December 1998). Approved 21.12.1998
- 3.3 P86/2011 Erection of two detached bungalows and garages; construction of vehicular and pedestrian accesses (outline). Refused outline 13.08.1986 – dismissed at appeal
- 3.4 On the house with in the same ownership
PK13/4138/F Erection of first floor extension and balcony and single storey rear extension to facilitate additional living accommodation. Approved 08.01.2014
- 3.5 Land Between Iron Acton Way And North Road, Engine Common
PK12/1751/F Mixed use development across 14.9 hectares of land comprising 210 new dwellings, 1329sq m of office floorspace (Use Class B1), 1914sq m of employment floorspace for light industrial use (Use Class B1c) and/or warehouse and distribution (Use class B8), new clubhouse and carpark at Yate Town Football Club with provision of associated parking, infrastructure and landscaping. Dismissed at appeal despite lack of a five year land supply. Inspector acknowledged the distinctive character of Engine common.

- 3.6 PK17/1016/O Erection of 14no dwellings (outline) with access to be determined. All other matters reserved. Refused 08.06.2017 for matters of design, sustainability, trees and lack of affordable housing.

4. **CONSULTATION RESPONSES**

4.1 Iron Acton Parish Council

No objections to infills however concerns over the density and proximity to the neighbouring property, would recommend fewer houses.

4.2 Other Consultees

Lead local flood authority

The Application Form states method of foul sewage disposal as existing main sewer. However the nearest public foul sewer is approx.160m away down North Road.

The application Form states method of surface water disposal as sustainable drainage system (SuDS). The proposed method of SuDS is queried.

Sustainable transport

No objection to access. The plan submitted with this application shows visibility splays of 2.4m x 160m can be achieved at this location and this is considered adequate for the speed of the vehicles on this section of North Road which is subject to 40mph speed limit. Suitable turning can also be created on site to ensure that vehicle can access and egress the site access in forward gear. There is therefore no transportation objection in terms of highway safety from the vehicular access.

However the location is unsustainable. There are some local facilities, (primary school, pub and shop) within the settlement boundary, and some employment within potential walking distance, but the immediate bus service is limited and the train station is too far for most to walk (although cycling is possible). Cycle parking could be incorporated into the proposal in due course but this does not totally mitigate the unsustainable location for this new housing. The officer's assessment is that the remote nature of the site from some key services such as major food supermarket (3.2km), medical and dental services (2.6km) and secondary educational establishments (2.6km) and in taking into consideration leisure-based trips in the evenings, will as a result of the poor bus service, create an 'over reliance on the private motor car' and this is contrary to the local and the central government advice which is aimed to promote development in sustainable locations in order reduce reliance on use of private cars.

Environmental protection

The historic use of land adjacent to the site as a former coal pit/filled ground may have caused contamination which could give rise to unacceptable risks to the proposed development. A condition regarding land contamination investigation and mitigation is therefore required and should be included in any approval. No other adverse comment although construction sites informative also relevant.

Landscape officer

Objection as outside settlement boundary but if consent is felt to be acceptable then prior to determination a landscape scheme should be submitted to enhance the setting of the development and contribute to the amenity of the wider landscape and public realm. The scheme should follow SGC planning policy, the strategic landscape recommendations of the South Gloucestershire Landscape Character Assessment and the above advice and accommodate SuDS. The applicant is advised to seek the services of a landscape architect. Style and density contrary to the existing landscape character and outside the settlement boundary.

Tree officer

No objection subject to the arboricultural report being listed in the conditions of a permission.

Ecology

There is no ecological objection to this outline application. The ecological appraisal recommends various mitigation, enhancement and compensation measures to prevent biodiversity loss, and enable biodiversity gain, through the proposed development. Conditions would be required if consent were recommended regarding avoidance of harm to birds, bats, reptiles, proactive regenerative replanting of hedgerows and wildlife friendly planting in accordance with the applicants Ecological appraisal. An invasive Plant Species Method statement would need to be agreed and followed as a result of Cotoneaster sp. being on site and a specific condition to agree locations for bat and bird boxes.

National grid

No comment received

Other Representations

4.3 Local Residents

Three neighbours/local households have raised the following objections to the proposal:

- i. Site is outside of designated settlement boundary
- ii. Not in keeping with style of houses in North Road.
- iii. Should not be allowed to build on gardens just because they area large
- iv. Road is already busy enough with people cutting through to Wotton Road
- v. Would adversely affect the residential amenity of neighbouring properties by reason of noise, disturbance, overlooking, and loss of privacy.
- vi. Too dense and overdeveloped so would affect essential character of this part of North Road.
- vii. Would set a precedent for more infilling in this part of North Road where houses are of different design and well spaced out and which have remained largely unchanged for at least 25 years.
- viii. Adverse impact far outweighs the negligible impact on housing numbers.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application proposes 4 dwellings within the application site. The Local Planning Authority consider the site to be a field for the keeping of horses (northern most element) and domestic garden (southern element). Policies CS5 and CS34 of the South Gloucestershire Core Strategy state that new build housing should be limited to urban areas and established settlement boundaries as such this specifically restricts housing outside of these areas. In that regard, this proposal is contrary to the adopted development plan as it proposes new dwellings outside of any established settlement boundaries shown on the Proposals Map and is located within the open countryside.

5.2 *Five Year Housing Land Supply*

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph goes on to suggest that if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date.

5.3 The Authority's Monitoring Report 2016 shows that the Council cannot demonstrate a five year housing land supply.

The latest five housing year supply is set out in the 2017 Authority's Monitoring Report (AMR). Table 2.3, on page 32 of the AMR sets out the 5 year supply position:-

The five year supply deficit:	719
Five year supply figure	4.66

5.4 As such paragraph 49 of the NPPF is engaged. With reference to the NPPF, policies CS5 and CS34 of the adopted Core Strategy are therefore not considered to be up-to-date, as they act to restrict the supply of housing outside the urban area and settlement boundaries. Paragraph 14 of the NPPF states that at the heart of the NPPF is a 'presumption in favour of sustainable development', and states that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, or where specific policies in the NPPF indicate that development should be restricted.

5.5 The starting point remains the development plan policy which would resist housing in principle. The question is what weight to attribute to the NPPF, as an important material consideration in light of the current housing supply shortfall. The thrust of paragraph 14 is that sustainable development should only be resisted if specific and demonstrable harm can be shown as a result of the development when weighted against the benefit of providing the dwellings. This site proposes to provide four dwellings which is attributed moderate weight in favour of the development.

5.6 Self-Build

There is no indication that the proposal is to be self-build housing. Both policy PSP42 and the Housing and Planning Act 2016 are material considerations which weigh in favour of a self-build proposal. The emerging policies are not, in any case, suggesting that self build housing is justified where otherwise housing would be resisted.

5.7 Access and sustainability of location of development

Access is to be agreed as part of the proposal. The site is situated outside of the settlement boundary of North Road, Engine Common. It is noted that the access to the larger part of the site is close to the settlement boundary (12m) and the smaller site is opposite the settlement boundary.. The posted speed limit outside the site entrance is 40mph the applicant has provided a plan to show that 160m visibility splays can be achieved in either direction which is appropriate for a 40 mph road. As such there is no objection from the Councils highway officer in relation to visibility / highway safety.

5.8 With regard to the sustainability aspect of the site. There are some local facilities, (primary school, pub and shop) within the settlement boundary, and some employment within potential walking distance, but the immediate bus service is limited and the train station is too far for most to walk (although cycling is possible). Cycle parking could be incorporated into the proposal in due course but highways officer considered that this does not totally mitigate the unsustainable location for this new housing.

5.9 The highways officer's assessment is that the remote nature of the site from some key services such major food supermarket (3.2km), medical and dental services (2.6km) and secondary educational establishments (2.6km) and in taking into consideration leisure-based trips in the evenings, will as a result of the poor bus service, create an 'over reliance on the private motor car' and this is contrary to the local and the central government advise which is aimed to promote development in sustainable location in order reduce reliance on use of private cars.

5.10 Whilst highway officers object as a result of the lack of local facilities, your planning officer takes a wider view of the site as a result of having insufficient five year land supply. The site is not particularly isolated but does have a more open and rural character. This site is outside the settlement boundary as set out in the South Gloucestershire Local Plan but can be read as part of the settlement of Engine Common. Prospective residents would be able to use those facilities/services and means of alternative transport in little different form from other residents in North Road. Indeed given that there are only four dwellings proposed this is little different to a modest increase in windfall housing within the settlement boundary, which in principle would normally be acceptable. Accordingly, Engine Common was considered sufficiently sustainable to attract a settlement boundary for infill development. The access to facilities such as medical services and secondary schools would not be significantly different from sites within that settlement boundary. The reliance on the motor car does however count against the proposal in the overall planning balance. However provided that cycles and parking are adequately provided for in a reserved matters application no objection is raised in relation to transportation.

5.11 Design and Visual Amenity

Engine Common has a strong linear character, and distinctive landscape backdrop characterized by small parliamentary enclosure fields with mature hedgerows and trees. Dwellings are generally 3-5 bed detached properties in substantial gardens, generally decreasing in size closer to the southern end of Engine Common.

5.12 The land subject to the proposed application is currently part of an equine use and part of an expansive garden. This is separated from the rest of development on the eastern side of North Road by another field.

5.13 This proposal is supported by a modest Design Statement which demonstrates that the settlement has a linear form of development and that there are, or were, field spaces within the settlement.

5.14 The siting of four dwellings at this point is not out of keeping with the grain of development and the house directly opposite is within the settlement boundary when considering proximity to other parts of the existing defined settlement. Furthermore, if there were concern about ongoing development in similar linear form given that there is a commercial business at the north of the site which would act as an obvious 'end point' to the settlement. As such the proposal would not erode the character of the area and is in broad accordance with paragraph 60 of the NPPF and policy CS1 of the Core Strategy which seek to promote and reinforce local distinctiveness.

5.15 This scheme differs significantly from the refused scheme in that it is linear form rather than being a suburbanisation of the field at the rear and it would not put pressure on the mature hedge and treescape that defines the overall landholding.

5.16 Whilst the appearance, layout and scale of the development (together with landscaping) are matters reserved for another application the council needs to consider whether in principle a scheme of housing could be achieved in the site which would, in accordance with policy CS1 of the Core Strategy 'respect and enhance the character, distinctiveness and amenity of both the site and its context' and create a mix of housing which would contribute to providing choice in tenure and type having regard to the existing mix of dwellings in the locality (CS17). It is considered that the proposal can be sited so as to carry on the linear form of the development although the height of dwelling three on the indicated plans may need to be a bungalow given the electric power lines overhead. This would not be out of character given the mix of dwellings in North Road and would increase the variety of home on offer. National grid have been consulted on this but not responded.

