



**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. 40/18

Date to Members: 05/10/2018

Member's Deadline: 11/10/2018 (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:

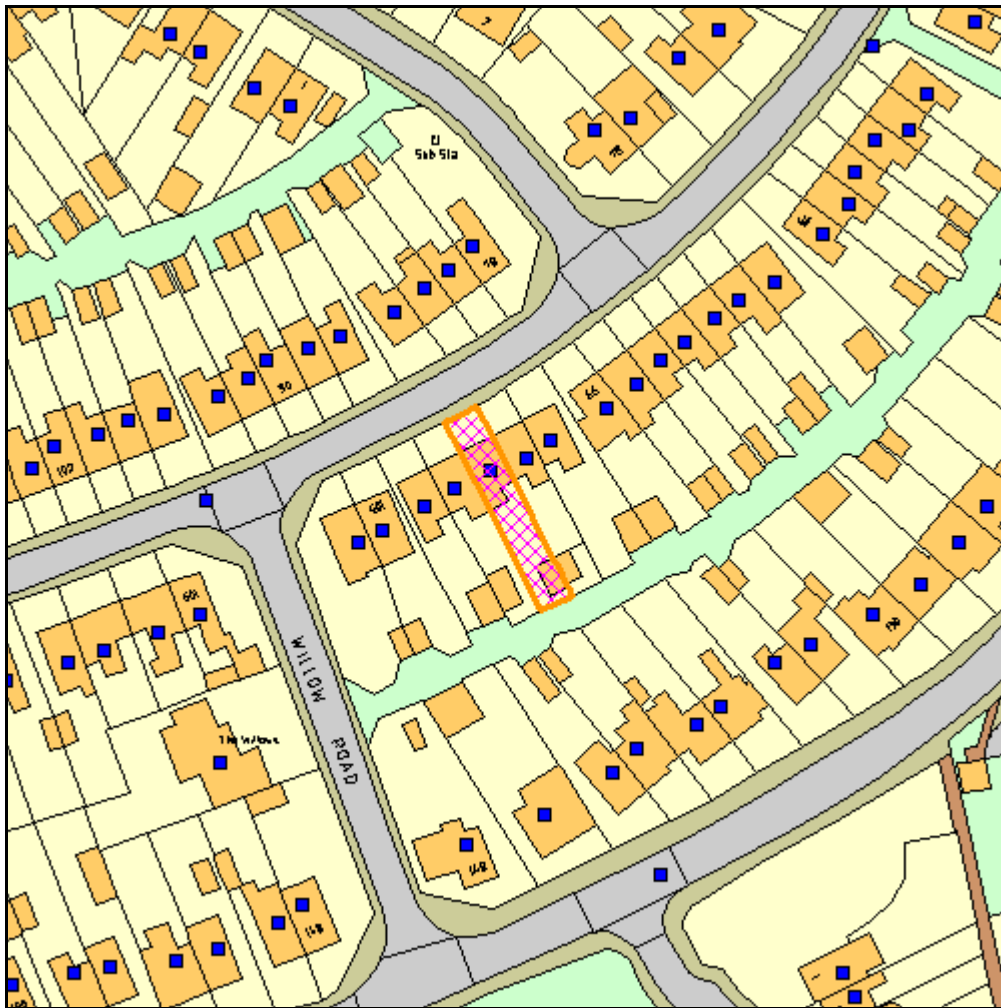
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK18/1520/CLP	Approve with Conditions	99 Samuel White Road Hanham South Gloucestershire BS15 3LS	Hanham	Hanham Abbots Parish Council
2	PK18/1656/RM	Approve with Conditions	Land North Of Brimsham Park Yate South Gloucestershire	Yate North	Yate Town Council
3	PK18/2943/F	Approve with Conditions	Downend Secondary School Westerleigh Road Downend South Gloucestershire BS16 6XA	Downend	Downend And Bromley Heath Parish Council
4	PK18/2988/F	Approve with Conditions	23 Moorland Road Yate South Gloucestershire BS37 4BT	Yate Central	Yate Town Council
5	PK18/3237/RM	Approve with Conditions	PL22 North Yate Yate South Gloucestershire BS37 7YX	Yate North	Yate Town Council
6	PK18/3459/F	Approve with Conditions	Barton House Sheepfair Lane Marshfield Chippenham South Gloucestershire SN14 8NA	Boyd Valley	Marshfield Parish Council
7	PK18/3710/CLE	Approve	Northmead House Latteridge Road Iron Acton South Gloucestershire BS37 9TL	Frampton Cotterell	Iron Acton Parish Council
8	PK18/3863/F	Approve with Conditions	Oakley Green Cottage Kidney Hill Westerleigh South Gloucestershire BS37 8QY	Westerleigh	Westerleigh Parish Council
9	PT18/2369/F	Approve with Conditions	Lower Hazel Stables Lower Hazel Rudgeway South Gloucestershire BS35 3QP	Severn	Olveston Parish Council
10	PT18/2423/F	Approve with Conditions	6 Chantry Road Thornbury South Gloucestershire BS35 1ER	Thornbury North	Thornbury Town Council
11	PT18/2751/F	Approve with Conditions	9 Pine Grove Filton South Gloucestershire BS7 0SL	Filton	Filton Town Council
12	PT18/3128/F	Approve with Conditions	Field House 127 Bristol Road Frampton Cotterell South Gloucestershire BS36 2AU	Frampton Cotterell	Frampton Cotterell Parish Council
13	PT18/3712/CLP	Approve with Conditions	104 Lower House Crescent Filton South Gloucestershire BS34 7DL	Filton	Filton Town Council
14	PT18/3750/F	Approve with Conditions	19 Wolfridge Ride Alveston South Gloucestershire BS35 3RA	Thornbury South And Alveston	Alveston Parish Council
15	PT18/3757/F	Approve with Conditions	4 Castle Street Thornbury South Gloucestershire BS35 1HB	Thornbury North	Thornbury Town Council
16	PT18/3923/F	Approve with Conditions	8 Crantock Drive Almondsbury South Gloucestershire BS32 4HG	Almondsbury	Almondsbury Parish Council
17	PT18/3985/F	Approve with Conditions	2 Hazel Gardens Alveston South Gloucestershire BS35 3RD	Thornbury South And Alveston	Alveston Parish Council

CIRCULATED SCHEDULE NO. 40/18 – 5 OCTOBER 2018

App No.:	PK18/1520/CLP	Applicant:	Mr Fudgell
Site:	99 Samuel White Road Hanham Bristol South Gloucestershire BS15 3LS	Date Reg:	23rd August 2018
Proposal:	Installation of a rear dormer to facilitate loft conversion.	Parish:	Hanham Abbots Parish Council
Map Ref:	364226 171516	Ward:	Hanham
Application Category:	Certificate of Lawfulness	Target Date:	15th October 2018



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PK18/1520/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE.

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

1. THE PROPOSAL

1.1 The applicant is seeking a formal decision as to whether the proposed installation of 1no rear dormer at 99 Samuel White Road Hanham would be lawful.

1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

3.1. None

4. CONSULTATION RESPONSES

4.1. Hanham Abbots Parish Council
No objection.

Transport

The loft conversion increases the bedrooms within the dwelling to four. The Council's residential parking standards state that a dwelling with four bedrooms requires a minimum of two parking spaces to be provided within its site boundary. The site plan submitted shows what appears to be a vehicular access to the rear of the site with a garage and possible parking. Confirmation of vehicular access and parking is requested but provided that evidence is submitted that shows the existing parking remains the same and no reduction is proposed there would be no transportation objection raised.

Other Representations

4.2. Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

Site Location Plan; Block Plan; and Existing Plans
Received by the Council on 23rd August 2018
Proposed Floor Plans

Received by the Council on 28th March 2018

Proposed Elevations and Plans
Received by the Council on 28th March 2018

Proposed Elevations and Sections
Received by the Council on 28th March 2018

6. ANALYSIS OF PROPOSAL

6.1. Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test that is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the evidence presented. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

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

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

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

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

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

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

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

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

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

- (d) **The cubic content of the resulting roof space would, as a result of the works, exceed the cubic content of the original roof space by more than –**
- (i) **40 cubic metres in the case of a terrace house, or**
 - (ii) **50 cubic metres in any other case**

The property is a terraced house. Volume calculations extrapolated from the submitted drawings indicate that the total increase in roof space of the original dwelling would be 25m³.

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

The proposal does not include the construction or provision of a verandah, balcony or raised platform.

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

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

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

- (a) **the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**
- (i) Submitted plans indicate that the proposed dormer will be finished in materials to match the finish of the existing roof.
- (b) **the enlargement must be constructed so that –**
- (i) **other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
 - (aa) **the eaves of the original roof are maintained or reinstated; and**
 - (bb) **the edge of the enlargement closest to the eaves of the**

original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

- (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The dormer would be approximately 0.3m from the outside edge of the eaves of the original roof and the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse. The eaves are maintained. As such the proposal meets this criterion.

- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be –**

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

No side windows are proposed.

7. RECOMMENDATION

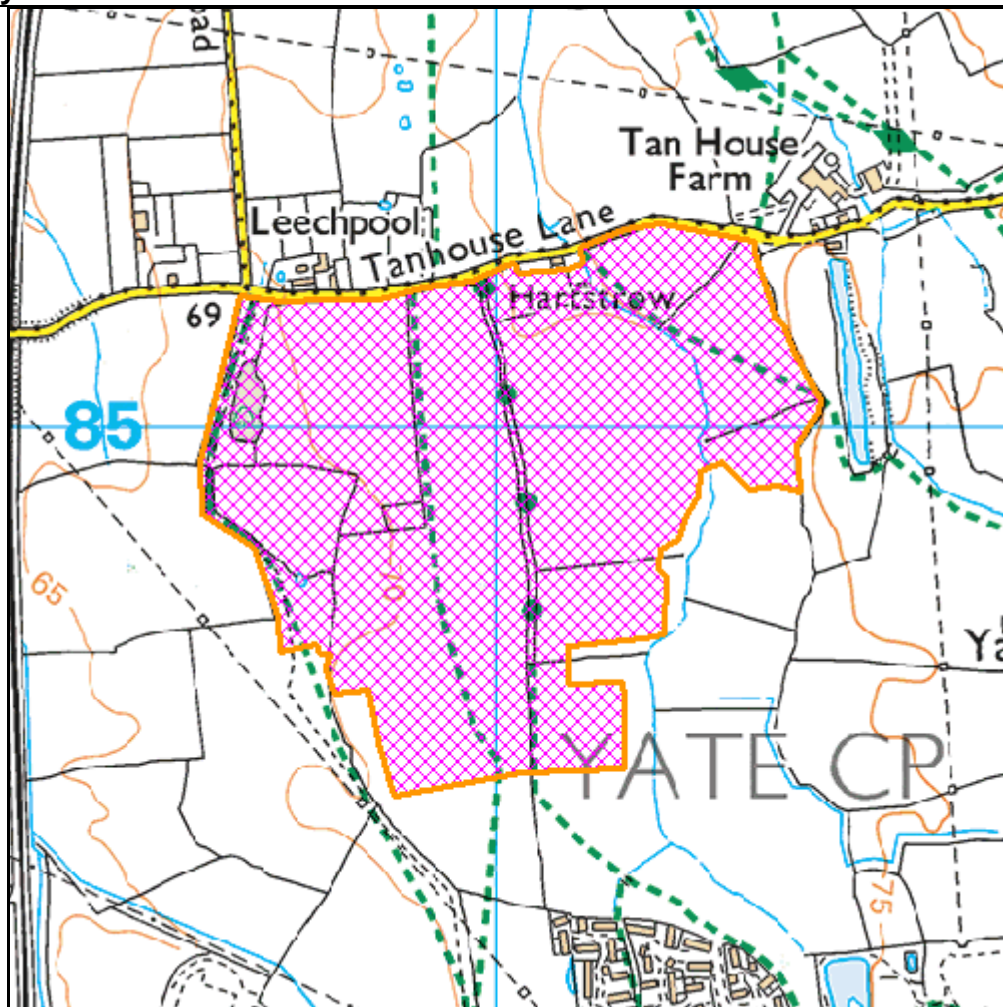
7.1. That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

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

Contact Officer: David Ditchett
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 40/18 – 05 OCTOBER 2018