5.17 Landscape and Vegetation

A large hedgerow with significant trees within it surrounds the site. A blanket TPO protects all of the trees on site. A full arboricultural assessment of the trees on or near the site was undertaken and a Detailed Arboricultural Method Statement has been submitted. This retains the hedge at the front of the site to a height of three metres, clears out bramble and Leyland Cypress and trims back to the boundary and retains the large Oak and Ash within this hedge,

whist removing stems under the power cables on the west side, carrying out a crown clean and removing ivy. It is anticipated that a landscape scheme which will be required as part of the reserved matters submission will deliver enhancements to the setting of the development and contribute to the amenity of the wider landscape and public realm.

5.18 Good maintenance of the hedgerow with native species is attributed some weight in favour of the application and a landscape scheme which could enhance the hedge could also be achieved in a landscape scheme to follow.

5.19 Residential Amenity

The site can accommodate the four dwellings without detriment to the neighbouring house or the existing house on site as there is ample distance between the buildings and no direct overlooking. The neighbours blank gable end is approximately twelve metres away from the side of the nearest house on the indicative block plan and windows are set further away on that 'L' shaped property. Rear gardens of some 150m² average are provided which adequately provides for each of the houses to have private outdoor space. This together with sizable front garden depth akin to the original house and space between the detached properties have a similar character to the rest of Engine Common.

5.20 Environmental Issues/drainage

The site is close to a former coal pit/filled ground which may have caused contamination which could give rise to unacceptable risks to the proposed development. A condition requiring more investigation and possible mitigation can adequately deal with this matter.

5.21 The site is in flood zone 1 where flooding is not likely.

5.22 Ecology

An Ecological Appraisal by Crossman Associates (January 2017) has been submitted in support of the outline application. The findings of the Extended Phase 1 Habitat Survey are relevant to the site and its wider ownership site area:

Habitats

- Improved grassland – the site is predominantly managed improved grassland.
- Hedgerows with mature trees – There is no proposal to remove any trees other than Leyland cypress in the western hedgerow. Non-native cotoneaster Cotoneaster sp. appears in a hedge. Eight of the trees present in the wider site have some structural diversity including ivy clad trunks and boughs, loose bark, splits and woodpecker and rot holes.
- Scrub - There are two small areas of scrub.
- Wet ditches - Drainage ditches are present along the hedgerow bases which continue beyond the site boundary. All ditches have recently been cleared and re-excavated. The ditch running along the northern boundary has some flow but appears to be polluted.

- Ruderal - A spoil heap in the north-eastern corner of the site has become dominated by ruderal species.

Species protected under the Conservation Regulations 2012 ('European Protected Species) as well as the Wildlife & Countryside Act 1981 (as amended):-

- Bats - the eight trees have moderate structural diversity but have been assessed as having low bat roosting suitability and are to be retained/unaffected by the location of the development , therefore no further survey work is required. The hedgerows are likely to provide foraging and commuting habitat for bats, particularly as there is good connectivity to the wider countryside.
- Great crested newt (GCN) - the site does not support any aquatic features potentially suitable for GCN's. The adjacent pond is stocked with fish (Koi Carp), therefore is unlikely to support GCN's and the nearest suitable waterbodies are separated from the site by significant barriers (road and residential development). Therefore, it is unlikely that GCN's are present on site.
- Dormouse - no evidence of dormice were found during the survey and the habitat on site is sub-optimal.

Species protected under the Wildlife and Countryside Act 1981 (as amended):-

- *Nesting Birds* - The site offers potential nesting opportunities within the hedgerows and mature trees.
- *Reptiles* - The majority of the site consists of a short sward, improved grassland and is not considered suitable habitat for reptiles. However, the hedgerows and the spoil heap, provide limited habitat for widespread reptile species of reptile.

Badger Act 1992:

- Badger -_No evidence (setts, mammal paths or foraging activity) were found on site.

Invasive species

Invasive species are listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) making it illegal to plant or otherwise cause to grow in the wild.

- *Cotoneaster* *Cotoneaster sp* was identified within the hedgerow.

The prevention of the spread of this species at the hands of development should be provided in a method statement submitted to the council for approval prior to the commencement of development.

5.23 Overall there is no ecological objection to this outline application. However the ecological appraisal recommends various mitigation, enhancement and compensation measures to prevent biodiversity loss, and enable biodiversity gain, through the proposed development. The improvement in habitat and biodiversity likely to result from a landscape plan is attributed limited weight in favour of the development..

5.24 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.

No case is made or found that with regards to the above this planning application would have anything but a neutral impact on equality.

5.25 Planning Balance

Paragraph 14 NPPF sets a presumption in favour of sustainable development. For the purposes of this planning application policy CS5 and CS34 are out of date for the provision of housing on sites outside the urban area or settlement boundaries. Para 14 of the NPPF sets out that in these circumstances planning permission must be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.26 Weighing in favour of the development are the provision of four dwellings which are attributed moderate weight, and improvements to the ecological value of the site as a result of landscape maintenance and biodiversity and other mitigation/enhancement proposals for wildlife.

5.27 Whilst the proposal is outside of the settlement boundary however the site could be read as part of the settlement given that there is housing and business development directly adjacent the site. The site is not particularly sustainable being at the top end of the settlement but these four houses are not a major development and numbers such as this might normally be seen as numbers appropriate as infill housing supply had they been within the defined settlement. Whilst the likely reliance on the car at the site counts against the proposal, it does not amount to a significant and demonstrable harm in relation to this scale of development that would tip the presumption in favour of grant the other way.

5.28 Overall there are no adverse impacts which would significantly and demonstrably outweigh the benefits of allowing four new residential units at this location as indicated in the submitted Design Statement.

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 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 outline planning permission is granted subject to the conditions below.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

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 layout, scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

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

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

Reason

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

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

Reason

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

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

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

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

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. The report regarding contamination is required prior to the commencement of development in order to ascertain the likely level of contamination, and so to ensure appropriate mitigation is factored in.

6. The development should proceed in accordance with the recommendations made in Section 4 of the Ecological Appraisal by Crossman Associates (January, 2017) This includes avoiding disturbance/harm to nesting birds and reptiles, installing bat boxes and a bat friendly lighting scheme, installing bird boxes, regenerative native planting of the hedgerows and wildlife 'friendly' landscape planting scheme.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the ecological value of the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP17 of the South Gloucestershire Policies sites and places Plan adopted Nov 2017 and the National Planning Policy Framework.

7. Prior to the commencement of development an Invasive Plant Species Method Statement shall be submitted to the council and agreed in writing. This must be followed for the entirety of the development project.

Reason

To ensure the works are carried out in an appropriate manner so as to prevent harm to wider biodiversity and in the interests of the ecological value of the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP17 of the South Gloucestershire Policies sites and places Plan adopted Nov 2017 and the National Planning Policy Framework. This is a pre-commencement condition to ensure appropriate measures are taken prevent the spread of the matter as a result of the construction.

8. Submitted as part of the reserved matters application shall be the location of external lighting and two Habitat (type 001), two 2FN and two 1FF Schwegler bat boxes and four house sparrow nesting boxes. These shall then be erected as agreed prior to occupation of the site or as otherwise agreed in writing if the site is to be phased.

Reason

In the interests of the ecological value of the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP17 of the South Gloucestershire Policies sites and places Plan adopted Nov 2017 and the National Planning Policy Framework.

9. The reserved matters shall reflect the details set out in the Design Statement by Oxfarchitects dated July 2017 as received 14 Aug 2017.

Reason

Whilst siting is not a matter being determined the approximate location of properties proposed in a linear form is considered an important design principle to ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

10. The development shall proceed in accordance with the Detailed Arboricultural Method Statement received 22/10/2017.

Reason

In the interests of the long term health of the trees and hedges, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012; and policy PSP3 of the South Gloucestershire Local Plan: Sites Places and Policies DPD (adopted) November 2017.

11. Drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts, drainage routes in relation to trees) within the development shall be submitted as part of the reserved matters referred to in condition 2. Development shall be carried out in accordance with the approved details.

Reason 1

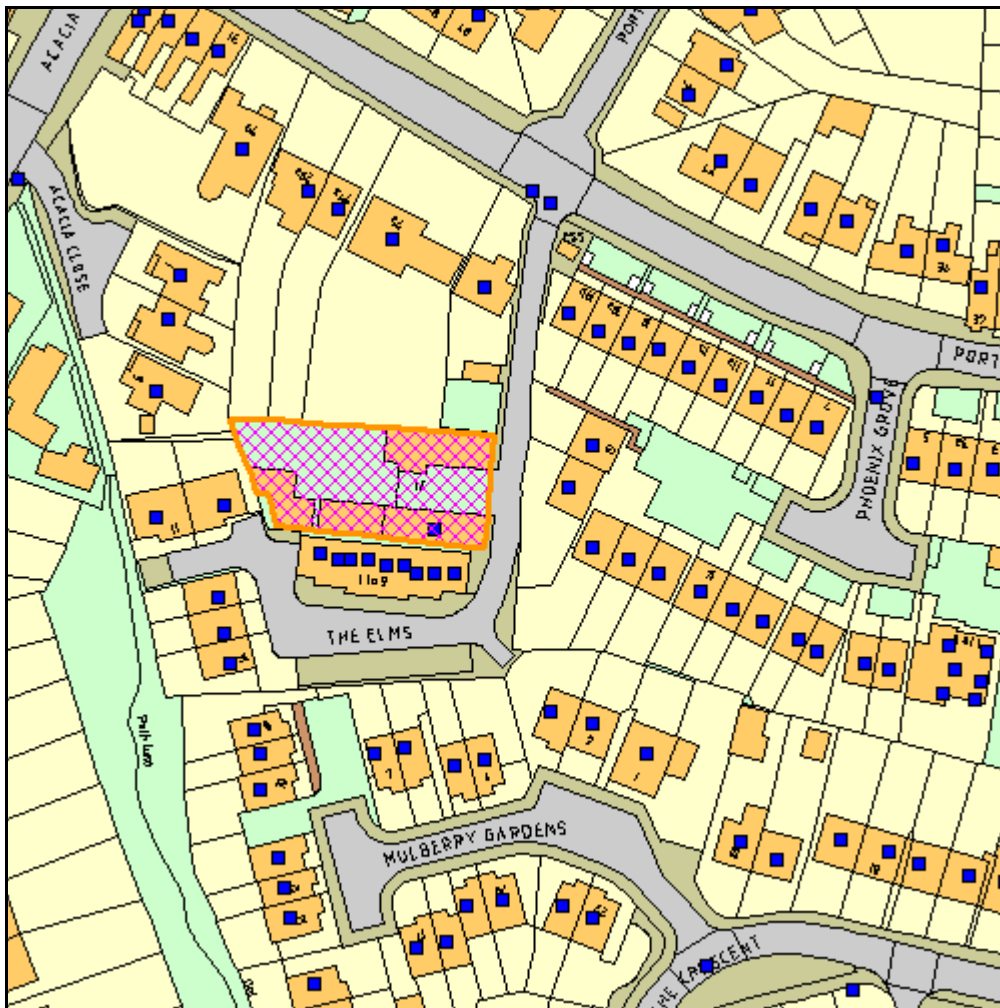
In the interests of the long term health of the trees, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012; and policy PSP3 of the South Gloucestershire Local Plan: Sites Places and Policies DPD (adopted) November 2017.

Reason 2

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 01/18 – 5 JANUARY 2018

App No.:	PK17/4706/F	Applicant:	Mr Mark Cowley Likemind Developments Ltd
Site:	21 Portland Street Staple Hill South Gloucestershire BS16 4PT	Date Reg:	25th October 2017
Proposal:	Erection of detached 3 storey building to form 8 no. self-contained flats with associated works	Parish:	None
Map Ref:	364629 175413	Ward:	Staple Hill
Application Category:	Minor	Target Date:	12th December 2017



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REASON FOR REPORTING TO CIRCULATED SCHECULE

This report appears on the Circulated Schedule following an objection comment from a local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a detached 3 storey building to form 8no. self-contained flats with associated works.
- 1.2 The application site relates to 21 Portland Street, Staple Hill a small parcel of previously commercial land, surrounded by residential development. This application follows a previously approved scheme for a block of 7no. flats on the same site.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS12	Safeguarded Areas for Economic Development
CS13	Non-Safeguarded Economic Development Sites
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP21	Environmental Pollution and Impacts
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance

SPD: Design guide (adopted) 2007
SPD: Waste guide (adopted) 2015

3. RELEVANT PLANNING HISTORY

- | | | |
|---|-------------------------------|---|
| 3.1 | PK17/3760/PND
No objection | Prior notification of the intention to demolish buildings
4.9.17 |
| 3.2 | PK16/1960/F
Approved | Erection of three storey building to form 7no.
residential apartments and associated works.
17.6.16 |
| 3.3 | PRE16/0113
Response given | Erection of 9no. flats
24.2.16
Summarised as: notwithstanding where the principle of development of this site is accepted, the conclusion of this advice must be that the overall design has sought to introduce a higher number of units on this small site than can be comfortably accommodated in the space. |
| 3.4 | P96/4611
Approved | Change of use from builders yard to taxi control office
2.12.96 |
| 3.5 | K1076/5
Approved | Two storey extension for office and garage use
23.4.90 |
| 3.6 | K1076/4
Approved | Erection of first floor office building
19.7.82 |
| 3.7 | K1076/3
Approved | Construction of garage
10.7.79 |
| 3.8 | K1076/2
Approved | Change of use of building from builders storage to
light industrial
3.4.79 |
| 3.9 | K1076/1
Approved | Erection of builders workshop to provide covered
storage area and builders workshop with ancillary canteen
accommodation
21.9.76 |
| 3.10 | K1076
Refused | Erection of a store with ancillary office and toilet
facilitates
15.1.76 |
| Next door sites:
Land at Portland Street – | | |
| 3.11 | PK09/0927/F
Approved | Demolition of existing factory and erection of 24no.
houses and 6no. apartments with associated parking,
amenity space, cycle and bin store. (Resubmission of
PK07/1622/F).
17.8.09 |

- 2 Portland Street (The Elms) -**
- 3.12 PK05/0757/F Demolition of existing workshop, flat and garages to facilitate the erection of 9no. flats and 5no. dwellings with access, car parking, landscaping and associated works.
Approved 30.5.06

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
The area is unparished

Internal Consultees

- 4.2 Highway Structures
No objection subject to an informative attached to the decision notice
- 4.3 Drainage Team
No objection
- 4.4 Environmental Protection
No objection subject to a condition relating to the contamination on the site.
- 4.5 Transport
No objection
- 4.6 Landscape
No objection
- 4.7 Local Residents
One letter of objection has been received from a local resident. The points raised are as follows:
- Too many flats in this area already
 - Not enough parking particularly if they have visitors
 - Privacy issues as new flats will directly overlook garden

5. ANALYSIS OF PROPOSAL

- 5.1 The application is for the erection of a detached 3 storey building to form 8 no. self-contained flats with associated works.
- 5.2 Principle of Development
The application stands to be assessed against the above listed policies, but the previous approval for 7no. flats on this site is a material consideration. The main difference is that the shape of the roof is to be changed to accommodate this additional unit. In most other respects the overall design is very similar to that approved under PK16/1960/F. Other alterations include minor adjustments to the car parking arrangement to the front of the site. The principle of this type of development has therefore been established for this site but notwithstanding this fact, an assessment must still be made with regards to the difference the introduction of one additional flat would have in terms of the appearance of the

building, the impact on residential amenity for both future occupants and existing neighbours and on highway safety and parking.

5.3 Loss of employment site

It is acknowledged that this development would result in the loss of a former employment site, but the implications of such a loss were discussed in the previously approved scheme PK16/1960/F and in the subsequent application to demolish the existing old buildings. The replacement of these dilapidated commercial structures with a block of flats has therefore been agreed.

5.4 Character of the area

This part of Staple Hill has seen a number of housing developments in recent years. The schemes have been a mixture of flats and houses, but the application site is located in between a block of flats to the south and the gardens of two-storey dwellings to the north and west. The flats are in a tall block and other than four windows at third floor level (some of which are obscurely glazed) presents essentially a large expanse of blank wall to its neighbours. The new block of flats would infill this gap. To the east and separated by an access road and high fencing is another modern residential development. The development would therefore not be out of character with the area.

5.5 Design and Visual Amenity

The proposed block of flats, like that previously approved, indicates two flats on three floors but this time with an additional two flats accommodated in the roof space. In this way the block would still achieve a lower height than that of its immediate neighbour, The Elms. Pre-application advice indicated an initial scheme of 9 no. flats on the site would represent a cramped form of development and Officers would defend this position. However, given that an extra flat can be accommodated in the roof space with minimum alterations, the proposed 8no. flats is acceptable. As before, the structure would be located at the western most end of the site. Its footprint would be rectangular and it would follow on from the side building line created by the three-storey block of flats in The Elms. This in turn means that the building has been stepped further away from the two storey dwellings to the west at The Elms and those to the northwest on Acacia Close.

5.6 Good quality materials would be used in its construction, indicated as slate grey roof, brown and orange coloured brick and in these terms would blend in with the existing developments at The Elms and Phoenix Grove to the east. Again planting is proposed to the front within the car park. As this would be a contributory element to the successful integration of the scheme, a condition will be attached to the decision notice.

5.7 Given the above the proposal is acceptable in terms of its visual contribution to the area.

5.8 Residential Amenity

The position of the footprint of the block within the site and the positioning of the windows within the building were discussed previously and designed to be respectful of neighbouring properties. This remains the case as there will be little difference between the extant permission and this proposed in terms of the position and number of the windows in this top floor. The orientation of the windows has not changed from the previously approved scheme. Comments from neighbours are noted. However, the angle and distance between the new roof flat windows and this neighbours has not changed with the respective properties being almost at right angles to one another and at a distance of over 28 metres. It is therefore considered that there would be no difference between this and the previously approved scheme. As such there would be no adverse impact on the privacy of neighbours due to overlooking or inter-visibility.

5.9 Since the granting of the previous permission, South Gloucestershire Council has a new adopted local plan which sets out the amount of amenity space required for new development. This adopted policy states the following:

- A 1 bed flat should have 5 sq metres
- A 2 bed flat should have 5 square metres plus additional communal space

5.10 At the time of the granting of PK16/1960/F there was no adopted policy for amenity standards and the space to the rear of the block labelled a communal garden for leisure use and for example, drying facilities and cycle and refuse store was considered acceptable. It may be that if the application was to be assessed now a different conclusion would be reached. However, the extant permission, including the communal area is a material consideration and weight is given in its favour for this reason. A block of flats of this size would require a total of 40 square metres plus some communal space. Rough calculations indicate that the garden to the west would total over 250 sq metres (excluding space for lockable cycle storage). The space is entirely communal with a gravelled area immediately adjacent to the rear of the block and a planted garden beyond. Although there is no provision for private gardens for each of the flats the overall total amount of garden to be shared by the 8no. flats is considered a good size. Given that amenity space is an important aspect of the assessment of any development, the landscape details will be conditioned to ensure that the area is created and maintained for future occupants.

5.11 Sustainable Transport

It has been noted that the access lane leading into the site is a private road and there is no intention to adopt it. The lane is relatively long and has a restricted width and limited footway. Despite these constraints, it is considered that it is suitable for pedestrians and cyclists and the access into the site itself is of an acceptable design to accommodate the proposed residential traffic likely to be generated by the 8no. flats.

5.12 Under the previous application it was recommended that the width of the site entrance at its junction with the existing lane be widened to a minimum width of 5.5 metres to allow easier access and egress. This has been indicated on current plans and is therefore acceptable in highway safety terms. Revised plans have shown a change in the layout of the planting for this parking area.

Planting is now proposed only at the head and ends of the parking areas. This would allow better access into vehicles and less damage to planting.

- 5.13 In terms of the number of parking spaces, a total of 12no. are proposed and this is considered appropriate for the 8no. flats and visitors. With regards to the provision of cycles, these should be secure and undercover. A condition will be attached to the decision notice to ensure cycle spaces are under cover and lockable.
- 5.14 Overall the increase in the number of flats from 7no. to 8no. and the associated increase in traffic movement would not represent a significant increase or compromise the current standards of highway safety for highway users. The proposal is acceptable in transport terms.
- 5.15 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.
- 5.16 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.
- 5.17 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.
- 5.18 Planning Balance
This application for a block of 8no. flats follows on from an extant permission for 7no. flats on this site. This is a material consideration and significant weight is awarded for this reason. The impact on residential amenity of existing neighbours has indicated there would be little change resulting from this application for an additional flat in the roof over the approved scheme for 7 flats. With regard to the amenity space for the new occupants, a balanced judgement has been made and although if a similar application was to be made it may not fully comply with adopted policy there will be provision of outside space for the residents to use and under the circumstances this is acceptable. Off street parking for 12 vehicles is proposed and this complies with adopted policy. A scheme of planting to the front and rear will assist in the successful integration of the block into this part of Staple Hill. Given the above, the scheme can 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 written on the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The off-street parking shown on the plan Front landscape plan - 1086-17/2610/ B hereby approved shall be provided before the building is first occupied and thereafter retained for that purpose.

Reason

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

3. Prior to the first occupation of the flats, secure and undercover cycle parking for at least 8 cycles shall be provided for the use of future occupants of each of the flats (as shown on plan 1086-17/2611B). The cycle storage shall be retained for use of the flats thereafter.