App No.:	PK18/1656/RM	Applicant:	Barratt House Barratt Homes
Site:	Land North Of Brimsham Park Yate South Gloucestershire	Date Reg:	19th April 2018
Proposal:	Approval of remaining site wide infrastructure including primary and secondary streets, utilities, services, foul and surface water drainage, hard and soft landscaping in relation to Phase 0 (Reserved Matters application to be read in conjunction with outline planning permission PK12/1913/O) amended by PK16/2449/RVC in regards to landscaping, appearance, layout and scale)	Parish:	Yate Town Council
Map Ref:	370661 183703	Ward:	Yate North
Application Category:	Major	Target Date:	17th July 2018



REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application appears on the circulated schedule because objections have been received from members of the public and Yate Town Council which are contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks reserved matters consent for the approval of the remaining site wide infrastructure including primary and secondary streets, utilities, services, foul and surface water drainage and hard and soft landscaping. The reserved matters consisting of landscape, appearance, layout and scale should be read in conjunction with outline planning permission PK12/1913/O superseded by PK16/2449/RVC for a mixed use development across 100.76 hectares of land including residential development of up to 2450 dwellings.
- 1.2 The application has been referred to as 'Phase 0' because it includes no residential development. The proposal is for the primary and secondary road network, including a strategic cycleway linking Brimsham Park to Tanhouse Lane (individual residential development parcels will provide tertiary streets and associated street lighting), drainage and public open space infrastructure to serve residential development to the northern half of the NYNN site. Main areas of public open space included within the application include the northern woodland buffer area to Tanhouse Lane and an ecological corridor to the western edge of the parcel. Sport pitches associated with the reserved land for a second primary school are not included within this application and will be subject to a decision as to whether a second primary school is required at the site depending on the need for primary school places in the local area. The detailed design of children's play areas has not been included in this application, although indicative locations have been shown on the plans submitted. The detailed design of children's play areas will follow in due course and is controlled by triggers within the approved S106 agreement.
- 1.3 The application relates to the North Yate New Neighbourhood. The scheme benefits from an approved design code (North Yate New Neighbourhood Design Code Rev D-March 2017) and masterplan (Condition 39 Detailed Masterplan 4739-LDA-00-XX-DR-L-0013), as well as a number of framework plans approved at outline stage.

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

CS2 Green Infrastructure

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS7 Strategic Transport Infrastructure

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS24 Green Infrastructure Sport and Recreation Standards

CS30 Yate and Chipping Sodbury

CS31 North Yate New Neighbourhood

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

PSP2 Landscape

PSP3 Trees and Woodland

PSP8 Residential Amenity

PSP10 Active Travel Routes

PSP11 Transport Impact Management

PSP17 Heritage Assets and the Historic Environment

PSP19 Wider Biodiversity

PSP20 Flood Risk, Surface Water and Watercourse Management

PSP21 Environmental Pollution and Impacts

PSP44 Open Space, Sports and Recreation

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/042/SCO, Scoping Opinion for a proposed mixed-use site approximately 104ha in North Yate. Scoping opinion provided on 26/01/11
- 3.2 PK12/1913/O, Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 4.63 hectares of employment land (Use Class B1,B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping and proposal to underground the electricity powerlines. Outline application including access with all other matters reserved. Approved on 17th July 2015.
- 3.3 PK15/5230/RVC, Variation of condition 41 of Planning Permission PK12/1913/O to change the proposed wording which related to the need for an Energy Statement and energy targets. Approved on 6th May 2016.
- 3.4 PK16/2449/RVC, Variation of condition 12 attached to planning permission PK12/1913/O to allow for a programme for archaeological investigations across the site. Approved on 15th August 2016.

- 3.5 PK17/0039/NMA, Non-material amendment to Condition 19 of PK16/2449/RVC (Outline planning permission for the North Yate New Neighbourhood) to reflect the updated phasing plan submitted pursuant to Condition 4. Approved on 23rd February 2017.
- 3.6 PK17/4826/RVC, Variation of conditions 12, 19 and 41 attached to outline planning permission PK12/1913/O to rationalise and validate amendments to conditions previously granted under application reference numbers PK15/5230/RVC, PK16/2449/RVC, and PK17/0039/NMA. Approved on 27th November 2017.
- 3.7 PK17/4260/RM, Laying out of landscape and infrastructure (Phase 0) including primary and secondary streets, utilities, services, foul and surface water drainage, hard and soft landscaping. (Approval of reserved matters including appearance, landscaping, layout and scale to be read in conjunction with Outline Planning Permission PK12/1913/O superseded by PK16/2449/RVC). Approved on 21st May 2018.

4. CONSULTATION RESPONSES

4.1 Yate Town Council

Objection for the following reasons:

Highways infrastructure provision is inadequate, particularly for pedestrians and cyclists;

Lack of street lighting to footways and estate roads;

No pavements apart from to main roads;

Lack of safe crossing points on main roads;

Lack of footpaths through public open space;

Lack of provision for cyclists;

Lack of provision for bus stops and shelters;

Highways vehicular use: roads too narrow without informal parking provision and with what will become unsightly verges;

Northern open space/environmental protection corridor;

Essential that a clear buffer is provided to Tanhouse Lane;

Pumping station and new road access from Tanhouse Lane is unacceptable;

Proximity of pumping station so close to an existing property;

Highway Safety issues associated with the access to pumping station off Tanhouse Lane;

Other open space and play areas;

Bigger and fewer equipped play areas are required;

The LEAP/NEAP allocation needs to be redesigned;

Lack of useable informal public open space as most given over to flood management ponds;

Safety issues relating to the attenuation ponds;

Lack of litter/dog waste bins;

Concerns regarding the loss of trees and the effect on bat roosts and bat feeding opportunities and nesting bird disturbance;

The Council's Tree, Ecological and Landscape Officers should be consulted on the proposals;

The planting scheme introduces non-native and evasive species;

4.2 Sports England

Sport England is, therefore, concerned, at this stage, that it is not clear there would be the sufficient sporting infrastructure required to support a sustainable healthy community. As a result, Sport England's interim position on this proposal is to submit a holding objection until the playing field (and overall sports provision) position is confirmed.

4.3 Highways England

No objection

4.4 POS Officer

My previous comments have been addressed

4.5 Archaeological Officer

No comment

4.6 Drainage Officer

I have no objection in principle to this application. Subject discharge of Condition 22 (Detailed Drainage) attached to PK16/2449/RVC for Phase 0b. Additional information required for the Discharge of Condition 22 for Phase 0b is an updated Management and Maintenance Plan to include the drainage features in Phase 0b and an updated Basin Access Plan to include the Basins in Phase 0b.

My official comments will be drafted and uploaded by tomorrow. But in essence my comments will be No Objection subject to compliance with approved drawings.

4.7 Waste Engineer

The vehicle tracks are acceptable for refuse collection. No objection.

4.8 Public Rights of Way Officer

LYA 49 – whilst there was a small sum available from S106 for the diversion of this path from the domestic garden, a suitable alternative route has not been identified. This issue has to be resolved due to the extreme adverse effect on the householders.

LYA 50 emerges from the green space by Coopers Lake and is adversely affected by high density housing. A suitable alternative route must be identified for this as it forms an important link to the Class 5 unmade road that links to Tanhouse Lane and will provide a key strategic link. A diversion order under the Town and Country Planning Act 1990 would be required for this route where it crosses the proposed residential development (5) or it should be shown as a safeguarded route via the landscaped area. There appears to be a suggested route around the east and north of the residential area through a landscaped zone. The Defra circular states that any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.

The site should seek to provide a suitable link to the Coopers Lake site as reflected by a desire line into the site.

LYA52 runs from an estate path in the existing residential area between Pear Tree Hey and Leechpool in a northerly direction to join LYA 50 described above. This path is shown as proposed in a landscaped area on a route similar to its current defined line. (8).

LYA53 runs from the entrance of Randolph Avenue in a generally northerly direction to Tanhouse Lane. Its route appears to be reflected in part by the path described as Yate Gallops but it is not clear how the footpath will connect with the new junction of Randolph Avenue to the south. LYA53 runs from the entrance of Randolph Avenue in a generally northerly direction to Tanhouse Lane. Its route appears to be reflected in part by the path described as Yate Gallops but it is not clear how the footpath will connect with the new junction of Randolph Avenue to the south

LYA 54 (12) is 370 metres of bridleway extending south from Tanhouse Lane opposite Lime Kiln Lane. It is a hedged track that would benefit from some surface dressing sympathetic to the mixed use that will increase as a result of the proposed development. It is noted that this landscape feature is retained on the proposed plan

LYA 55 leads from the south end of the above bridleway in a southerly direction to Randolph Avenue. It appears that the route of this footpath is mostly recognised on the proposed plan via the landscaped area. There appears to be a proposal to construct a residential area (13) at the south of the bridleway above that would appear to require a diversion order under the Town and Country Planning Act 1990. This route has been used by horseriders over many years, it is therefore suggested that this route including the bridleway above, through to Randolph Avenue would be a multi user route for pedestrians, cyclists and horseriders. Consideration must be given to safe provision for the crossing and alignment with the extension of Randolph Avenue into the proposed new estate

It is noted that this landscape Footpath LYA45 (16) runs across the north eastern portion of the proposed development through an area shown as low to medium average density housing. The route shown suggests that the path is proposed to be diverted through a landscape area to the north east of the housing. The entrance onto Tanhouse Lane appears to be shown to the west of the stream boundary whereas it should be to the east. This means that there may be a structure required to enable the proposed recreational route to connect to the opening for LYA45 onto Tanhouse Lane.

4.9 Environmental Protection Officer
No adverse comments

4.10 Environment Agency
No objection in principle subject to the following condition:
There should be no houses located within the modelled Flood Zone 3 outline.
Reason: To prevent the increased risk of flooding

4.11 Transportation Officer

Having reviewed the revised plans as submitted with this application, I am satisfied with the scheme as put forward in so far of highway issues are concerned – it is also relevant to report that the Council 'Development Implementation team' are also looking at the technical aspect of this (including the actual highway construction) at the S38 stage.

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

4.12 Ecological Officer

There is no ecological objection this application. A condition is required to ensure the works are carried out in accordance with the Bat Survey Report and Barn Owl Method Statement submitted.

4.13 Tree Officer

There is no Arboricultural objection to the infrastructure proposals for this phase.

The development must be carried out in accordance with the Tree Protection Plan – BBS21596-03 Rev E Phase 0B and with the revised Arboricultural Method Statement – BBS21596AMS Rev E.

4.14 Landscape Officer

There have been a range of minor changes following on from our meeting, of these the most significant are the increase in planting to the north western site boundary and the re aligned position of the cycle path at the north of the gallops. Clarification is needed of the species mix for the woodland areas shown. The specification still lists the mix as a hedgerow mix (heo1) rather than a woodland mix (TE) and doesn't give percentages for the mix which will affect its character and maintenance. LDA have agreed to amend the table to provide the %mix.

The verge mixes have been changed in this application and the revision removes the original mixes from the landscape specification plan. An alternative mix of grass with bulbs is shown for the gallops and grass with wildflowers for the meadows.

4.15 Listed Building Officer

No comment

4.16 Affordable Housing Officer

No comment

Other Representations

4.17 Local Residents

14 letters of objections have been received from members of the public. The following is a summary of the reasons given for objecting:

Trees T343, T346 and T352 were identified as moderately suitable for bats yet are to be felled;

Replacement tree planting should be native species to provide maximum value to wildlife;
In the wild areas there ought to be UK native only planting in terms of grasses, wildflowers, bulbs and trees;
There should be no non-native species of planting within the wild meadow areas around the perimeter of the site;
Object to the pumping station and ancillary buildings;
Object to access to pumping station from Tanhouse Lane, which would increase traffic on the lane in a dangerous point where there is poor visibility;
Pumping station access and additional traffic would be detrimental to users of Tanhouse lane for recreation;
The field access opposite Leechpool is not a pedestrian access and should not function as such and should not be used by service vehicles or an access point for the public by foot - it must have a sufficient barrier to prevent either;
No buildings are allowed in the buffer zone;
Access to pumping station contrary to core strategy policy
Green buffer to tanhouse lane shown in core strategy policy should be complied with
Inaccurate plans in relation to the northern boundary and Hartstrow Farm;
Enhancement required of existing vegetation around the attenuation basin is required to provide an effective screen;
Covenants in the Land Registry Title AV249562 require the planting and maintaining of a copse of trees to form an effective screen between our property and the development – the proposed roadway will prevent this;
The proposed access off Tanhouse Lane would increase fly tipping;

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

North Yate New Neighbourhood is a major development site allocated by policy CS31 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 for a major mixed use development of up to 3000 dwellings. Outline consent was subsequently granted on 17th July 2015 for a mixed use development across 100.76 hectares of land comprising up to 2450 new dwellings, including 4.63 hectares of employment land, a local centre, two primary schools and supporting infrastructure. This approval covers a substantial area of the NYNN allocation. A masterplan and design code for the North Yate New Neighbourhood were subsequently approved by the Local Planning Authority on 20th January 2017 and 12th May 2017 respectively. The principle of the development is therefore, acceptable.