Reason

To ensure the satisfactory provision of cycle parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places (Adopted) 2017.

4. Prior to the first occupation of the building the amenity space shown on approved plans 1086-17/ 2610 B and 1086-17/2611 B shall be implemented and in a useable condition; with the amenity space retained thereafter for the use of future occupants.

Reason

To enhance 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.

5. Prior to the use or occupation of the building hereby permitted, and at all times thereafter, the proposed windows on the east and west elevations shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor level of its respective area.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

6. Prior to the first occupation of the proposed flats hereby permitted a management plan for communal areas within the scheme shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall cover the first 5 years of the development and shall be carried out in accordance with the approved details.

Reason

In the interest of residential amenity of the future and neighbouring occupiers and to accord with the Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

7. Due to the historic use of the site as a patternmakers works, steeplejacks office and taxi office may have caused contamination which could give rise to unacceptable risks to the proposed development therefore to avoid any unnecessary remedial action in the future the following conditions are required:

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

- B) Intrusive Investigation - Where potential contaminants are identified under (A), prior to the commencement of development (excepting necessary demolition works), an investigation shall be carried out by a suitably competent person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks (Remediation Strategy). The resulting Remediation Strategy shall include a schedule of how the works will be verified

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

- C) Verification Strategy - Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
- D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

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.

For further advice on contaminated land investigations, the applicant can contact Environmental Services on (01454-868001).

Reason

To comply with Policy PSP21 of the South Gloucestershire Local Plan Policies Sites and Places (Adopted) November 2017 and the provisions of the National Planning Policy Framework. The desk top report is required to be submitted prior to commencement as it relates to the condition of the existing site and may have implications for mitigation and methods of construction.

CIRCULATED SCHEDULE NO. 01/18 – 5 JANUARY 2018

App No.:	PK17/5184/TRE	Applicant:	Mr Kevin Sparrow
Site:	16 Avon View Hanham Bristol South Gloucestershire BS15 3LG	Date Reg:	10th November 2017
Proposal:	Works to fell 2no Sycamore trees covered by South Gloucestershire Tree Preservation Order 128 (KTPO 15/79) dated 14th April 1980.	Parish:	Hanham Abbots Parish Council
Map Ref:	363692 171335	Ward:	Hanham
Application Category:	Works to trees	Target Date:	2nd January 2018



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N.T.S. **PK17/5184/TRE**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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 2no Sycamore trees covered by South Gloucestershire Tree Preservation Order 128 (KTPO 15/79) dated 14th April 1980.
- 1.2 The trees are situated on the edge of woodland to the south of no.16 Avon View, Hanham, Bristol, South Gloucestershire, BS15 3LG.

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 objects to the felling of healthy trees and would prefer to see the trees heavily pruned.

Other Representations

- 4.2 Local Residents

Two local residents have submitted comments objecting to the felling of the trees on the grounds that they are a valuable asset to the environment.

5. ANALYSIS OF PROPOSAL

- 5.1 Proposed Works

Works to fell 2no Sycamore trees.
- 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 proposal is for the removal of two early mature Sycamore trees that are growing on the north-eastern edge of Hencliff Wood which is covered by a Woodland Tree Preservation Order.

- 5.4 The crowns of these trees encroach into the rear garden of the applicant's property as they seek light in competition with neighbouring trees within the woodland.
- 5.5 The loss of these trees would not adversely impact on the visual amenity of the area as the trees behind remain and will provide the visual cover. The loss of these trees will not negatively affect the long term health of the woodland.
- 5.6 Whilst the woodland as a whole is protected and this is important to prevent inappropriate and disproportionate works that would have a significant impact on its health and longevity, this has to be balanced with the rights of residents to the reasonable enjoyment of their property.
- 5.7 Heavily pruning the crowns of these trees would result in thick and vigorous regrowth that would require frequent, future management. This is not considered to be an expedient option.

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. 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.

2. 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. 01/18 – 5 JANUARY 2018

App No.:	PT17/4359/F	Applicant:	Mr Ben Small
Site:	The Old Vicarage Stowell Hill Road Tytherington Wotton Under Edge South Gloucestershire GL12 8UH	Date Reg:	4th October 2017
Proposal:	Erection of 3no detached dwellings with access parking and associated works.	Parish:	Tytherington Parish Council
Map Ref:	366459 188667	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	28th November 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the Parish Council's objection.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 3 new detached dwellings with private parking/garage and new access road at the Old Vicarage, Tytherington. The existing access would be utilised for the proposed development.
- 1.2 The site is the landscaped area in associated with the Old vicarage, Stowell Hill Road, Tytherington, and there is an existing vehicular access and timber gate to the site. The site, which lies to the south of M5, is located outside the Tytherington Village Settlement Boundary. It is not situated within any land-use designation, such as areas of outstanding natural beauty, green belt.
- 1.3 To support the application, the following survey reports including mitigation measures have been submitted:
 - a. Design and Access Statement
 - b. Planning Statement
 - c. Phase 1 Geo-environmental Report
 - d. Arboricultural Impact Assessment and Arboricultural Method Statement
 - e. Environmental Noise Assessment
 - f. Preliminary Ecological Appraisal
- 1.4 To respond the Parish Council's comments, the agent confirms that the existing house does not form part of this application, and there is no intention for this to be turned into a meeting house.

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
- CS2 Green infrastructure
- CS4a Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS15 Distribution of housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS18 Affordable Housing
- CS34 Rural Areas

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

T12 Transportation Development Control Policy for New Development

EP2 Flood Risk and Development

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP7 Development in the Green Belt

PSP8 Residential Amenity

PSP11 Transport Impact Management

PSP16 Parking Standards

PSP19 Wider Biodiversity

PSP20 Flood Risk, Surface Water and Watercourse Management

PSP36 Telecommunications Infrastructure

PSP37 Internal Space and Accessibility Standards for Dwellings

PSP40 Residential Development in the Countryside

PSP43 Private Amenity Space Standards

PSP44 Open Space, Sport and Recreation.

2.4 Supplementary Planning Guidance

Development in the Green Belt SPD

South Gloucestershire Design Checklist

Affordable Housing and Extra Care (May 2014)

2.5 Other Material Considerations

South Gloucestershire Sustainable Access Profiles (released for Public Consultation January 2017)

3. RELEVANT PLANNING HISTORY

3.1 N1466/6 Residential and ancillary development on approximately 7.9 ha and formation of vehicular access (outline). Refused 11.06.1981

3.2 P93/2341 Erection of animal shelter. Approved 08.12.93

3.3 P96/1667 Erection of goat isolation pen and store for hay and straw. Approved 17.06.96

3.4 PT04/1388/O Erection of 6 detached dwellings on 0.36 ha of land (Outline). Refused and dismissed at appeal 7.01.2005 due to the harm to visual amenity and landscape character, its location outside settlement boundary, the lack of footway. The issue regarding the motorway noise could have been addressed by condition.

3.5 PT05/3368/O Residential development on 0.17 ha of land (outline). Refused 10.01.06 due to its location outside settlement boundary due to the undesirable sporadic development, inadequate pedestrian facilities, car dependency and loss of existing trees and hedges.

- 3.6 PT06/1633/O Residential development on 0.1 ha of land (outline). Refused 29.06.06 and dismissed at appeal due to its location outside settlement boundary, highway safety, harm to visual amenity.
- 3.7 PT07/2001/F Erection of 4 metre high acoustic fence along front boundary. Approved 01.08.07

4. CONSULTATION RESPONSES

- 4.1 Tytherington Parish Council
Objection - The proposed application is outside of Tytheringtons settlement boundary. Utilities are insufficient for the present residents who live along Stowell Hill Road. The 3, 4 and 5 bedroom homes would generate at least a further 6 cars which would increase the traffic flow along Stowell Hill Road and would seem more than adequate for 2 ageing parents. Clarity should be sought as to whether the present Vicarage would be turned into a meeting house. The houses in question are not in keeping with the present neighbourhood.
- 4.2 Highway Officer
No objection subject to condition seeking the construction details of the footway works.
- 4.3 Archaeology Officer
No objection subject to condition seeking a written scheme of archaeological investigation to be submitted and approved by the Local Planning Authority.
- 4.4 Landscape Officer
No objection in principle subject to conditions seeking a detailed survey of the hedge and a twenty year maintenance scheme, a method statement to protect the existing hedge during the construction phase and the a detailed planting plan and five year maintenance schedule.
- 4.5 Ecology Officer
No objection subject to conditions seeking a method statement for site clearance and the details of one bat box and two bird boxes.
- 4.6 Arboricultural Officer
No objection. The officer is satisfied with the submitted details.
- 4.7 Lead Local Flood Authority
No objection subject to condition seeking sustainable drainage details.
- 4.8 Environmental Protection Team
No objection subject to condition seeking a de-contamination strategy should contaminants are found on site during the construction of the development.

Regarding the acoustic matter, the officer advised that the proposed acoustic fence can be further extended to the south of the site, and the submitted acoustic mitigation measures need to be implemented in full.

4.9 Highway Structures

Advised of the maintenance responsibilities of highway structures.

Other Representations

4.10 Local Residents

Five letters of support have been received, and the comments have been summarised as follows:

- Support small proposal, looks secluded and helps the shortfall of housing in South Gloucestershire.
- Doesn't expand or strain the village in any drastic way
- Cannot see this having any impact on the village unlike some of the other applications.
- Infilling development proposed is preferable to the large scale development proposed elsewhere in the village.
- Good quality, well proportioned development that will complement the village.
- It is a more reasonable development than the giant schemes currently under consideration.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. On 27th March 2012 the National Planning Policy Framework (NPPF) was published. The policies in this Framework are to be applied from this date with due weight being given to the saved policies in the South Gloucestershire Local Plan 2006 (SGLP) subject to their degree of consistency with this Framework. It is considered that the Local Plan policies as stated in this report are broadly in compliance with the NPPF.

5.2 The Annual Monitoring Report (December 2017) shows that South Gloucestershire Council does not currently have a five year housing land supply. (Based on the latest information, the supply currently amounts to 4.66 years) As such paragraph 49 of the NPPF is engaged and Policy CS5 is considered out of date. Paragraph 49 declares that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF goes on to state that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. Notwithstanding the above, the adopted development plan is the starting position.

5.3 As the site is located outside any settlement boundaries, Policies CS5 and CS34 would be particularly important. Policy CS5 states that development, which is located in the open country outside a settlement boundary, should be strictly limited. In addition, Policy CS34 focusing on Rural Areas states that the

settlement boundaries around rural settlements should be maintained and that development outside those boundaries should be strictly controlled.

- 5.4 Para 55 of NPPF resists “isolated homes” in the countryside unless there are special circumstances. Para 55 reads as follows;

‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby (officer underlining). Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

- 5.5 Although the site is outside any settlement boundaries, it is considered that it is located within a reasonable sustainable location due to the close proximity to the local village at Tytherington. Two bus stops, which are less than 50 metres away from the existing vehicular access of the application site, near the junction of Stow Hill Road and Stowell Hill Road A number of public transport services provide for residents travelling to Thornbury Health Centre, Castle School, The Plain. Bus services are also available for residents to travel to other nearby settlements and main town centres such as Cribbs Causeway, Chipping Sodbury and Yate. Within the village, there are public houses, a village shop and post office, church/chapels, a village hall, and a preschool. As such, officers do not consider that the proposal would result in a provision of an isolated home in the countryside as the site would have reasonable access to day to day facilities and transportation links. Therefore, the proposal would not be contrary to the principle of Paragraph 55 of the National Planning Policy Framework as the site is situated within a sustainable location. The proposal is therefore acceptable in principle.

5.6 Density and Affordable Housing

The proposal is to erect three detached dwellings on the ground of approximately 0.36 hectare, this would equate to a density of approximately 8 houses per hectare. This is a low density development and it is necessary to consider whether this represents the most appropriate approach to this site. A further reason for questioning the appropriateness (or otherwise) of the density is in relation to whether there is an attempt to avoid affordable housing triggers.

As described above, the site is sandwiched between two existing detached dwellings, known as the Old Vicarage, which is a two-storey detached property, and the Coppice, a dormer bungalow. Both properties have a large private garden. Therefore, the proposed two-storey detached dwellings, by virtue of its particular location and scale, would be in keeping with these characters. It is therefore accepted that this would be a reasonable design approach. Furthermore, given the close proximity to the adjacent properties and the steep topography of the site, it is considered that any higher density development would likely result in an unreasonable adverse impact upon the amenity of the adjacent properties and the existing hedges and mature trees. In this instance, officers are satisfied with the density of the proposed development.

5.7 Design

Paragraph 60 of the National Planning Policy Framework states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or imitative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

5.8 Concerns are raised regarding the design of the proposed dwellings. The proposal is to erect 3 no. detached dwellings. As previously described, the site is sandwiched by two properties, the Old Vicarage and the Coppice. In the locality, there are a group of residential properties with a mix of different ages, design, scale, form and materials.

5.9 Whilst the design of the proposed dwellings would be different from other residential properties, the proposed dwellings have utilised some of local architectural features, such as, roof form and chimney. In addition, the proposed external materials, clay double roman tiles, brick chimney, stone work. Timber cladding and coloured render are traditional building materials, as such, the proposal would not cause an unacceptable adverse impact upon the appearance of the locality subject to a condition securing high quality of materials for the construction of the dwellings and structures.

5.10 Given that the dwellings have been carefully designed with well-proportioned fenestration, it is considered that the proposed dwellings have a good standard of design and can be supported.

5.11 Heritage and Archaeological Impact

The site is not located within Tytherington Conservation Area. The nearest listed building to the site would be Old Manor House, which is approximately 210 metres to the southeast of the site. Given the considerable distance from this listed building and the mature trees and hedges along the site boundary, it is not considered that the proposal would affect the historic character of the locality.

- 5.12 The site lies within an area of archaeological potential, alongside a historic routeway and few hundred metres from a scheduled monument. Subject to a planning condition seeking a written of archaeological investigation programme to be submitted and approved by the local planning authority, there is no archaeological objection to the proposal.
- 5.13 Landscape and Arboricultural Considerations
The proposed development is in an arable field/paddock located to the south of The Old Vicarage. This is at an elevated position to the northwest of Tytherington. The M5 motorway is immediately to the northwest and a disused railway runs in an east/west direction to the southwest. Vegetation along the motorway and railway limit the area from where the development will be visible. There is a small block of woodland on the far side of the Tytherington Road and vegetation between Stowell Hill Road and Tytherington Road will screen view into the site from the north and north east. Views from the village will generally be interrupted by intervening buildings and vegetation. However glimpses may be possible from Stowell Hill Road and properties on the edge of the Tytherington.
- 5.14 Due to its elevated position, outside the settlement boundary, the sloping nature of the site and the proposals to erect acoustic fencing, consideration needs to be given to boundary and internal planting to ensure the development is well integrated and partially screened. It is proposed to retain all of the larger internal trees and most of the boundary planting.
- 5.15 Officers initially raised concerns regarding the proximity of plot 1 and the boundary hedge. To address this concern, a revised proposal has been submitted and it shows that the house on Plot 1 has been moved away from the existing hedge. In addition, the proposal shows that no window on the ground floor of the south eastern elevations, as such, it would reduce the pressure to remove the hedge by future residents. Further to this, the proposed acoustic fence would be screened in most views by the hedge planted on the inside.
- 5.16 Whilst the proposed development would unlikely cause significant harm to the landscape character of the area, it would be important to ensure that the proposal would integrate within the landscape through retaining and enhancing the boundary planting. Therefore, subject to conditions seeking the detailed survey of the hedge and a twenty year maintenance schedule, method statement protecting the existing hedge during the construction phase, and a detailed planting plan and five year maintenance schedule, there is no landscaping objection to the proposal.
- 5.17 Ecological Considerations
A Preliminary Ecological Appraisal was submitted in support of the proposed development. The report identified that the site consists of a garden, with three outbuildings, surrounded by a hedgerow and some mature trees. The M5 is immediately adjacent to the north-west, a woodland to the north and mixed agriculture elsewhere. The majority of the garden is well-managed amenity grassland with some scrub patches. The boundary hedgerows are well established but vary in structure and species content, the eastern boundary

being native, and the southern boundary made up of Leyland cypress. There are several small trees present towards the centre of the site of a variety of deciduous species, bar one tall sessile oak. The boundary trees are mature, approximately 10-12m in height. All mature trees are to be retained. There are three buildings on site built from wooden panelling and corrugate plastic/metal roofs. A number of survey have been carried out in relating to bats, badger, dormouse, birds and reptiles. The report identified the following findings:

Bats - Three buildings exist on site (described above). These do not hold any potential for bat roosts due to lack of roosting opportunities within them. Some of the mature trees have potential to provide potential roost features, although these will be unaffected by development. Foraging habitat is limited to the boundary hedgerows and trees so is unlikely to be significantly affected by the development.

Badger - No evidence of sett construction was observed during the survey, nor any other signs of presence. The garden has some potential for foraging badgers.

Dormouse - No evidence of dormouse was identified during the survey, although the hedgerows are suitable and within range of nearby populations. These habitats are to be retained within the development and kept under the same management.

Birds - Habitats limit the garden to use by common garden species as indicated by the species present during the survey. Suitable habitat likely to be present within the trees and hedgerow. Potential for disturbance during initial site clearance works, which should follow a strict method statement.

Reptiles - There is limited habitat for reptiles within the garden, mostly available towards the boundaries and scrub edges. Potential for injury during initial site clearance works, which should follow a strict method statement.

5.18 Given that there is limited potential for protected species, there is no ecological objection to the proposal subject to conditions seeking a method statement for site clearance and the locations of one bat box and two bird boxes of the models recommended within the submitted appraisal.

5.19 Residential Amenity

The site is located to the south of the Old Vicarage. The nearest residential properties to the site would be the Coppice, which lies to the southeast and the Larches, which lies further opposite of Stow Hill Road. The proposed dwelling at Plot 1 would be approximately 4.5 metres away from the southern boundary and the proposed first floor rear elevation would be non-primary windows (i.e. en-suite and bathroom windows), as such, this new dwelling would not cause an unreasonable overbearing or overlooking impact upon the Coppice. The new dwelling at Plot 2 and Plot 3 would sit further away from the Coppice and they would be more than 35 metres from the Old Vicarage. Hence, the proposed dwellings would not cause any unacceptable impact upon the host dwelling, the Old Vicarage. Further, given there would be considerable distance between the proposed dwellings and other residential properties, such as, The Larches, it is considered that the proposal would not cause an unacceptable adverse impact upon the amenity of the neighbouring properties.

- 5.20 With regard to the provision of outdoor amenity space, the submitted site plan shows that each dwelling would have its own private garden. Although these dwellings would have an irregular shaped and terraced outdoor garden, given the amount of the provision and the surrounding landscaped area within the site, it is considered that the proposal would still provide a good size functional private outdoor amenity space for the future occupiers.
- 5.21 It is noted that the site is adjacent to the M5, and the applicant submitted an Environmental Noise Assessment report, which has been reviewed by the Council Environmental Protection Team. The submitted details include a noise survey, which quantify the existing baseline and ambient noise climate of the area, a noise model, an assessment and consideration of the suitability of the site for residential use and the consideration of acoustic mitigation measures and strategies. Based on the submitted details, it is noted that part of the outdoor garden area of Plot 2 and 3 would likely expose a slightly higher noise level. Whilst officers do not raise an in-principle objection to the proposal, it is considered that it would be necessary to impose a condition seeking details of the acoustic mitigation measures, including the details of the acoustic fence, glazing and ventilation to minimise the adverse acoustic impact upon the future occupiers.
- 5.22 Accordingly officers consider that the proposed development is acceptable in residential amenity terms.
- 5.23 Transport and Highway Safety
The applicant seeks to erect 3 detached dwellings on land which currently forms part of the garden at The Old Vicarage, Stowell Hill Road, Tythreington. It is proposed to provide 1 three bed dwelling and 2 five bed dwellings. Adequate off street parking has been demonstrated for each property and a turning space for refuse/emergency vehicles has been provided at the end of the road. It is also considered a shared surface would be adequate given the scale of the development.
- 5.24 The existing site access joins Stow Hill Road which in turn is accessed from Stowell Hill Road. Visibility at the junction of Stow Hill Road and Stowell Hill Road is considered acceptable. Currently there is no continuous footway from the site into the village and its services. As such pedestrians would be walking on the carriageway or verge. In the interests of highway safety it is required that the applicant provides a 1.2m metres footway from the proposed site towards the village on the right hand side in place of the existing grass verge, to cease opposite Field View Cottage with drop kerbs provided. To address this issue, a detailed plan has been submitted to show the proposed footway, the officers therefore have no highway objection to the proposal subject to a condition securing the provision of the footway.

5.25 Environmental Issues

A Phase 1 Geo-environmental Report was submitted with the application and the report includes a preliminary conceptual site model. It is identified that no significant contamination risk, therefore no remediation or further investigation is required. Therefore there is no environmental objection to the proposal subject to a condition to ensure that the appropriate actions take place if an unexpected contamination is found.

5.26 With regard to the drainage matters, the Council Drainage Engineer has reviewed the proposal, and it is considered that the submitted details are acceptable in principle subject to a condition seeking sustainable surface water drainage details.