5.2 When considering the proposal, the starting point is to determine whether it complies with the following key documents which have been approved:

5.3 Access and Movement Infrastructure Framework Plan

This plan sets out the road and path network within the site, consisting of primary and secondary streets, footpaths within open space and development parcels, and a strategic bicycle route linking Tanhouse Lane with Brimsham Park. Vehicular and pedestrian access points are also specified on the plan. The plan demonstrates no vehicular access into the site off Tanhouse Lane, with access restricted to pedestrian and bicycles only. The plans that were

initially submitted demonstrated vehicular access to a pumping station from Tanhouse Lane, and therefore, they were not compliant with the parameter plan. Revised plans received have removed the vehicular access off Tanhouse Lane with pedestrian and bicycle access only. An existing bridle way, which extends adjacent to the western boundary of the site has been accommodated within the proposed plans. The plans also accommodate a strategic cycle path through the site between Brimsham Park and Tanhouse Lane on a 3 metre wide adoptable surface. Pedestrian accesses to the north and east of the site, which link to public rights of way were initially missing from the proposed plans but have been provided in the revised submissions.

5.4 S106 Associated with the Outline Consent

The approved S106 includes triggers relating to when landscaping works must be commenced and completed. It specifies the amount of public open space to be provided and the approximate locations of public open space to be provided. The proposal is considered to comply with the approved S106.

5.5 Masterplan

The approved Detailed Masterplan for NYNN no.4739-LDA-00-XXDR-L-0013 sets out in greater detail the principles of the various approved parameter plans. Key areas of the masterplan are a green buffer which serves to set back the development from Tanhouse Lane. To the west the buffer is approximately 56 metres deep; to the east the buffer is 22 metres deep at the narrowest point. This area contains play areas, attenuation basins and footpaths through the open space. It is noted that the proposed plans demonstrate a foul pumping station within the northern green buffer, which is not shown on the masterplan. The masterplan cannot however, identify all of the infrastructure that is required for the scheme. The pumping station would be enclosed by 1.8 metre high steel security fencing painted black and existing and proposed hedge planting will help screen views of the fencing and the pumping station. It is not therefore, considered that the proposed pumping station in this location would have a detrimental effect on the character and visual amenity of the area. On the eastern side of the application site the masterplan demonstrates a strip of informal recreational open space approximately 17 metres in width, which pinches down to approximately 8 metres to the south. The western side of the masterplan comprises an ecological corridor with ponds and attenuation basins and a footpath along the western boundary. The width of the western strip is approximately 69 metres pinching to 10 metres to the south. The proposed plans are in accordance with the masterplan in this respect.

5.6 The objections raised by Yate Town Council regarding the amount, arrangement and location of open space are noted; however, these details have already been fixed by virtue of the approved masterplan, framework plans and S106, and are matters that are therefore, outside the scope of this reserved matters application.

5.7 Green Infrastructure

This plan shows the type and location of green space – informal recreational/natural/semi natural, as well as new and existing hedgerow corridors and existing trees to be retained. The proposed plans are considered to be broadly in accordance with the Green Infrastructure Plan. The main

difference is that certain trees shown as being retained on the framework plan are proposed to be removed due to the requirement of infrastructure and the associated works. The issue is that the framework plans approved do not take into account the levels and infrastructure required to provide an adequate drainage design across the site. Although the loss of the trees is undesirable, the applicant has proposed to plant two trees for every single category B tree that is required to be removed (7 trees) to mitigate the loss. This will be in addition to the substantial tree planting within verges and public open space. The impact of the development on trees and the landscape impacts are considered further in the main part of the report.

5.8 Land Use Parameter Plan

This plan shows the different land uses within the North Yate New Neighbourhood. It demonstrates that two Local Areas for Play (LAPs) and two Local Equipped Areas for Play (LEAPs) are required to be provided within the northern buffer; and a LAP and LEAP within public open space to the south. The play areas do not form part of the application, and will be subject to separate reserved matters applications in due course. The areas are therefore, excluded from the red line which defines the proposed development area on the site plan. The plans indicate that these play areas will be at an adequate distance from existing and proposed residential properties.

5.9 Trees/Landscape

Condition 32 on the outline consent requires “substantive tree planting” in the buffer area to Tanhouse Lane in order to protect and enhance the character and appearance of the area and the amenities of future occupiers, and to enhance habitats of protected species on the site. Accordingly, there is a visual/amenity requirement for the planting, as well as ecology. The Council's Landscape Officer considered that the plans submitted did not adequately demonstrate a sufficiently robust woodland belt, and requested an increase in the density of the woodland, particularly around the footpath to create more feeling of enclosure by the planting. This matter was discussed in detail in a meeting between the developer and Council Officers. The developer set out that there were health and safety matters to consider and the creation of a dense woodland, which would be close to proposed residential properties as shown on the approved masterplan could potentially create issues in respect of crime/anti-social behaviour, and would not provide open grass areas more appropriate for recreation and play. The developer did however, agree to reconsider the design of this area; and the revised plans submitted provide larger blocks of native woodland planting and woodland grassland mix, which better enclose the footpath. Open grass areas are provided between the blocks of woodland planting to provide open space for play and recreation and also provide lines of sight between the footpath and future dwellings to the south. The woodland planting comprises species such as English Oak, Maple, Blackthorn, Hawthorn, elder, which would provide ecological benefit. It is considered that the design of the area would achieve an acceptable balance in terms of providing ecological benefits, providing a denser buffer to Tanhouse Lane, and providing more of a woodland setting to the footpath.

5.10 Following concerns raised by officers, as well as the objections received from members of the public, the revised plans demonstrate no vehicular access to

the site from Tanhouse Lane. Access to the pumping station for maintenance purposes will instead be from the residential parcel to the south. As a consequence, existing hedgerow on Tanhouse Lane would be retained with no requirement for removal to form a vehicular access and visibility splays. Accordingly, there would be far less of an impact on the character and visual amenity of Tanhouse Lane, and the public right of way. It is noted that objections have been received from members of the public regarding the provision of the pumping station itself in the green buffer zone. The pumping station would be enclosed by 1.8 metre high steel security fencing painted black. Although the fencing is somewhat utilitarian in appearance, the proposed black colour will help to reduce the impact on the surrounding area. Existing and proposed planting to the sides of the pumping station will also help to screen views of the fencing. It is not considered that this essential infrastructure would have a greater impact on the visual amenity of Tanhouse Lane than the LEAP and LAPs that are required to be provided in the buffer zone according to the masterplan. Accordingly there are no objections on this basis.

- 5.11 The Landscape Officer requested that the tree species, for the central 'Ride' area within The Gallops character area, is changed from the Hornbeam proposed to a broader tree that is capable of being successfully crown lifted and maintain an attractive shape. There has been further discussion regarding this matter between the Landscape Officer and the applicant; however, an acceptable alternative species has not been forthcoming and the Landscape Officer has not been able to suggest a suitable alternative species. The design code does not specify a tree species for this area; the only criteria it specifies is that a large tree species with a minimum girth of 20-25cm is required. Accordingly, it is considered that Hornbeam complies with the Design Code guidance, and there is no objection on this basis.
- 5.12 The Landscape Officer requested changes to enhance the setting of the strategic cycle route at the northern end by moving the landscape verge to the opposite side of the road. This is because, in this location, due to levels, the green space to the east of the cycle route will mostly be embankment with a small gap to the hedgerow. Moving the green verge to the opposite side of the road will provide a greater sense of openness and greenery to the link and improve its amenity. The plans have been amended to accord with the Landscape Officers comment in this regard. The change to the location of the verge has also meant that the cycle route can be re-aligned to avoid encroaching into the root protection zone of trees T302 and T301 so that the development will have less effect on these retained trees. Lime trees are proposed within the green verge adjacent to the strategic cycle route which accords with the advice of the Council's Landscape Officer.
- 5.13 An appropriate surface will be required to connect the strategic cycle path with Tanhouse Lane. The materials of paths through public open space have not been specified on the plans submitted, however, these surfaces will need to be sufficiently robust to be functional for use and be in keeping with the character of the open space and Tanhouse Lane. A condition is therefore, attached on this basis.

- 5.14 Following a meeting between the applicant and Council Officers, the plans show greater level of detail and more sympathetic treatment of the western edge of the parcel where the road level is required to be raised due to drainage requirements. Verge planting has been updated on the planting schedule to accord with the planting approved under the phase 0A infrastructure application to include tall grass, shrubs and bulbs. A typical planting arrangement for primary and secondary streets in the meadows, gallops and woods character areas has also been submitted. The idea is that the different verge planting arrangements would contribute to the diversity of each character area. The landscape drawings submitted do not however, reflect the planting schedule or the typical planting arrangement for verges; therefore, a condition is attached on this basis. The planting schedule has also been updated to include the percentage of total plants in native hedgerow planting in woodland blocks. The schedule demonstrates that the planting mix for woodland areas comprises a sufficient number of taller broadleaf trees to provide sufficient woodland character to the areas.
- 5.15 Play Areas and Sports Pitches
Sports England have objected on the basis that it is not clear where the playing field would be located. The comment is noted; however, the amount, type and location of public open space, including outdoor sport pitches, has already been agreed in principle by virtue of the approved S106 agreement, framework plans and masterplan. No sports pitches are required to be provided as part of this application. Sports pitches were included within the first phase infrastructure application (phase 0A). Sport pitches associated with the reserved land for a second primary school are not included within this application and will be subject to a decision as to whether a second primary school is required at the site depending on the need for primary school places in the local area. The approved S106 agreement sets out triggers in respect of this matter.
- 5.16 The POS Officer has queried whether the play areas north of plots 28a and 28b would breach Fields in Trust guidance in respect of the proximity to neighbouring properties. The play areas north of 28a and 28b consist of a LAP and a LEAP, as shown on the approved Land Use Framework Plan. The Lap would be 50 metres (approx.) and the LEAP 70 metres (approx.) from the existing property to the east, which accords with the Fields in Trust guidance. The proposed location indicated for the LAP and LEAP is in accordance with the approved masterplan, and the impact on dwellings to the south would be considered further when reserved matters for the layout and appearance of these dwellings is submitted.
- 5.17 Steel framed timber seating has been added to the plans within the recreational corridor within the Gallops area to accord with the design code. Bin provision has been added adjacent to the picnic benches within the northern buffer area, which complies with the request of the Council's Public Open Spaces Officer.
- 5.18 Transportation
The proposed alignment of the highway and movement network for the development is considered to be in accordance with the Access and Movement Framework Plan, which was previously approved. Accordingly, the Highway

Authority have raised no objections to the proposal. The design code sets out that the primary and secondary roads included within the infrastructure application are required to be designed to a 20mph speed limit. Raised tables are proposed at junctions in accordance with the approved framework plans, which would serve to slow vehicular speeds to 20 mph. On street vehicular parking to pinch the width of the road would also serve to slow traffic. The Highway Authority have raised no objections on this basis. Pedestrian crossing points with tactile paving and dropped kerbs are shown on the plans to provide safe and convenient movement for pedestrians. The plans have been amended to include east-west pedestrian crossing points to provide safer and convenient pedestrian movement across SS2G within the central Gallops area. It should also be noted that all the primary and secondary roads will be constructed to adoptable standards, and the detailed design of the roads, including traffic calming measures, on street visitor parking, and pedestrian crossing points will be further considered at the S38 Highway Adoption stage where the roads will also be tested via a road safety audit.