5.27 The Planning Balance

The proposed development is located outside the settlement boundary of Tytherington. The proposed development would also make a modest but positive contribution towards the South Gloucestershire 5 year supply of deliverable housing land. These factors are attributed modest weight in the assessment of this planning application. As discussed in the main body of this report, officers acknowledge that the amenity of future residents would be likely to be affected, due to the noise from the nearby motorway and the potential visual impact upon the general character of the site. However, it is considered such impact would not be so significant to be detrimental to the amenity of the future residents and the character of locality subject to compliance with appropriate planning conditions. As such, the proposed development would not result in adverse or unacceptable environmental impacts.

5.28 Officers therefore consider that the proposal would represent sustainable development and is development that is in accordance with the development plan. Accordingly, the proposed development in accordance with Paragraph 14 of the National Planning Policy Framework and should be approved.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

2. Construction of footway (Pre-commencement condition)

Prior to commencement of development construction details relating to the footway works as shown in principle on drawing CRM.1360.001.T.D.001 shall be submitted for approval, with the works completed in accordance with the approved details prior to first occupation of the proposed development hereby approved.

Reason

In the interests of highway safety, and to accord with Policy PSP11 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 and the National Planning Policy Framework. This is a pre-commencement condition to avoid any unnecessary remedial work in the future.

3. Written Scheme of Archaeological Investigation (Pre-commencement condition)

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

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the National Planning Policy Framework. This is a pre-commencement condition to avoid any unnecessary damage to the archaeological features within the site.

4. Hedge and Landscaping Scheme (Pre-commencement condition)

Prior to the commencement of the development, a detailed survey of the existing hedge along the site boundary and a twenty year maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority. This needs to demonstrate how the hedge will be maintained as an effective screen and identify a number of shrubs to be grown as hedgerow trees. Further to this, an arboricultural method statement demonstrating how the root protection zone of the hedge to be adequately protected during the construction phase shall also be submitted to and approved in writing by Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In the interests of the existing trees and hedges and the landscape character of the site and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of the National Planning Policy Framework. This is a pre-commencement condition to ensure any protective works to be carried out and to avoid any unnecessary irreversible damage to the landscape character of the site.

5. Method Statement for Site Clearance (Pre-commencement condition)

Prior to the commencement of development, a method statement for site clearance shall be submitted to the Local Planning Authority for approval in writing. This shall include information on how ecological features identified during the Preliminary Ecological Appraisal (Enzygo, June 2017) will be protected.

Reason

In the interest of wildlife habitats, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition to avoid any unnecessary harm to the wildlife habitats.

6. Bat box and bird boxes (Pre-commencement condition)

Prior to the commencement of development, the location of one bat box and two bird boxes of the models recommended within the Preliminary Ecological Appraisal (Enzygo, June 2017) shall be submitted to the local planning authority for approval in writing. The locations should be clearly shown on a plan and include the height and any exterior lighting.

Reason

In the interest of wildlife habitats, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition to avoid any unnecessary harm to the wildlife habitats and to ensure such provision has been considered as pre-construction phase.

7. Implementation of tree protective measures

The submitted tree protective measures and the tree protection plan, which are stated in the BS 5837:2012 Arboricultural Impact Assessment and Arboricultural Method Statement CRM.1360.001.Ar.R.002 dated June 2017 shall be implemented in full.

Reason

In the interests of the long term health of the tree, and to accord with Policy PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

8. Drainage details (Pre-commencement condition)

Prior to the commencement of development hereby approved, 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 shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a detailed site layout plan showing surface water and SUDS proposals.

Reason

To comply with PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan, Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012. This is a pre-commencement condition to ensure adequate drainage system are agreed prior to the construction of the development and to avoid any unnecessary remedial works in the future.

9. Decontamination of the site

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

Reason

In the interests of amenity of the future occupiers, and to accord with Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework.

10. Implementation of acoustic protection measures (Pre-commencement condition)

Prior to the commencement of the development, details of the acoustic mitigation, including fencing, glazing and ventilation shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the submitted Daytime Noise Exposure Contours Figure C1 of the Environmental Noise Assessment CRM.1360.001.NO. R.001 dated September 2017, the length of the acoustic fencing shall be extended further to the south of the site. Such details including the height, detailed design and material of the acoustic fencing 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 protect the residential amenity of the future occupiers of the new dwellings and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework. This is a pre-commencement condition to ensure the acoustic mitigation measures will form part of the design features of the dwellings and structures and to avoid any unnecessary remedial work in the future.

11. External Materials

Notwithstanding the submitted details, prior to the commencement of the relevant part of the development hereby approved, samples and details of the roofing and all external facing materials, including a sample of stonework panel, proposed to be used for the construction of the proposed dwellings, boundary walls and garages shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the provisions of the National Planning Policy Framework.

12. Construction Hours

The hours of working on site during the period of construction shall be restricted to 07.30 to 18.00 Mondays to Fridays, and 08.00 to 13.00 Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the provisions of the National Planning Policy Framework.

13. Off-street parking spaces provision

The off-street parking facilities and garages shown on the plan, drawing no. P0064 6040 Revision B, hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

14. The development hereby approved shall be carried out in accordance with the following plans:

Revised Site Plan and Revised Proposed Street Elevations, received on 1 December 2017

Site Location Plan, Revised House Type 1 (Elevations and Floor Plans). including the External Views, received on 28 November 2017

Proposed Footway and Crossing Point, received on 23 November 2017

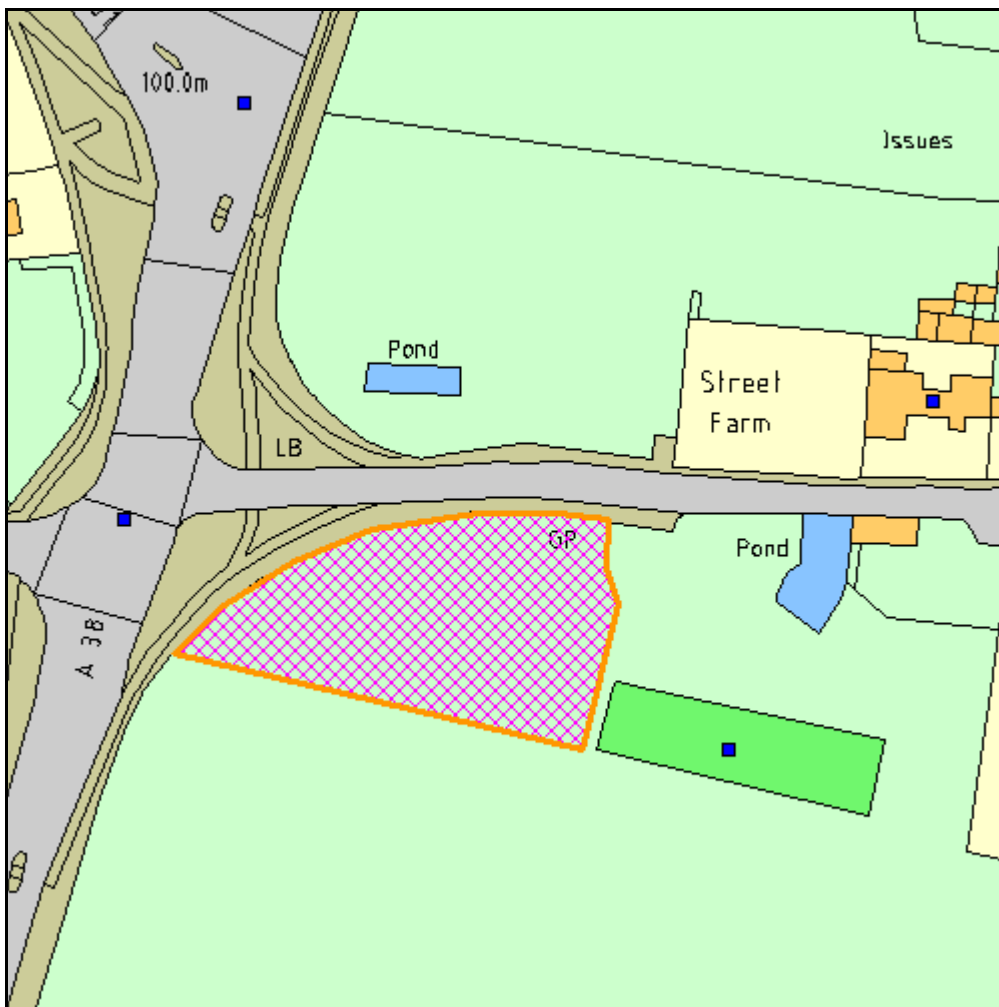
Proposed Elevations and Floor Plans of House Type 2 and House Type 3 and garages, received on 15 September 2017.

Reason

The application has been assessed on the basis of the submitted plans and to safeguard the local distinctiveness and the landscape character of the site and the amenity of the locality, and to accord with Policy PSP1, PSP2, PSP3 , PSP8 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013, and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 01/18 – 5 JANUARY 2018

App No.:	PT17/4567/F	Applicant:	Mr And Mrs Thornell
Site:	Barns At Hayfields The Street Alveston South Gloucestershire BS35 3SX	Date Reg:	19th October 2017
Proposal:	Conversion of 2no. agricultural buildings to 2no. holiday cottages with associated works.	Parish:	Alveston Parish Council
Map Ref:	363627 188010	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	8th December 2017



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 100023410, 2008. **N.T.S.** **PT17/4567/F**

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report. It is required to be referred to circulated schedule as a result.

1. THE PROPOSAL

- 1.1 The proposal seeks permission for the change of use of a pair of agricultural buildings for use as a holiday let under Class C3 of the Town and Country Planning Use Class Order 1987. Limited works are required for the conversion, the main scope of which is to introduce a front elevation with window and door openings.
- 1.2 The structures have timber elevations and an internal block skin. They have recently been constructed and appear to serve as storage buildings for agricultural machinery.
- 1.3 The proposal site is located adjacent to a number of other structures to the south of Street Farm. Street Farm is a Grade II listed building. Just to the west is the A38.
- 1.4 The site is in relatively open countryside outside the settlement boundary of Alveston and within the Bristol/Bath Greenbelt.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4a Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS15 Distribution of Housing

CS17 Housing Diversity

CS23 Community Infrastructure

CS24 Open Space Standards

CS34 Rural Areas

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP7 Greenbelt

PSP8 Residential Amenity

PSP16 Parking Standards

PSP17 Heritage Assets

PSP37 Internal Space and Accessibility Standards

PSP38 Development within Existing Residential Curtilages

PSP39 Residential Conversions

PSP40	Residential Development in the Countryside
PSP42	Custom Build Dwellings
PSP43	Private Amenity Standards

- 2.3 Supplementary Planning Guidance
 Development in the Greenbelt SPD (adopted) June 2007
 Design Checklist SPD (adopted) August 2006
 Residential Parking Standards SPD (adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/2353/F – Approval – 02/10/2013 – Change of use of land from agricultural to land for the keeping of horses. Erection of stable block with associated works.
- 3.2 PT12/3287/F – Refusal – 28/11/2012 – Stationing of a mobile home for the exclusive use of an agricultural worker with associated works.
- 3.3 PT11/2275/F – Approval – 07/09/2011 – Erection of 2no. agricultural buildings.