- 5.19 The vehicular tracking plans initially submitted used the wrong size refuse vehicle. The plans have been amended and now demonstrate an 11.3m long 3 axle vehicle which is used by the Council. It is noted that the Town Council have raised concerns regarding the width of the roads; however, the tracking plans demonstrate that buses would be able to adequately pass each other on the road network. The Highway Authority has raised no objections in respect of the tracking. It should also be noted that the roads are designed for low speeds; and a very wide road would not aid in slowing vehicles.
- 5.20 In the approved outline application, a package of financial contributions for sustainable transport measures were agreed. These included a contribution for a new bus service to serve the North Yate New Neighbourhood. The masterplan indicates that the northern primary streets subject of this application will form a long term bus loop. Bus stop locations are shown indicatively on the plans submitted, and a condition is attached for the bus stop locations and details to be agreed with the Local Planning Authority prior to the construction of road PR3.
- 5.21 No details of the finish of hard surfacing through POS, such as the strategic cycleway have been submitted; therefore, a condition is attached on this basis. As well as the strategic cycleway, the 3 wide pavements to primary streets are such that they would cater for cyclists as well as pedestrians. A condition is attached to ensure that the foot paths within public open space and the strategic cycle route is completed in a timely manner to ensure that sustainable and recreational routes are available to residents. The design code requires the raised tables to be coloured bitmac in a different colour to the standard material in accordance with the relevant character area palette. A condition in relation to the contrasting surface of raised tables is therefore, attached. No vehicular access is permitted from Tanhouse Lane; therefore, the pedestrian/bicycle access points will need to be designed to prevent vehicles from accessing the site. A condition is attached for an appropriate design, such as the inclusion of bollards, to be set out and provided in a timely manner.

5.22 Public Rights of Way

The overall treatment of public rights of way have been approved in principle by virtue of the approved masterplan and design code. The PROW Officer has advised that the process for diversion or stopping up a PROW is under legal process in the Town and Country Planning Act 1990, and applications for this process must be made prior to the commencement of works on site to allow sufficient time for the legal order process. An informative note is appropriate to bring this to the attention of the applicant. The main issue in relation to public rights of way was that the plans originally submitted did not provide linkage to existing public rights of ways to the northeast of the site, as required by the approved masterplan. These have now been accommodated within the revised plans to ensure that future occupiers will be able to access the surrounding countryside and beyond. The access points for pedestrians and cyclists, particularly from Tanhouse Lane will need to be secured by either gates or bollards to stop vehicles using the access points. The routes may also require a more robust surface to cater for the likely increase of use resulting from the residential development. The materials used to construct footpaths within public open space has not been specified; therefore, a condition is attached on this basis. Any path works that affect a stream corridor may require Land Drainage Consent and consent from the Council's Highway Structures Team. An informative note is attached on this basis.

- 5.23 The Public Rights of Way Officer has made comment on a number of footpaths around the entire North Yate New Neighbourhood site, and some of the footpaths such as LYA 49, LYA50, LYA52 LYA55 are located outside the application site. In terms of the public rights of way which extend through the site and will be affected by the development (LYA53, LYA54 and LYA45), any amendments to the legal line of these routes would be considered under a separate application under Section 257 of the Town and Country Planning Act 1990 (as amended). Any diversion required as already been accepted in principle by virtue of the approved masterplan and parameter plans.

5.24 Residential Amenity

The proposed development is for roads, landscaping works, and drainage infrastructure. It does not include any built development such as dwellinghouses. It is noted that noise impacts are likely to occur through construction of the infrastructure due to the proximity of existing dwellinghouses, and through the use of public open space. However, significant weight is given to the fact that this development has already been approved in principle by virtue of the approved masterplan. Although the detailed design of LEAPS and LAPS are not included in this application, the positions are indicated on the plans. The level of separation proposed between the LAPS and LEAPS and existing and proposed dwellings is considered to be acceptable. Condition 15 of the approved consent restricts any working on site, such as the use of any plant or machinery, the movement of vehicles or deliveries to the site outside of the hours 8am-6pm Mondays to Fridays, 8am to 1pm on Saturdays, and no working on Sundays and bank holidays. The measures set out in the approved construction management plan will mitigate impacts on the residential amenity of existing neighbouring occupiers. It is noted that concerns have been raised regarding the proximity of the proposed foul pumping station to an existing property. The pumping station would be

approximately 28 metres from the neighbouring dwelling, the turning head associated with the access road would be 10 metres from the existing property. The pumping station would be secured by 1.8 metre high galvanised steel fencing painted black and hedgerow is proposed to be planted adjacent to the south and east sides of the pumping station, which along with existing vegetation to the north and west, would help to screen and soften views. Accordingly, it is not considered that the location of the proposed pumping station would have an adverse effect on the residential amenity of existing occupiers.

5.25 Listed Building

Two grade II listed buildings are located close to the application site. Leechpool Farmhouse and Tanhouse Farmhouse are both accessed off Tanhouse Lane adjacent to the northern boundary of the application site. No buildings are proposed under this application and the plans include a green buffer, which pushes residential development back beyond the northern boundary in accordance with the approved masterplan. In addition existing trees and vegetation along Tanhouse Lane are to be retained and protected, with no new accesses to be formed into the site from Tanhouse Lane. Accordingly, it is not considered that the setting or significance of the listed buildings will be adversely affected by the proposal. The Council's Listed Building Officer has raised no objections to the proposal.

5.26 Ecology

Bats

An assessment of trees for the presence of bat roosts was completed by BSG Ecology (April 2018). After inspection, only three trees (T343, T346, T352) scheduled for removal were found to offer moderate bat roost potential. An additional four trees were also inspected and assessed as moderate/high potential, although only one of these trees are scheduled for removal (T121).

5.27 As these trees (T343, T346, T352, T121) have been assessed as offering bat roost potential and they are still scheduled for removal (according to Tree Removal Plans BBS21596-02 Phase 0B Rev. D), further surveys were recommended as they are required to inform a licence application if bats are present.

5.28 T352 is located outside the application site, and T121 was assessed as offering low bat roost potential. As such, further surveys for T343 and T346 have been completed this August and September and reported in the document Bat survey report: Emergence and re-entry surveys of trees T343 and T346 (BSG Ecology, September 2018) submitted. The surveys showed that no bats were using the trees as roosts and therefore no licence is required to allow their removal. As tree roosts are often transient however, the report recommends that a dawn re-entry survey and endoscope inspection are completed immediately prior to the proposed tree works.

5.29 The report notes that should a bat be found, works must stop and a licence applied for, felling work during breeding bird season should be subject to a pre-works check, and that any other trees due to be felled that have not already been surveyed should be assessed for the presence of bats. A condition is

- attached to ensure that the works are carried out in accordance with the report submitted.
- 5.30 The lighting plan is acceptable and provides mitigation where light levels may deter bats commuting through the site. The lighting plans submitted are indicative only at this point; a condition is attached for full lighting drawings to be agreed with the Local Planning Authority.
- 5.31 **Barn Owl**
A pair of barn owls were flushed from T122 during the bat inspections. As the pair were recorded in March and the presence of a nest debris, it was assumed that this was a breeding pair and T122 was a nesting site. It was agreed with BSG Ecology (Correspondence dated 23rd and 29th August 2018) that a method statement for the protection of this nesting site was provided.
- 5.32 Nest sites for barn owls hold 'universal' appeal, meaning it has the potential to be used by several different barn owl pairs after the current occupants move on and should be protected thereafter. The disturbance distances set out for various activities match relevant literature and the exclusion zones should be implemented as set out in the method statement. A condition is attached on this basis.
- 5.33 **General Layout and Landscaping**
The Council's Ecological Officer is satisfied that the layout proposed matches the approved masterplan. Figure 1: Phase 0B Ecology Measures (BSG Ecology, April 2018) shows the locations for compensatory and enhancement measures including bat/dormouse/swift/sparrow/barn owl boxes, great crested newt ponds, hibernacula and wildlife crossing locations. These are all considered to be acceptable, and will not be adversely impacted by the lighting scheme within the development.
- 5.34 The Ecological Officer has commented that several species of trees are proposed, which are not of local provenance within the more semi-natural spaces. Such species include Himalayan Birch, Turkish Hazel, and River Birch. Whilst the applicant has not acceded to the officer's request to remove these non-naïve species from the scheme, there was no objection on this basis in the first phase infrastructure application (Phase 0A) which includes the same species of planting. As such, and given that the majority of planting within the semi-natural areas comprise native planting, there is no objection on this basis. The Ecological Officer has raised no objections in relation to the use of non-native tree species along the road network if they are known to cope better than native species.
- 5.35 **Drainage**
The Environment Agency have raised no objections to the proposal. They have however, requested that a condition is applied on the basis that no houses are located in Flood Zone 3. It should be noted that the proposal does not include any residential development; these will follow under separate reserved matters applications. In addition, parameter and masterplans have already been approved by the Local Planning Authority which show the location of residential development. The condition recommended by the Environment Agency is not a

- necessary or reasonable planning condition and fails the tests for applying conditions listed in national guidance.
- 5.36 Yate Town Council's concerns regarding the use of attenuation basins are noted; however, the proposed use of attenuation basins reflects the surface water drainage masterplan, which has already been approved. Due to existing ground conditions the surface water masterplan is for a system of detention basis in order to attenuate surface water runoff to greenfield runoff rates with discharges to the local watercourse ditch system. The Council's Drainage Officer has raised no objections to the proposal subject to an updated management and maintenance plan being submitted for phase 0B A condition is attached on this basis.
- 5.37 Further Matters
The public comment referring to the accuracy of the plans in relation to the northern boundary with Hartstrow Farm is noted. However, the plans are considered to be sufficiently accurate to allow the impacts of the proposal to be considered. The boundary accords with the Masterplan which has already been approved.
- 5.38 It is considered that native block planting and tree planting around the attenuation will provide an adequate screen to the adjacent existing property.
- 5.39 The grant of planning permission will not overrule any restrictive covenants attached to the land. This is a separate legal matter which is outside the scope of this application.
- 5.40 Consideration of likely 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 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. 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. The Local Planning Authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have a neutral impact as equality matters have duly been considered in planning policy

6. CONCLUSION

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

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

7. **RECOMMENDATION**

7.1 Reserved matters consent is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

1. Notwithstanding the details submitted, prior to the development hereby approved being brought into operational use, 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 before the development is brought into operational use.

Reason

To ensure that the lighting scheme does not adversely impact on the landscaping scheme, and in the interests of protected species of wildlife and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policy PSP2 and PSP19 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

2. All hard and soft landscape works shall be carried out in accordance with the details hereby approved. The works shall be carried out in the first planting season following the grant of this planning permission and the implementation of the relevant construction works hereby approved.

Reason

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

3. Notwithstanding the details submitted, the verge planting for primary and secondary streets shall be carried out in accordance with the planting arrangement shown on drawings 6122_200-202 received, and the planting specification shown on "Trees and Structural Planting Schedule" no. 6122_401_C both received by the Council on 2nd October 2018.

Reason

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

4. The footpath and cycle network hereby approved shall be provided in accordance with the approved details prior to the completion of the residential parcels in phases 4 and 5 on the approved phasing plan.

Reason:

To ensure a satisfactory footpath link to encourage more sustainable modes of travel and to accord with policies PSP10 and PSP11 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

5. Prior to the commencement of the development hereby approved, protective fencing shall be erected around the trees and hedgerows to be retained, in accordance with Tree Protection Plans no.BBS21596-03 phase 0B rev E sheets 1-8 and in accordance with BS 5837:2012 and the methodology contained in the submitted Arboricultural Method Statement dated 25th September 2018 (Rev E) and shall be inspected and agreed in writing by the Local Planning Authority. The fencing shall be retained as such throughout the construction of development hereby approved.

Reason

To protect the health of trees in the interests of the visual amenity of the area and to accord with policy PSP2 of the South Gloucestershire Local Plan Policy Sites and Places Plan (adopted) November 2017; and policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

This is a pre-commencement condition to ensure that the trees are protected.

6. Any trees or plants shown on the landscaping scheme hereby approved, which die, are removed, are damaged or become diseased within 5 years of the completion of the approved landscaping scheme shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size, location and species as those lost.

Reason

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

7. Within 3 months of the date of the consent, details of the construction of the surface treatment of footway, cycleway and bridleways within public open space, as well as a scheme to secure existing accesses off Tanhouse Lane to prevent vehicular access shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to the first occupation of any dwelling within phases 4 and 5 as shown on the approved phasing plan.

Reason

To ensure adequate means of access to and enjoyment of recreational routes and to accord with policy PSP10 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

8. Notwithstanding the submitted details, prior to the construction of road PR3 as shown on the plans submitted, the location and design of bus stops and shelters along with timescales for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details in accordance with the agreed timetable and strategy for delivery.

Reason

To ensure the adequate location and design of bus stops and to accord with policy PSP11 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

9. Root Protection Zones identified on the Tree Protection Plans no.BBS21596-03 phase 0B rev E sheets 1-8 shall be adhered to at all times during construction except in the specific areas identified on the drawings hereby approved where no-dig construction and hand dig excavation is used.

Reason

To protect the health of trees in the interests of the visual amenity of the area and to accord with policy PSP2 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017; and policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

10. Prior to the construction of any raised tables, details of the proposed contrasting colour finish 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

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

11. Prior to the construction of roads within the Key Newt Corridor, a method statement for the provision of newt crossings/dropped kerbs 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

In order to protect the wildlife interests of the site and to accord with policy PSP19 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

12. There shall be no construction within 200m of tree T122 until the barn owl mitigation measures outlined in the report have been implemented in full.

Reason

In order to protect the wildlife interests of the site and to accord with policy PSP19 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

13. The development hereby approved shall be managed and maintained at all times in accordance with the following:
Specification for soft landscape works (revision C September 2018)

Reason:

To protect the character and appearance of the area to accord with Policy PSP2 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017 and CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (adopted) December 2013

14. The development hereby approved shall be carried out in strict accordance with the mitigation measures laid out in the Bat survey report: Emergence and re-entry surveys of trees T343 and T346 (BSG Ecology, September 2018) and Barn Owl Method Statement (BSG Ecology, September 2018).

Reason

In order to protect the wildlife interests of the site and to accord with policy PSP19 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

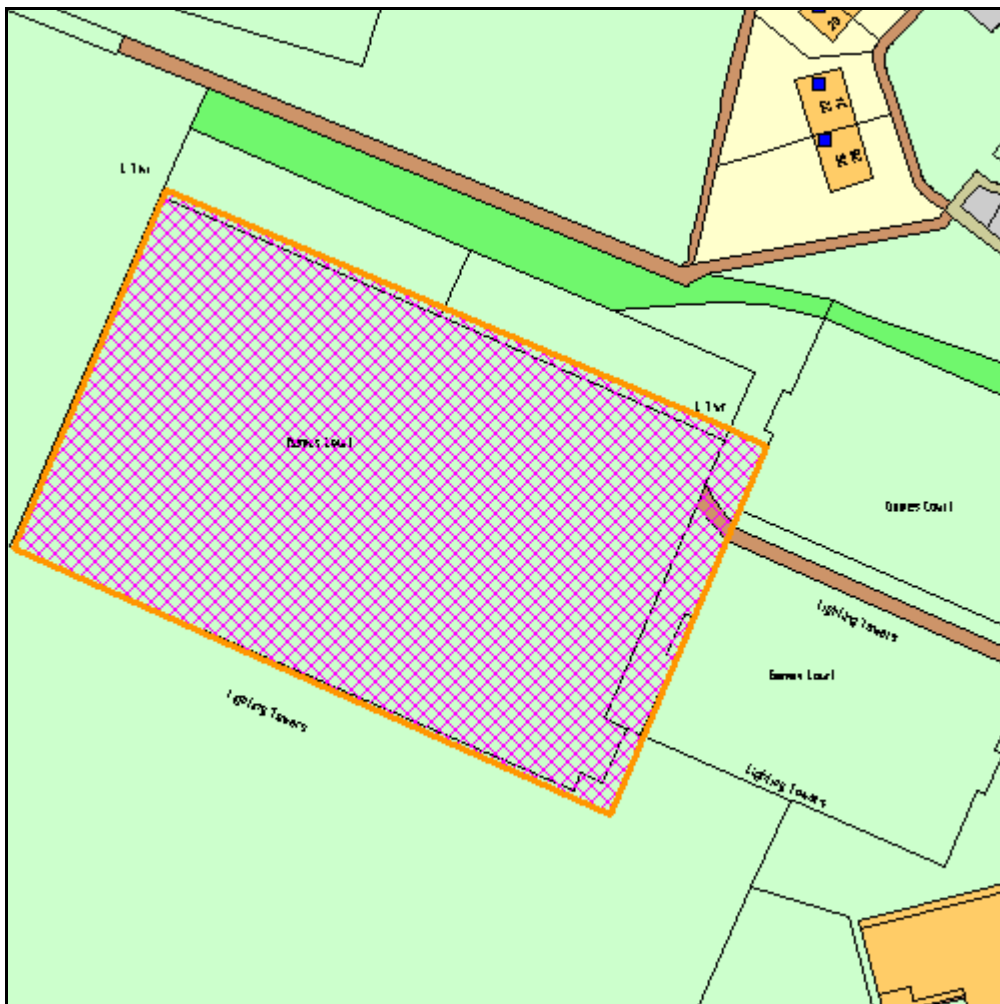
15. Within 3 months of the date of the consent a revised SUDs operation and maintenance plan for Phase 0B shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out and be maintained in accordance with the approved plan.

Reason

To provide an acceptable means of drainage and to accord with policy PSP20 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

CIRCULATED SCHEDULE NO. 40/18 – 5 OCTOBER 2018

App No.:	PK18/2943/F	Applicant:	Mrs Duff
Site:	Downend Secondary School Westerleigh Road Downend South Gloucestershire BS16 6XA	Date Reg:	20th July 2018
Proposal:	Removal of existing pitch. Installation of artificial turf pitch, including 6no. 15 metre lighting columns, erection of perimeter fencing to a maximum height of 4.5 metres and siting of 1no. storage container.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365839 177156	Ward:	Downend
Application Category:	Minor	Target Date:	11th September 2018



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PK18/2943/F**

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following concerns raised by Downend and Bromley Heath Parish Council and Sport England which are to the contrary of the officer recommendation in this report. It should be noted that Sport England are not officially objecting to the proposal, so there is no requirement to refer the application to the Secretary of State.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the removal of the existing pitch, to facilitate the installation of an artificial turf pitch, including 6 no. 15 metre lighting columns, erection of perimeter fencing and the siting of 1 no. storage container at Downend Secondary School, Westerleigh Road.
- 1.2 The site is situated within the East Bristol Urban Fringe area. The area has been known to have been used for coal mining in the past.
- 1.3 The artificial grass pitch (AGP) to be removed was primarily designed for hockey, whilst the 3G AGP pitch proposed has been design with football as the primary sport.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS23 Community Uses
CS24 Green Infrastructure, Sports and Recreation

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

PSP1 Local Distinctiveness
PSP2 Trees and Woodland
PSP8 Residential Amenity
PSP16 Parking Standards
PSP19 Wider Biodiversity
PSP20 Drainage
PSP21 Environmental Pollution
PSP22 Unstable Land
PSP44 Open Space, Sport and Recreation

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/1508/F Approve with conditions 08/06/2007
Installation of 2no. first floor windows to existing staff room.
- 3.2 PK05/2068/R3F Deemed Consent 23/09/2005
Erection of covered area outside main dining hall.
- 3.3 PK04/1575/R3F Deemed Consent 29/06/2004
Erection of Extract Plant Enclosure.
- 3.4 PK03/0250/R3F Deemed Consent 27/08/2003
Erection of 6 No. 12m high lighting columns carrying a total of 12 floodlights over a new five-a-side football court. Erection of 6 No. 15m high lighting columns carrying a total of 18 floodlights over a revised all weather pitch and erection of 5m high fencing behind goalposts.
- 3.5 PK02/3326/R3F Deemed Consent 10/04/2003
Consolidation of Downend Upper and Lower Schools. Erection of extensions to science block and sports hall. Erection of new teaching block. Associated car parking with lighting columns and wall lights, landscaping and works.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection, but concerned about levels of lighting.

- 4.2 Emersons Green Town Council
No objection.

- 4.3 Other Consultees

Highway Structures
No comment.

Lead Local Flood Authority
No objection.

Sustainable Transport

We have no comments about this application which seeks to replace an existing sports pitch at Downend Secondary School with artificial turf and erect associated lighting and perimeter fencing, as well as site a storage container. This is because we do not believe that this will alter the travel demand associated with this site and its access and parking arrangements remain unchanged.

Environmental Protection

Requests that lighting engineer is consulted.

Lighting Engineer

The results of the Obtrusive Light Calculations shown under 4.8.3.6 and 4.8.3.8 in the Design and Access Statement are within the thresholds set by ILP's Guidance Notes for the Reduction of Obtrusive Light document for the identified E2 Environmental zone, therefore I would have no objections of approval granted by Planning.

Sport England

The Council has been working with Sport England on the development of a Playing Pitch Strategy – getting the right pitches in the right locations for current and future needs. Having access to school sites to use sports facilities is important to the delivery of that Strategy and is high on the Government's agenda. Sport England remains concerned with the Council's decision not to include the community use planning condition.

Sport England has reviewed the case and does not wish to object to the planning application given the application is being funded by the Football Foundation.

Fields in Trust

No comment received.

Police Community Safety

No comment received.

Civil Aviation Authority

No comment received.

Other Representations

4.3 Local Residents

No comment received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In assessing applications for educational/youth facilities, planning policy CS23 is particularly relevant, it relates to the supporting of provision or improvement of community infrastructure such as youth and childcare facilities. Paragraph 94 of the NPPF also attaches great weight to the need to expand school facilities, and this weighs in favour of the proposal.

5.2 Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. Furthermore, Policy PSP8 of the PSP Plan (November 2017) allows the principle of development, subject to considerations of loss of privacy,

- overbearing and loss of light of occupiers of nearby properties. Policy PSP21 requires an assessment of the impact of light and noise pollution on the surrounding area.
- 5.3 Policy PSP44 states that development on playing fields will not be acceptable unless it can be demonstrated that the buildings are surplus to requirements, that it will be replaced by the equivalent or better, or the development is for alternative sport and recreation provision, the need for which clearly outweighs the loss. The proposed pitch would be to replace an existing sports pitch on a playing field at Downend School, and so the development is acceptable in principle subject to the assessment below.
- 5.4 Loss of Playing Fields
The applicant has submitted information to demonstrate that the need for the proposed 3G artificial grass pitch (3G AGP) outweighs the need for the artificial grass pitch (AGP) to be lost. The original sand dressed AGP was installed in 2005 and intended for community hockey use, however Sport England have advised that this has only ever been used for light hockey use by both the school and the community. It is not currently used by any local hockey clubs. The South Gloucestershire Council Playing Pitch Strategy and Action Plan (Draft) January 2018 identifies the need for 3G artificial grass pitches like the one proposed and states that the resurfacing from sand to 3G surfaces in the East Fringe would help to ease the current football pitch shortfall. Furthermore, Hanham Woods Academy has hockey facilities which are not currently running at capacity, and this development would allow for hockey growth at the Hanham site instead.
- 5.5 The intentions to resurface the AGP at Downend Secondary School are detailed within the Playing Pitches Strategy, and whilst in draft form this went out to public consultation in April 2018. Sport England therefore consider that adequate consultation has taken place and they have no objection to the scheme. This is subject to a condition ensuring that a management plan detailing the pricing, hours of use, access, users, management responsibilities and mechanism for review for the new facility is agreed prior to commencement of development.
- 5.6 Officers have considered whether this condition should be applied to the decision notice. As the development involves the replacement of an existing AGP pitch within a secondary school, officers consider that the above condition does not meet the tests for applying conditions to planning permissions. The site is not solely a community facility and does not propose a new community facility, so the above condition is not necessary or reasonable given the scale of the development for a replacement pitch. Whilst it is acknowledged that it is used by communities in the evenings and weekends, the pitch predominantly relates to a school. The condition is not necessary to ensure that the development complies with policy PSP44 and policy CS23 of the Development Plan. As a statutory consultee, Sport England have been informed of this and have confirmed in writing that they do not formally object to the development, and so there is no need for the application to be referred to the Secretary of State.

5.7 Design and Visual Amenity

The proposed 3G AGP comprises of artificial grass partially filled in with silica sand and green coloured granulate, surrounded by dark green ball stop fencing no more than 4.5 metres in height, with six 15m steel floodlight columns and a storage container, also in a dark green colour. The proposed fencing and flood lights are similar to the design of the facilities enclosing the existing pitch. The site is surrounded by the remaining playing field to the south and west and the development is considered an acceptable design for the existing playing field environment. Furthermore, the replacement pitch will be an improvement on the extant situation, whereby the existing AGP has blue edging, appearing more intrusive in views across the site. The development is considered to accord with policy CS1 of the Core Strategy.