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council

The Planning Committee object to PT17/4567/F due to the fact that there are no exceptional circumstances to this request and the barns are seen to have been constructed for the purpose of housing development (as the barns are newly built) on Green Belt and is considered a way of negating planning laws relating to Green Belt.

4.2 Other Consultees

Highway Structures

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

Or

If the application includes a boundary wall alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner.

Listed Building and Conservation Officer

Overall what is being proposed in my view has to potential to be a visually intrusive and discordant development that detracts from the setting of the listed building. Careful consideration to the curtilage that will be associated within the buildings is therefore required and so I would suggest a detailed hard and soft landscape scheme is considered.

Transport Officer

No Objection

Ecological Officer

There is no ecological objection to this proposal. The Preliminary Inspection for Bats and Nesting Birds by Burrows Ecological (August, 2017) ensures that appropriate mitigation will be in place, if required. The development should proceed in accordance with the recommendations made in the Preliminary Inspection for Bats and Nesting Birds by Burrows Ecological (August, 2017).

Drainage and Flood Risk

No objection in principle but requires the application of a condition

Environmental Health Officer

No objection to the proposal but suggests the inclusion of some additional information

Archaeological Officer

No Objections

Landscape Officer

The proposed dwelling appears to occupy the same foot print and volume as the existing buildings and therefore there is no apparent visual landscape objection. However, a landscape scheme is required to mitigate any adverse effect of the development on the neighbouring listed building and its curtilage to the north. Also, The Street is a Designated Recreational Route and the landscape scheme should seek to enhance its amenity.

Other Representations

4.3 Local Residents

One comment received objecting to the proposal. The primary concern was that no consultation was sent out and the red line boundary on the site plan. This is believed to be as a result of the application site sharing the name of the adjoining property under different ownership. The response also objects to the proposal on the basis of the access shared with the adjacent site and the number of movements as a result of the change. Additionally it is noted that there are no existing parking spaces and this would lead to an increase of 3 spaces.

This comment was received prior to a further period of re-consultation

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP40 of the recently adopted Policies Sites and Places DPD (2017) allows for the re-use of existing agricultural buildings for residential purposes. The policy states that the conversion and re-use of existing buildings for residential purposes would be acceptable where; the building is of permanent and substantial construction; and it would not adversely affect the operation of the rural business(es) or working farm(s); and any extension as part of the

conversion or subsequently is not disproportionate to the original building; and if the building is redundant or disused, the proposal would also need to lead to an enhancement of its immediate setting. In all of the above circumstances, development proposals including any alterations, extensions or creation of a residential unit, will be acceptable where they do not have a harmful effect on the character of the countryside, or the amenities of the surrounding area. Paragraph 55 of the NPPF (2012) includes similar criteria and suggests development of new residential units in the countryside should be resisted unless the development would re-use a redundant or disused building and would lead to an enhancement of the immediate setting.

5.2 The proposal site also falls within the Bristol/Bath greenbelt. In such a location development is strictly limited. Appropriate development in the greenbelt according to PSP7 can include proportionate additions to existing buildings. The policy continues on to state that any development leading to a cumulative increase of up to 30% would likely be proportionate and therefore appropriate development in the greenbelt.

5.3 The proposal is for the conversion of former agricultural buildings which would be acceptable subject to assessment against the above policy.

5.4 Greenbelt

The proposal site is situated within the Bristol/Bath greenbelt. Accordingly development should not lead to disproportionate additions over that of the original building. The NPPF indicates that the reuse of buildings of substantial construction is appropriate development within the Green Belt. No additional built form is proposed and the proposal is therefore considered to be acceptable in this respect. The main consideration would be the treatment of any curtilage – and this is considered in the report below.

5.5 Re-use/ Conversion

The existing structures on site are of solid construction and require little operational development in order to facilitate the change. It is acknowledged that the structures do not appear to have been standing for very long, however according to the planning statement the owners of the farm are looking to retire and this would allow continued use of the buildings. Comments have been received objecting to this conversion on the basis that it is thought the buildings have been constructed entirely for conversion into residential accommodation and as a way to circumvent planning control. Whilst it is important to guard against this, in this case it should be noted that on the site inspection the buildings were in use for agricultural purposes. Accordingly the agricultural buildings do currently stand and are considered lawful in all respects and it is not within the powers of the planning authority to require their removal. Consequently it has been seen as unreasonable to resist the development on this basis; moreover using agricultural buildings for holiday lets is a reasonably common form of farm diversification which is generally encouraged as part of a rural economy in the NPPF.

5.6 PSP40 also requires that all reasonable attempts to find a suitable business re-use for the building have been taken. While no marketing exercise has taken place the proposal seeks to provide holiday lettings. It is acknowledged this would fall in the same C3 use class as a conventional residential use, however this would be providing an economic benefit and is in a sense a commercial enterprise. Evidence has been provided with regard to the likely turnover and costing of running the facilities. Assuming the properties are retained as holiday lets, the proposal could be considered to fall into a commercial use and a condition will be attached ensuring the properties are only ever used for short term lets. There are also other reasons for ensuring the properties do not later become normal residential units, these are discussed in the residential amenity section below.

5.7 Location

The property is located outside the defined settlement boundary of Alveston, however is associated with a number of other buildings. Additionally there are a number of facilities in the nearby Alveston Village and further away within Thornbury there is a full range of services. The former is within a short walking distance of the proposal site and as a result it could be considered that although in the open countryside, the property is in a reasonably sustainable location and is well located for leisure facilities in the area.

5.8 Landscape

The application site is located within the open countryside and as a result the proposals impact on the landscape must be considered. The proposal seeks to convert two existing agricultural buildings in order to provide 2 holiday lets. Very little is proposed in order to facilitate the change and any external alterations are constrained within the courtyard area to the front of both the properties, consequently these alterations are not considered to have any impact on the amenity of the landscape. Nevertheless the proposal would result in the property having a more domestic appearance and given the rural nature of the locality and the currently agricultural use of the site and surrounding area, it has been seen as reasonable to attach a condition requiring the submission of a landscaping scheme for approval.

5.9 Design, Heritage and Visual Amenity

The proposal does not require any significant amount of external alterations to facilitate the change from agricultural to residential. Any such changes are located to the front elevations of the buildings which are currently open to the elements. Given this is located away from the public realm, no objection has been raised with regard to these alterations.

5.10 The proposal site is within the setting of a listed building and while with regard to the physical alterations it would be acceptable, the nature of the use is likely to give rise to domestication of the site which could in turn have a negative impact on the rural nature of the listed building and its setting. As a result as previously mentioned a landscaping scheme will be required and that it remains as short term lets.

- 5.11 Overall, it is considered that the proposed alterations to facilitate the change would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. In addition the structure will be well related to the existing cluster of buildings nearby. Lastly the structure will have a typical rural form and is therefore considered to be in keeping with the rural character of the area. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1 and PSP40 and conforms to the criteria in the adopted Local Plan.
- 5.12 Permitted Development Rights
The proposal site is situated in the Bristol/Bath greenbelt and given the rights afforded to householders by the Town and Country Planning (General Permitted Development) Order 2015, the cumulative impact of further development upon the greenbelt and landscape would not be considered under the procedure. Therefore it is seen as appropriate to impose a condition to remove these rights so as to safeguard against further volumetric additions; such that proper consideration of the impact upon the protected landscape of the greenbelt is not circumvented. This is only relevant to volumetric additions and the relevant classes would be Schedule 2, Part 1 Classes A, B, D and E. A condition will be appended to that effect.
- 5.13 Residential Amenity
The proposal is not thought to cause an unacceptable impact on the amenity of any neighbouring dwellings. It is however noted that the site would not lend itself to being appropriate for permanent residential use. The application seeks permission for the conversion of the buildings to provide holiday lets. In this situation it is thought there would be less requirement for the normal creature comforts expected for day to day living and the basics is all that would be required. The pattern of use is likely to vary significantly from a traditional residential use as individuals are likely to be out of the property for the majority of the day on leisure activities.
- 5.14 Given the size of the plot little outdoor amenity space would be provided, additionally the close relationship of the buildings would mean that privacy would be a concern. On a short term basis this would not lead to an uncomfortable situation, however in order to prevent an unsatisfactory permanent residential situation occurring the properties will be restricted to only short term letting. To ensure this is enforceable the condition will prevent individuals from staying for a prolonged period and that a register of individuals staying is maintained. For the avoidance of doubt this should include dates of arrival and departure and the name of the individuals staying in the property.
- 5.15 The subject property is located outside the built up residential area within a cluster of other development. Given the scale and location of the proposed development it will not result in a detrimental impact on the residential amenity of its neighbouring occupiers and is found acceptable with regard to amenity considerations.

5.16 Sustainable Transport and Parking Provision

The proposal would create 2no new dwellings on the site with 2 and 3 bedrooms respectively. 3 parking spaces will be provided to the side of the property. This would be seen to accord with the provisions of the residential parking standards SPD. In respect of this there are no objections in relation to parking provision.

5.17 Comments have been received from a local resident concerned with the impact on the highway and the access as a result of additional vehicular movements and proposed number of parking spaces. It is acknowledged that the site is located off an unrestricted highway, however road speeds are expected to be slow given the narrow width of the road and the village setting. Furthermore the property has permitted use for storage of agricultural items and adjoining properties also share this access. These uses are expected to create the need for movements to and from the site. The proposed use is not expected to give rise to a significant number of additional trips over the existing situation, particularly as the property will be seasonal in nature. With regard to the number of additional parking spaces, there is no maximum parking standard so to object on this basis would be unreasonable.

5.18 Ecology

The proposal site as disused agricultural buildings in the open countryside and nearby water bodies, there is the potential for protected species on site. An ecological report has been submitted in support of the application. This has not raised any concerns, consequently there is no objection to the proposal with regard to ecological constraints. A condition will be attached requiring the development proceed in accordance with the recommendations made in the Preliminary Inspection for Bats and Nesting Birds by Burrows Ecological (August, 2017). This refers to avoiding disturbance and harm to roosting bats and nesting birds.

5.19 Drainage and Flood Risk

Supporting information suggests the proposal will be served by a soakaway and package treatment plant. The location and specification of which have not been provided. As a result a condition will be attached requiring the submission of these details prior to the commencement of development.