5.8 Residential Amenity

Whilst there are residential properties to the west and east of the site, the closest are located to the north of the site along Kimberley Close. The site has been used as a playing pitch for a number of years, and so the potential for noise resulting from the development is the same as from the existing pitch at the site. Turning to light pollution, it is noted that the lighting columns proposed are taller than the existing, however the applicant has highlighted a number of reasons why 15m lighting columns are the optimum mast height; it enables the light to be fully directed downwards and thus avoids sky glow. Higher columns would require more intensive lighting whilst lower columns would need a higher aiming angle for each light, causing glare which may impact upon the nearby residential properties.

5.9 The Council's lighting engineer has assessed the flood light specifications proposed and considers that they meet the thresholds within the ILP's Guidance Notes for the Reduction of Obtrusive Light document. Officers therefore consider that the light pollution will not be detrimental to residential amenity, subject to a condition requiring that the lights are turned off outside of 6pm to 10pm Monday to Sunday. This reflects the existing condition for the site on PK03/0250/R3F.

5.10 Regarding the erection of a storage container, its low height means it will not overshadow or have an impact on the surrounding land uses. The development is acceptable in terms of policy PSP8 and PSP21.

5.11 Transport

As the development is for a replacement sports pitch of the same size, there is unlikely to be any impact on highway safety or parking demand within the site. There is no transportation objection to the proposal.

5.12 Trees

There are a number of trees surrounding the site, however as the development is for a replacement pitch of the same size, it will not cause any harm to the surrounding vegetation.

5.13 Coal Mining Legacy

Some of the wider playing fields are within an area used for coal mining in the past, however the pitch proposed for replacement here does not fall within these areas. There has been no need to consult The Coal Authority in this instance.

5.14 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher

Tel. No. 01454 864735

CONDITIONS

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

Reason

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

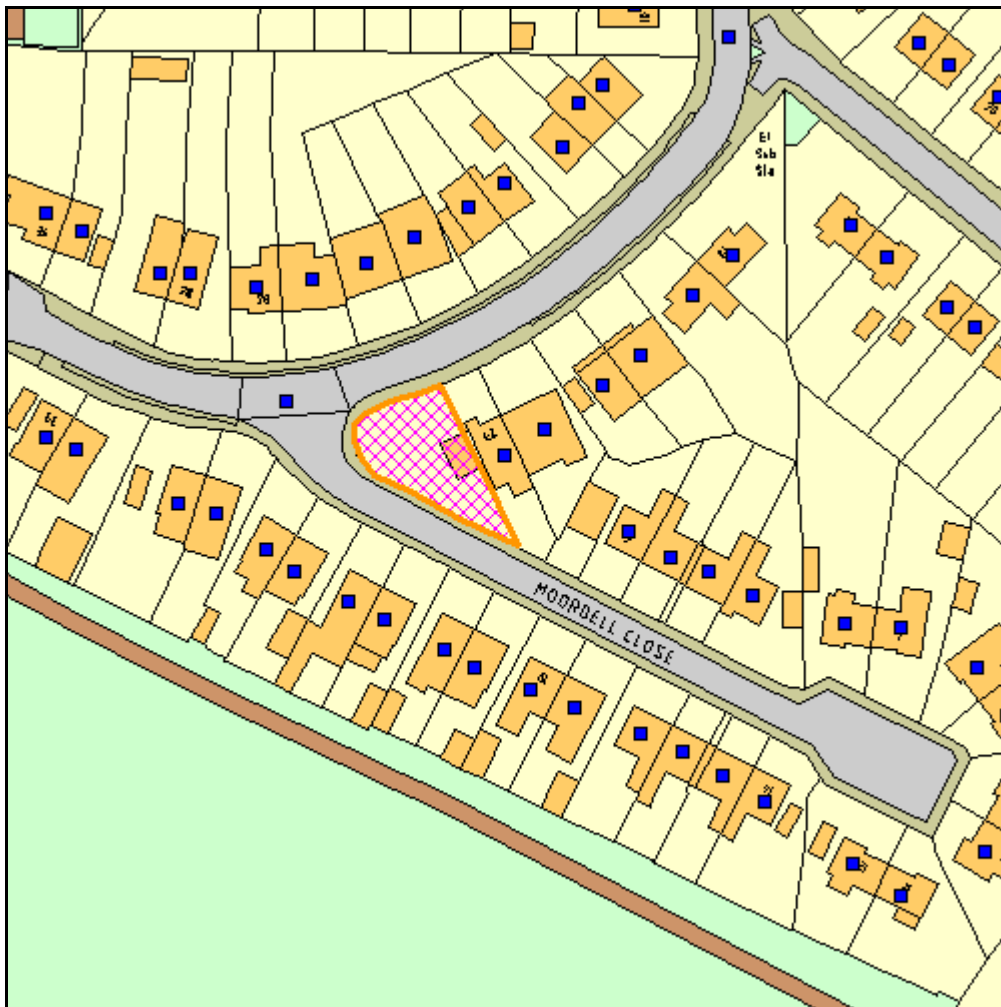
2. The lighting columns hereby approved shall comply with the Obtrusive Light Calculations shown under 4.8.3.6 and 4.8.3.8 of the Design and Access Statement (received on 25th June 2018) and shall not be used outside of the following times; 6pm to 10pm Monday to Sunday.

Reason

In order to prevent light pollution to the detriment of the surrounding residential properties, in accordance with policy PSP8 and PSP21 of the Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 40/18 – 5 OCTOBER 2018

App No.:	PK18/2988/F	Applicant:	Mrs M. Shave
Site:	23 Moorland Road Yate Bristol South Gloucestershire BS37 4BT	Date Reg:	10th July 2018
Proposal:	Demolition of existing garage and erection of 1no detached dwelling and associated works.	Parish:	Yate Town Council
Map Ref:	370548 182279	Ward:	Yate Central
Application Category:	Minor	Target Date:	4th September 2018



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PK18/2988/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the demolition of an existing garage and the erection of 1no detached dwelling and associated works at 23 Moorland Road, Yate.
- 1.2 The application site is a corner plot at the junction of Moorland Road and Moordell Close, located within the defined settlement boundary of Yate.
- 1.3 The proposed development consists of a two storey detached property which would be located to the west of the existing dwelling. It would follow the existing building line and would be accessed off Moorland Road.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS30 Yate and Chipping Sodbury

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP42 Self-Build and Custom Housebuilding
PSP43 Private Amenity Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 N8445
Erection of a domestic garage.
Approved: 20/01/1983

4. **CONSULTATION RESPONSES**

4.1 Yate Town Council

We would like to express concerns that because of the location on the corner of Moorland Road and Moordell Close it will result in reversing out from the property closer to the corner. This is an acute angle so will be blind on the inside of the corner.

4.2 Sustainable Transport

No objection in principal. It is noted that Yate Town Council has expressed concerns about the access and parking associated with the new house, hence I make comment as follows;

Whilst the proposed new access is relatively close to the bend nonetheless; I take comfort from the fact that this is off a residential cul-de-sac and is located near the end of the road where vehicular speeds are generally low. It is generally accepted that reversing of cars on to such roads do not represent significant risks to other road users. It must also be reported that there is no requirement for creation of off-street turning facilities for accesses onto residential roads particularly if such road is not on a bus route and the road is not part of a through traffic route.

From a road safety point of view, the officer is satisfied that there is adequate forward visibility for those travelling along the main road (Moorland Road). As there is adequate forward visibility then the drivers on the main road would be able to see ahead and if faced by a reversing vehicle they would be able to stop in time. For those drivers negotiating the adjoining side road (Moordell Close); it must be noted that these drivers would have to stop at the stop-line before exiting on to Moorland Road - vehicles leaving this junction would be at a stand-still hence, vehicle speed would be dead-slow. In exiting the junction, if they are faced by a reversing car then once again, there is sufficient space to act and stop accordingly.

In accordance with the above, it is therefore unreasonable to refuse this application on the grounds of reversing vehicles or the position of the access.

Plans submitted show there is sufficient off-street parking proposed for both the existing as well as the new dwelling on site and this meets the Council's parking standards. Securing these parking spaces can be made a condition to the planning consent. In view of all the above mentioned therefore, subject to a condition, there is no highway objection.

- 4.3 Highway Structures
No comment

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

Other Representations

- 4.5 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning permission is sought for the erection of 1no detached dwelling. The site is located within the defined settlement boundary of Yate.

Policy CS5 of the South Gloucestershire Core Strategy outlines the locations at which development is considered to be appropriate; new development is directed towards the existing urban areas and defined rural settlements. As such, based solely on the location of the site, the principle of development is acceptable.

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

5.2 Design and Visual Amenity

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

- 5.3 The proposed dwelling would sit on a corner plot, sited to the west of the host dwelling and would replace an existing detached single garage. It is acknowledged that the surrounding area, including the host dwelling, is characterised by semi-detached properties. That said, it is considered that the footprint and massing of the proposed building would not be out of character with nearby properties; it would continue the existing building line and would match the eaves and ridge height of the neighbouring properties. As such, it is considered by the Officer that the proposal would broadly respect the existing streetscene and would therefore not result in an overly dominant impact.

5.4 Materials

The materials to be used in the external finish of the proposed dwelling include brickwork rear and side elevations with a rendered finish on the principal elevation; profiled concrete roof tiles and white UPVC windows and doors. It is

- acknowledged that certain design cues from adjacent properties have been reflected in the proposal. It is also recognised that the wider surrounding area consists of a mixture of housing styles with a combination of brickwork, render and cladding and as such it is considered that the proposed materials would not be out of keeping with the surrounding area. For this reason, it is not deemed necessary to include a condition for materials to be agreed, however a condition will be included on the decision notice to ensure the proposed development is carried out in accordance with the approved plans.
- 5.5 Overall, it is not considered the proposed dwelling would adversely impact the character of the area and would not cause a material degree of harm to visual amenity in order to warrant a refusal. As such, the proposal is deemed to comply with policy CS1 of the Core Strategy.
- 5.6 Residential Amenity
Policy PSP8 of the PSP Plan (November 2017) sets out that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from; loss of privacy, and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.7 The proposal would be located on a corner plot with Moorland Road to the north; Moordell Close to the east and south; and the host property to the east. The host property benefits from 1no side elevation window on the first floor; the proposal would not include any windows on the east elevation. The proposal would include a first floor window on the west elevation which would serve the landing and the properties to the east would be separated by a highway. It is therefore considered that, subject to a condition, the proposal would not result in a material overlooking impact.
- 5.8 Considering the siting and scale of the proposed dwelling it would not appear to be unacceptably oppressive, overbearing or create an unsatisfactory living environment for any neighbouring occupant, nor is it considered to significantly alter the existing levels of light afforded to neighbouring occupiers to an unacceptable level.
- 5.9 Measuring the proposed amenity space for both the proposed property and the host dwelling shows they are both of an acceptable size for a three bedroom property and would therefore comply with policy PSP43 of the PSP Plan.
- 5.10 Overall, it is not considered that the proposal would have any unacceptable impacts on residential amenity, and the proposal is therefore considered to comply with policy PSP8 of the PSP Plan.
- 5.11 Sustainable Transport and Parking Provision
Concerns were raised by the Town Council over the safety of drivers reversing out of the proposed driveway due to the location on the corner of Moordell Close and Moorland Road. The Transport Officer has referenced this concern within his comments and states that he is satisfied that there is sufficient

visibility for vehicles exiting the site. Furthermore, due to the slow speed vehicles would be travelling along Moorland Road and exiting the junction of Moordell Close, there is no material highway safety concern.

The proposed dwelling is a three bedroom property which would require two off-street parking spaces to comply with South Gloucestershire Council's residential parking standards. The submitted plans show an integral single garage with a driveway in front which is able to accommodate 1no vehicle. The host dwelling is also a three bedroom property and two parking spaces have been provided at the front of the property. Therefore, the proposed parking provision would comply with the Council's parking standards and as such, subject to a condition securing parking, no objections are raised in terms transport.

5.12 Equalities

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

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: James Reynolds
Tel. No. 01454 864712

CONDITIONS

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

Reason

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

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

Received by the Council on 10th September 2018:

Site Location Plan (Drawing Number: 01 Revisions: AB)

Existing Plans and Elevations (Drawing Number: 03 Revisions: A)

Proposed Site Plan (Drawing Number: 02 Revisions: AB)

Proposed Plans and Streetscene (Drawing Number: 04 Revisions: A)

Received by the Council on 25th September 2018:

Proposed Elevations (Drawing Number: 05 Revisions ABC)

Reason

For the avoidance of doubt.

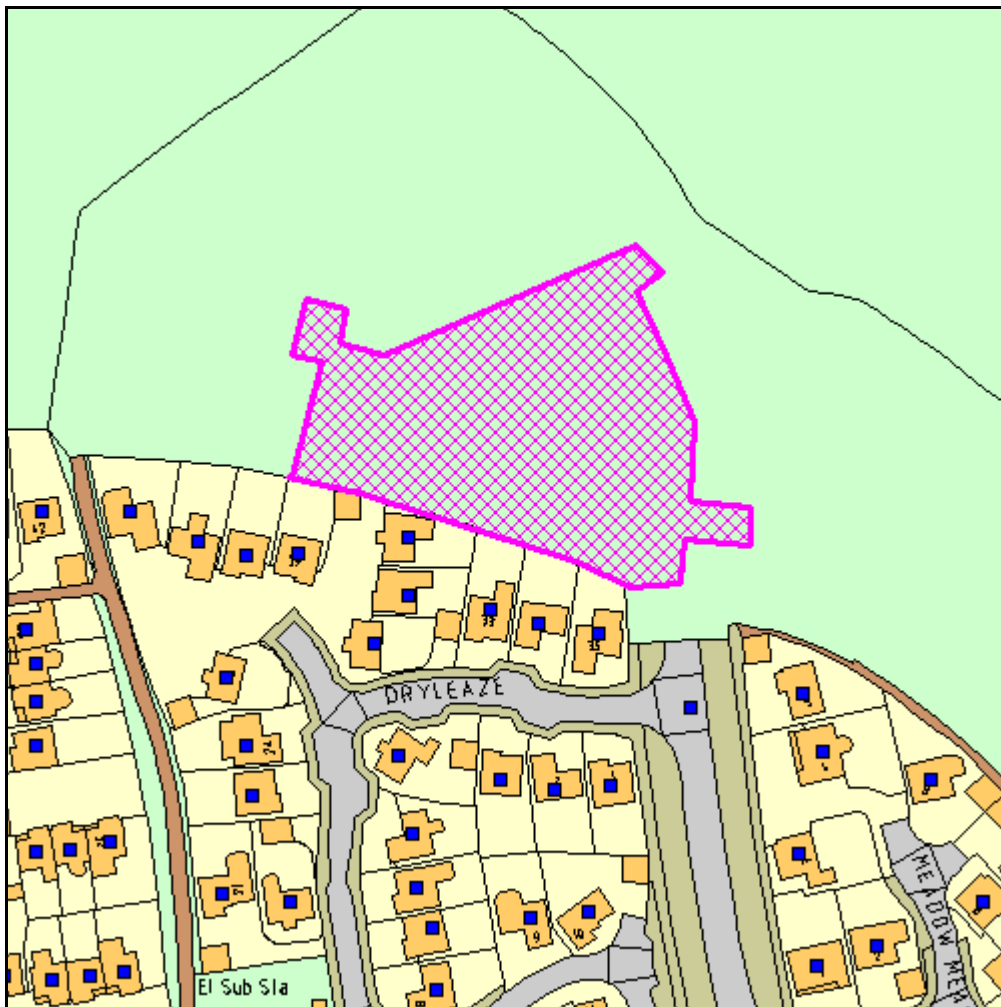
3. The off-street parking facilities for the existing and proposed dwellings shown on the plans hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

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.

CIRCULATED SCHEDULE NO. 40/18 – 5 OCTOBER 2018

App No.:	PK18/3237/RM	Applicant:	BDW Trading Ltd (Barratt Bristol Division)
Site:	PL22 North Yate Yate Bristol South Gloucestershire BS37 7YX	Date Reg:	25th July 2018
Proposal:	Amendment to PK17/5389/RM to re-design site entrance, minor changes to plots 74- 78 and reduce the number of plots in this parcel by 3no, associated roads, drainage, landscaping, garages and parking to include reserved matters of appearance, layout, scale and landscaping. Erection of temporary sales office and associated parking. (Reserved Matters application to be read in conjunction with Planning permission PK17/4826/RVC).	Parish:	Yate Town Council
Map Ref:	371284 184216	Ward:	Yate North
Application Category:	Major	Target Date:	22nd October 2018



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

REASON FOR REPORTING THE APPLICATION TO CIRCULATED SCHEDULE

This application is being reported to the Circulated Schedule due to objections from Yate Town Council and a neighbouring occupier.

1. THE PROPOSAL

- 1.1 This is a reserved matters application for the erection of a temporary sales office and associated parking and to revise the layout of some of the dwellings approved under reserved matters application PK17/5389/RM. The sales office is proposed for a period of ten years, with six residential dwellings adjacent. Following the removal of the sales centre, an additional four dwellings would be sited on this parcel, resulting in a reduction of 3 from the previously approved scheme.
- 1.2 The application relates to Parcel 22, which forms the first phase of development of North Yate New Neighbourhood (NYNN). The sales office would be single storey and constructed of a mix of red brick with chalk render above and a forticrete roof in slate grey.
- 1.3 The application has been amended since submission to revise the driveway widths to 4.5m, additional visitor space has been provided and the bin muster point has been moved closer to the highway. Additional clarity has been provided in relation to the open space to the front site and the landscaping has been revised.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
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
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS30 Yate and Chipping Sodbury
CS31 North Yate New Neighbourhood

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

PSP1 Local Distinctiveness

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

2.3 Supplementary Planning Guidance

Landscape Character Assessment SPD (adopted August 2005)

Design Checklist SPD (adopted 2007)

Residential Parking Standards SPD (adopted May 2013)

Extra Care and Affordable Housing SPD (adopted May 2014)

Waste Collection: Guidance for New Developers SPD (adopted January 2015)

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK12/1913/O - Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 4.63 hectares of employment land (Use Class B1, B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping and proposal to underground the electricity powerlines. Outline application including access with all other matters reserved. Permitted 17th July 2015.
- 3.2 PK15/5230/RVC - Variation of condition 41 of Planning Permission PK12/1913/O to change the proposed wording which related to the need for an Energy Statement and energy targets. Permitted 6th May 2016.
- 3.3 PK16/2449/RVC - Variation of condition 12 attached to planning permission PK12/1913/O to allow for a programme for archaeological investigations across the site. Permitted 15th August 2016.
- 3.4 PK17/0039/NMA - Non-material amendment to Condition 19 of PK16/2449/RVC (Outline planning permission for the North Yate New Neighbourhood) to reflect the updated phasing plan submitted pursuant to Condition 4. Approved 23rd February 2017.
- 3.5 PK17/4826/RVC - Variation of conditions 12, 19 and 41 attached to outline planning permission PK12/1913/O to rationalise and validate amendments to conditions previously granted under application reference numbers PK15/5230/RVC, PK16/2449/RVC, and PK17/0039/NMA. Permitted 27th November 2017.

- 3.6 PK17/4260/RM - Laying out of landscape and infrastructure (Phase 0) including primary and secondary streets, utilities, services, foul and surface water drainage, hard and soft landscaping. (Approval of reserved matters including appearance, landscaping, layout and scale to be read in conjunction with Outline Planning Permission PK12/1913/O superseded by PK16/2449/RVC). Approved 21st May 2018
- 3.7 PK17/5389/RM - Erection of 86 dwellings, associated roads, drainage, landscaping, garages and parking to include reserved matters of appearance, layout, scale and landscaping (Reserved Matters application to be read in conjunction with Planning permission PK17/4826/RVC). Approved 4th June 2018

4. **CONSULTATION RESPONSES**

4.1 Yate Town Council

Object to the application, raising the following points;

- Developers are in breach of their agreed method statement
- Amendment is an improvement for residents in Dryleaze as it creates space behind numbers 33-35
- Object to open space in such a prominent location being run by a private management company
- No visitor parking provision for plots 77-83, in particular plots 79-83
- Need a condition for how long it stays as a sales area
- Need assurance that visitor parking on the main road will continue to be designated otherwise there will be no visitor parking
- Need screening to protect residents of 30, 33-35 Dryleaze
- Object to proposed ground levels, which must be no higher than the existing back gardens in Dryleaze
- New ground level will be a metre higher and this will cause flooding in their gardens
- Object to change in plot 83 as the revised siting will result in a large garage on the boundary which will block their kitchen light and breach planning policies on light to properties.

(Officer note: These comments were received prior to the receipt of amended plans. No additional comments were received regarding the amendments to the proposal)

4.2 Other Consultees

Sustainable Transport – No objection

Highways Structures – Comment that any structure that will support the highway or land above highway, no construction should be carried out within formal Technical Approval from the Council. If any boundary wall alongside a public highway or open space is included, then responsibility for maintenance will fall to the property owner.

Conservation Officer – No comments

Environmental Protection – No objection, subject to informatives

Public Art – Comment that public art for NYNN is to be delivered in accordance with the agreed public art plan

Lead Local Flood Authority – No objection to the application, making the following comments;

- Proposed surface water drainage is in accordance with approved surface water drainage strategy for Surface Water Drainage Network S8 and S9.
- Overall proposed impermeable area of the parcel has been reduced from the previously approved planning layout under PK17/5389/RM

Other Representations

4.3 Local Residents

Two letters of objection received, from the same neighbour, raising the following points;

- Plot 83 will adjoin 30 Dryleaze, which will block light to the kitchen
- Proposed dwellings are 1m higher than adjacent properties
- Drainage issues
- Unaware that the new build would be at a different height to adjacent properties
- Proposed dwellings will cause flooding to adjacent properties
- Overbearing impact of plot 83 on 30 Dryleaze
- 26 Dryleaze has had ground movement since building started, so there is a risk of damage to adjacent properties
- Inaccurate plans as extensions to adjacent properties have not been showed

Following the receipt of amended plans, an additional two letters of objections have been received, from the same neighbour, raising the following points;

- No communication from Barrett Homes and a 2.45m fence has been erected adjacent to the rear of the properties in Dryleaze
- Adverse impact on the character of the area, due to the height and style of the fence
- Loss of light from the fence to 30 Dryleaze
- No way for occupiers of Dryleaze to repair their fence (*Officer note: This is a civil matter between the parties and not a material planning consideration*)
- Additional comments regarding discussions between the neighbour and Barrett Homes about the fence.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site forms part of the wider NYNN site and this parcel has had both outline planning permission and reserved matters approval for residential development. The principle of the residential development has therefore been established.

5.2 The application seeks to amend part of the previously approved scheme to allow a sales office and an associated parking area to be provided on a temporary basis for a period of 10 years. The sales office and parking area are ancillary to the residential development associated with the North Yate New neighbourhood. After the required period of 10 years, the proposed sales office and parking area would be removed and the area would be constructed in accordance with the originally approved scheme. An appropriately worded

condition is attached on this basis. National guidance states that a condition requiring the demolition, after a stated period, of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness. Although 10 years is a long time for a temporary period, officers are satisfied given the nature of the proposal that it is not intended to be permanent and a condition to require removal and remediation is sound. Following the demolition of the sales centre, additional residential units would be constructed.

5.3 Impact on the character of the area

The materials proposed for the proposed development would match those used in the wider part of these parcels. The proposed sales centre would be constructed of materials that match those of the adjacent dwellings and in keeping with the overall palette of materials within this parcel. The proposed sales centre is of an appropriate scale, so it would not have an adverse impact on the street scene. The proposed development is therefore considered to be in accordance with the requirements of Policy CS1.

5.4 Impact on residential amenity

Concerns have been raised regarding the impact of the revised siting of plot 83 on 30 Dryleaze. The proposed dwelling would be sited to the north east of the property, with the side elevation facing towards to the side boundary of 30 Dryleaze. There would be no windows in the side elevation of the proposed dwelling. The proposed garage is broadly in line with the side elevation of the adjacent property. It is accepted that there would be an increased impact on 30 Dryleaze as a result of this proposal when compared to the previously approved scheme (PK17/5389/RM). Due to the orientation of the properties, it is unlikely that the proposed dwelling would result in a significant loss of light to number 30. Concern has been raised that, due to the difference in levels, the proposed dwelling would have an overbearing impact on the existing property. The proposed dwelling would be approx. 4.7m from the boundary and 6.6m from the existing property at the nearest point. During discussions with the applicant, Officers requested that plot 83 be moved to be further away from the boundary. The applicants advised that this property could not be moved, as this would have an impact on the wider street scene. Whilst it is accepted that there may be some impact on the residential amenity of 30 Dryleaze, it is not considered that this would be significant enough to sustain a reason for refusal, due to the orientation and relationship between the properties.