5.20 Public Right of Way

The proposal site is crossed by a public right of way. The proposal would not introduce any additional built form and would not alter access arrangements. Consequently the change of use is not considered to have any impact on the amenity and usability of this public right of way. Additionally this public right of way is conducive to the proposed holiday use of the development and could have a positive impact on the viability of the use. It was noted by officers that a diversion should be formalised as the pathway of the PROW has been altered, however as this is controlled by legislation outside of planning, it has not been considered relevant to the determination of the planning application.

5.21 Consideration of likely impact on Equalities

The proposal would have a neutral impact on amenities.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

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

Reason

So as to safeguard against the introduction of further volumetric additions; such that proper consideration of the impact upon the landscape and greenbelt is not circumvented and to accord with the provisions of Policies PSP1, PSP2, and PSP7 of the Policies Sites and Places DPD (adopted) 2017; Policies CS1 and CS5 of the Core Strategy (adopted) 2013; and the provisions of the NPPF (2012).

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

Reason

To protect 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; Policies PSP1 and PSP2 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework. This information is required prior to development as it relates to the proposals impact on the character and appearance of the landscape.

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP20 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework. This information is required prior to commencement as it relates to the proposal impact on drainage and the suitability of the site for development.

5. This permission does not authorise use of the property for permanent residential accommodation. No individual shall occupy the property for more than 28 days, consecutively or otherwise, in any calendar year. A register of individuals staying at the property will also be permanently maintained and made available to the LPA upon request. For the avoidance of doubt this register must stipulate the entry and exit dates of individuals that have stayed at the property and the names of those staying.

Reason

To protect the amenities of the occupiers of the property, and to accord with Policies PSP1, PSP8, PSP40 and PSP43 of the Policies Sites and Places DPD (Adopted) November 2017; Policy CS1 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework.

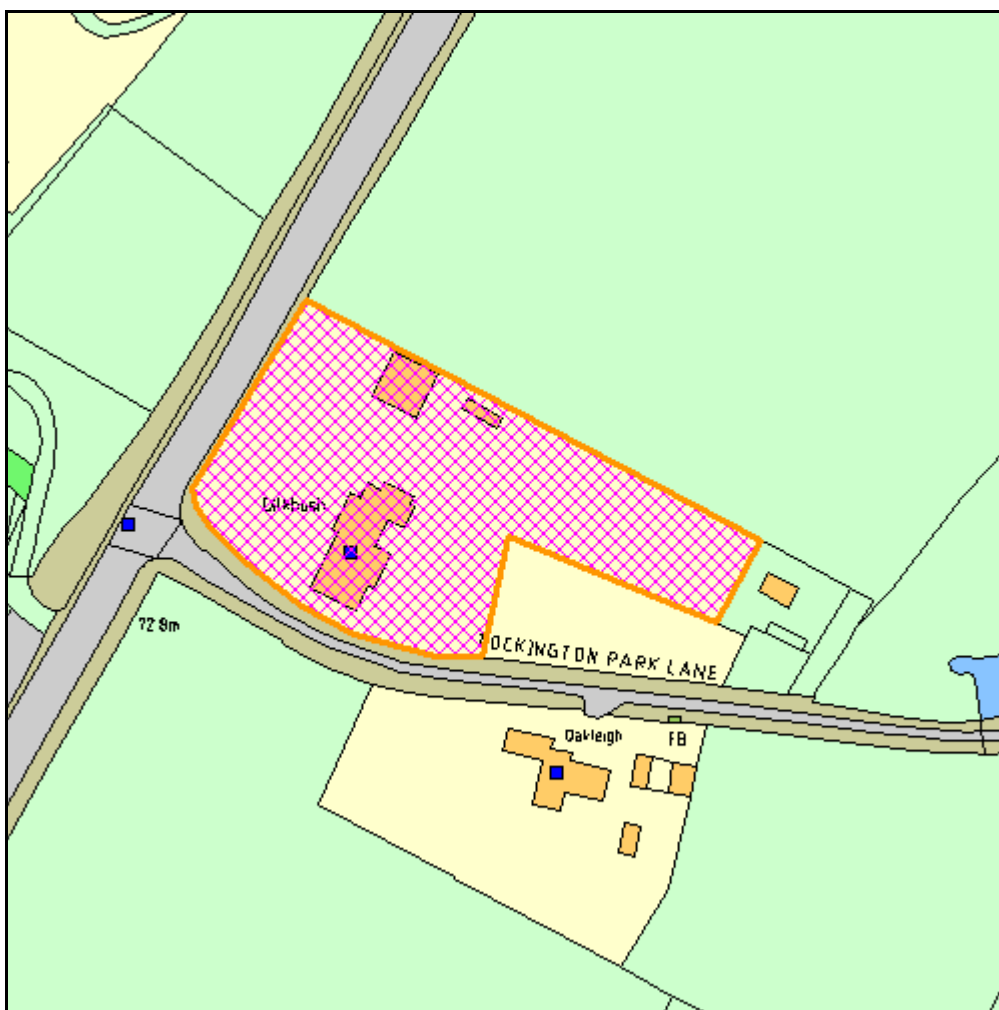
6. The development should proceed in accordance with the recommendations made in the Preliminary Inspection for Bats and Nesting Birds by Burrows Ecological (August, 2017). This refers to avoiding disturbance and harm to roosting bats and nesting birds.

Reason

To ensure the works are carried out in an appropriate manner and to protect the ecological integrity of the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the Policies Site and Places DPD (Adopted) November 2017 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 01/18 – 5 JANUARY 2018

App No.:	PT17/4937/CLE	Applicant:	Mr Dulay
Site:	Dilkhush Gloucester Road Rudgeway South Gloucestershire BS35 3SA	Date Reg:	10th November 2017
Proposal:	Application for a certificate of lawfulness for the existing use of single storey rear extension/ conservatory and garage extension.	Parish:	Olveston Parish Council
Map Ref:	361975 185663	Ward:	Severn
Application Category:	Certificate of Lawfulness	Target Date:	14th December 2017



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 100023410, 2008. **N.T.S.** **PT17/4937/CLE**

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the existing use of a single storey rear extension/conservatory and garage extension.
- 1.2 The site relates to Dlikhush, Gloucester Road, Rudgeway.
- 1.3 During the course of the application the applicant was made aware of consultee responses but has elected not to withdraw the application.

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 (06.03.2014)

3. RELEVANT PLANNING HISTORY

- 3.1 N1326 Erection of first floor flat roofed extension to provide bathroom and dressing room, with living room under; and erection of extension at ground floor level to provide garage.
Refused 15.5.75
- 3.2 N1326/1 Conversion of existing garage to living room, and erection of single storey extension to provide domestic garage.
Approved 10.7.75
- 3.3 P87/1007 Erection of an extension to provide two further bedrooms bathroom and sitting room (outline)
Approved 11.2.87
- 3.4 P88/1262 Erection of two storey rear extension to provide kitchen with bedroom over and erection of single storey side extension to provide utility room, shower room and lobby
Approved 30.3.88
- 3.5 P89/1227 Erection of two storey side extension to provide summer room, drawing room, changing room and swimming pool with bathroom and three additional bedrooms over.
Approved 5.3.89
- 3.6 P89/2626 Erection of pair of double detached garages (in accordance with the applicants letter dated the 14th September 1989 and the amended plans received by the council on the 22nd September 1989)
Approved 8.10.89

- | | | |
|-----|----------------------|---|
| 3.7 | P94/1006
Approved | Erection of front entrance porch with covered balcony over
30.1.94 |
| 3.8 | P95/1453
Approved | Erection of rear conservatory.
10.5.95 |
| 3.9 | P95/1961
Refused | Erection of boundary fence.
1.8.95 |

4. **REPRESENTATIONS RECEIVED**

4.1 Olveston Parish Council
Support Enforcement Officer

4.2 Enforcement Officer
OBJECTION

The application form is not entirely clear as to what the application is seeking, a certificate for the use of the dwelling house or the works carried out to it. The works stated in the application form and the supporting documents, the single storey rear extension/conservatory and garage extension, are subject to an enforcement notice that is currently in force. This application was submitted almost a year after the notice came into force. As section 191 part (2)(b) of the Town and Country Planning Act 1990 states: *“(2)For the purposes of this Act uses and operations are lawful at any time if— (b)they do not constitute a contravention of any of the requirements of any enforcement notice then in force.”*

The brief summary of the enforcement case and notice are as follows:

Ref. COM/16/0214/OD (received March 2016) – regarding unauthorised building works at property. The rear extension/conservatory was still under construction and works to complete the garage extension were being undertaken during two site visits carried out in March and April 2016 (contrary to the substantial completion date stated in the application). Other works at the property were also investigated.

Ref. COM/16/0214/OD/1 – After the site visits the case officer assessed if the works were lawful, permitted development or if they would be granted permission. On 28th September 2016 an Enforcement Notice was issued which took effect on 27th October 2016. The Notice was not appealed to the Planning Inspectorate. The notice required the removal of the extension to the garage and the single storey rear extension/conservatory (which are both subject to this current application). The notice also required the removal of a side extension of the house attached to the southern wing (which is not subject to this current application but I note is mentioned in the supporting documents).

Therefore, a Certificate of Lawfulness for the existing works of the single storey rear extension/conservatory and garage extension cannot be granted as the works applied for are in contravention of the requirements of an extant Enforcement Notice and therefore cannot become lawful.

4.3 Archaeology
No comment

4.4 Transport
No comment

4.5 Local Residents
None received

5. **PURPOSE OF A CERTIFICATE OF LAWFULNESS APPLICATION**

5.1 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 it meets the required criteria. However, in the first instance, s 191 of the Town and Country Planning Act (1990) is relevant. It states:

A191 Certificate of lawfulness of existing use or development

(1) If any person wishes to ascertain whether –

(a) Any existing use of buildings or other land is lawful;

(b) Any operations which have been carried out in, on, over or under land are lawful; or

(c) Any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful

He may make an application for the purpose to the local planning authority specifying the land and describing the use; operations or other matter.

(2) for the purposes of the Act uses and operations are lawful at any time if –

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and

(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force

On this occasion current enforcement action regarding this particular development is significant. The balance of evidence indicates that the applicant is requesting a certificate in relation to development that is the subject of an extant enforcement notice. There is no evidence submitted by the applicant to explain what evidence to the contrary they have.

The applicant has been made aware of these circumstances and invited to withdraw the application but has chosen not to do so. Accordingly the balance of evidence is currently clearly against the grant of a certificate of lawfulness in relation to the development claimed.

6. CONCLUSION

- 6.1 A Certificate of Lawfulness for the existing works of the single storey rear extension/conservatory and garage extension cannot be granted as the works applied for are in contravention of the requirements of an extant Enforcement Notice and therefore cannot become lawful.

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

REASONS FOR REFUSAL

1. A Certificate of Lawfulness for the existing works of the single storey rear extension/conservatory and garage extension cannot be granted as the works applied for are in contravention of the requirements of an extant Enforcement Notice and therefore cannot become lawful.