5.5 Concerns have also been raised regarding the impact of the garage for plot 83 on the adjacent neighbour at number 30. The proposed garage would be in line with the side elevation of the existing property, with a total height of 3.9m. The eaves of the proposed garage are at a height of 2.5m and the roof slopes away from the boundary towards the ridge, which would decrease the impact on this neighbour. It is therefore not considered that there would be a significant detrimental impact on the residential amenity of 30 Dryleaze as a result of this proposal.

5.6 The revised layout would not have a significant adverse impact on other existing occupiers. It is considered that future occupiers would have a good standard of amenity.

- 5.7 Concerns have been raised regarding the impact of the fence erected on the southern boundary of the site. The submitted plans show this boundary as a post and wire fence at a height of 0.9m with hedgerow to be planted behind. There is additional screening provided by the fences of existing occupiers. Permitted development rights in relation to means of enclosure have not been removed for the site and as such, a fence up to 2m in height could be erected without the need for express planning permission. Any fence that is higher than 2m would be a separate enforcement matter.
- 5.8 The Town Council have raised concerns about the difference in levels between the proposed and existing dwellings, stating that the proposed dwellings would be higher than the dwellings in Dryleaze. The finished floor levels were approved under the previous reserved matters application, which are similar to those shown in this application. The approved floor levels show the garage adjacent to the boundary with 30 Dryleaze with a floor level of 74.25, whereas the garage on the boundary in this application is lower with a floor level of 73.85. It is therefore considered that the proposed floor levels are acceptable.
- 5.9 Highway Safety
The application has been revised following submission to increase the driveway width that serves plots 80 to 83 to 4.5m to allow two vehicles to pass at the junction with the public highway.
- 5.10 The proposed parking numbers and arrangements are in accordance with the standards set out in the Council's Residential Parking Standards SPD. The comments of the Town Council in relation to visitor spaces are noted and the proposal has been revised to include an additional visitor space, resulting in a total of four in this part of the development. The SPD requires 0.2 spaces per dwelling, meaning this site would require 2 spaces. In view of this, the parking provision is considered to be acceptable and in accordance with the Council's adopted standards.
- 5.11 The proposed bin muster point is proposed in an acceptable location, in accordance with the Council's adopted standards.
- 5.12 Drainage and flood risk
Concerns have been raised that the proposed development would result in an increase in flooding to the gardens of the adjacent properties in Dryleaze. The Drainage Engineer has confirmed that the overall permeable area of this parcel has been reduced in this proposal when compared to the previously approved reserved matters application. This will lessen the flood risk to neighbouring properties. The proposed slab levels that are within this proposal are lower than those that were previously approved.
- 5.13 The site drainage would be in accordance with the approved surface water drainage for the wider site. It is therefore considered that the proposed development would have adequate drainage and would not result in an increase in flood risk to the surrounding area, in accordance with the requirements of Policy PSP20.

5.14 Open Space and landscaping

The Town Council have objected to the open space being managed by a private management company. This area would fall outside the identified open space as detailed in the s106 and as such, would not be adopted by the Council. The use of a private company would be an appropriate solution to ensure this space is managed in an acceptable way and a condition would be imposed to ensure that the proposed management is acceptable.

5.15 Other matters

Concerns have been expressed that the proposed development could lead to damage to adjacent properties from ground movement. The development would be subject to the Party Wall Act and as such this would be a private matter between the relevant parties. An informative will be added to the decision to remind the developer of their responsibilities.

5.16 Concerns have been raised regarding the accuracy of the plans. Officers consider that the plans are sufficiently accurate to assess the impact of the proposal on the adjacent properties.

5.17 The Town Council have expressed concerns that the developers are in breach of their agreed method statement. It is unclear which method statement the Town Council are referring to in their comments. The proposed development is considered to be broadly in accordance with the Design Code and has been assessed in terms of its impact on both the wider NYNN development and the surrounding properties. The development would be subject to the conditions imposed in the outline application (ref: PK17/5389/RM) and has been assessed on its own merits. For the reasons set out above, it is considered that it is in accordance with the Council's adopted policy.

5.18 Consideration of likely 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 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. 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. The Local Planning Authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have a neutral impact as equality matters have duly been considered in planning policy.

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 consent has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 Reserved matters consent is APPROVED, subject to the conditions below.

Contact Officer: Suzanne D'Arcy
Tel. No. 01454 865204

CONDITIONS

1. The sales building and associated hard surfaces hereby approved shall be removed on or before 10 years from the date of this consent and the land developed in accordance with the as occupied drawings numbered 0642-1-1002-2B, -1004A, -1007A, -1008C, -1011A, GL0854 04C, B694/09A, /10C and /11C, received by the Council on 14th September 2018.

Reason

To provide housing of adequate design, density and diversity as set out in the approved North Yate New Neighbourhood Design Code and Masterplan and to accord with the Council's Local Plan Core Strategy (adopted) December 2013 policies CS1, CS16, CS17 and CS31.

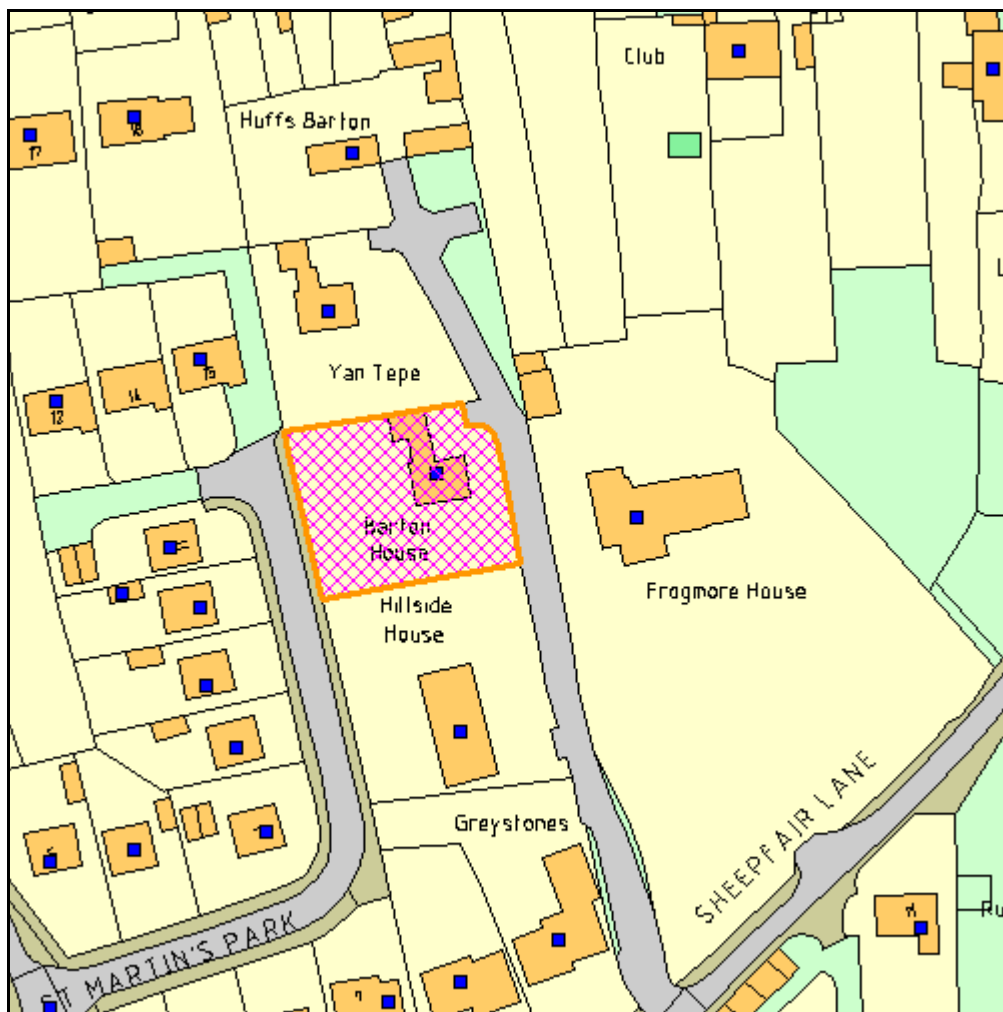
2. Prior to the occupation of the development hereby approved, a management plan for the private open space, including details of the management company, shall be submitted to and approved in writing by the Local Planning Authority. The open space shall thereafter be managed in accordance with the details so approved.

Reason

To ensure the open space is managed and in the interests of the appearance of the development in accordance policy CS9 of the South Gloucestershire Core Strategy - adopted December 2013 and Policy PSP2 of the South Gloucestershire Policies, Sites and Places Plan - adopted November 2017.

CIRCULATED SCHEDULE NO. 40/18 – 5 OCTOBER 2018

App No.:	PK18/3459/F	Applicant:	Mr Nick Williams
Site:	Barton House Sheepfair Lane Marshfield Chippenham South Gloucestershire SN14 8NA	Date Reg:	30th July 2018
Proposal:	Demolition of existing conservatory. Erection of single storey rear and side extension to form additional living accommodation.	Parish:	Marshfield Parish Council
Map Ref:	377721 173633	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	21st September 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK18/3459/F**

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a single storey side and rear extension to form additional living accommodation at Barton House, Sheepfair Lane, Marshfield.
- 1.2 The application site relates to a two storey, detached property which is located within a residential area of Marshfield. The application site is located within the Marshfield Conservation Area and the Cotswold Area of Outstanding Natural Beauty.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP11 Transport

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK04/0046/F – Approved - 30.03.2004
Erection of single storey side extension and canopy to form extended kitchen and dining room. Alterations to existing roof with conversion of existing storage room over garage to provide additional living accommodation.
- 3.2 N7243/1 – Approved - 13.08.1981

Erection of two dwellings and conversion of barn to dwelling. Construction of access drive and garages.

3.3 N7243 – Refusal - 16.04.1981

Erection of two houses and alterations to vehicular access. Change of use of barn to dwelling and construction of extension

4. **CONSULTATION RESPONSES**

4.1 **Marshfield Parish Council**

Marshfield Parish Council have no objection to the proposed building on condition that the access during the build is acceptable and suitable to the neighbours.

Listed Building & Conservation Officer

No objection as the significance of the Marshfield Conservation Area would be preserved.

Other Representations

4.2 **Local Residents**

This application received a total of 1 letter of objection that raised the following points.

- The road to the host property is a poorly constructed single access lane and is incapable of supporting heavy good vehicles for deliveries and parking.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

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

5.2 **Design and Visual Amenity**

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

5.3 The proposed single storey side and rear extension will form an “L” shaped wraparound to the existing dwelling. The single storey rear element will extend 3metres from the existing rear wall, have a width of approximately 14.3metres and have a maximum height of 3.3 metres. The side element will extend approximately 3.5metres from the existing side elevation, have a depth of 8.2 metres and a maximum height of approximately 3.3 metres. The proposal will feature rendered elevations and introduce a flat roof with 2no roof lights. The existing conservatory will be demolished to facilitate the proposal.

- 5.4 The case officer considers the proposal to be in keeping with the domestic character of the building and will be a modest addition to the rear and side elevations.
- 5.5 Residential Amenity
Policy PSP38 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.6 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Due to the location of the extensions, it is not considered that its erection would materially harm the residential amenity at any of the adjoining properties. Due to levels of separation, it is not deemed that the proposed extensions would impact upon the residential amenity enjoyed at properties nearby.
- 5.7 The proposal will occupy additional floor space, however sufficient private amenity space will remain following development.
- 5.8 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with Policy PSP38 of the PSP Plan (November 2017).
- 5.9 Sustainable Transport and Parking Provision
The proposed development does not affect bedroom numbers, access or current parking provision. Therefore, there are no objections on highways grounds.
- 5.10 Heritage and Conservation
The application site is a two storey detached property located within the Marshfield Conservation Area. The proposal will feature materials that complement the existing dwelling and will be substantially obscured from neighbouring properties due to the height of the existing boundaries, on this basis there would be no adverse impact on the conservation area.
- 5.11 Other Matters
The points raised by the local resident are noted but those relating to deliveries and wear and tear on the shared access road amount to civil matters to be discussed and agreed upon by the relevant parties.
- 5.12 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Westley Little
Tel. No. 01454 862217

CONDITIONS

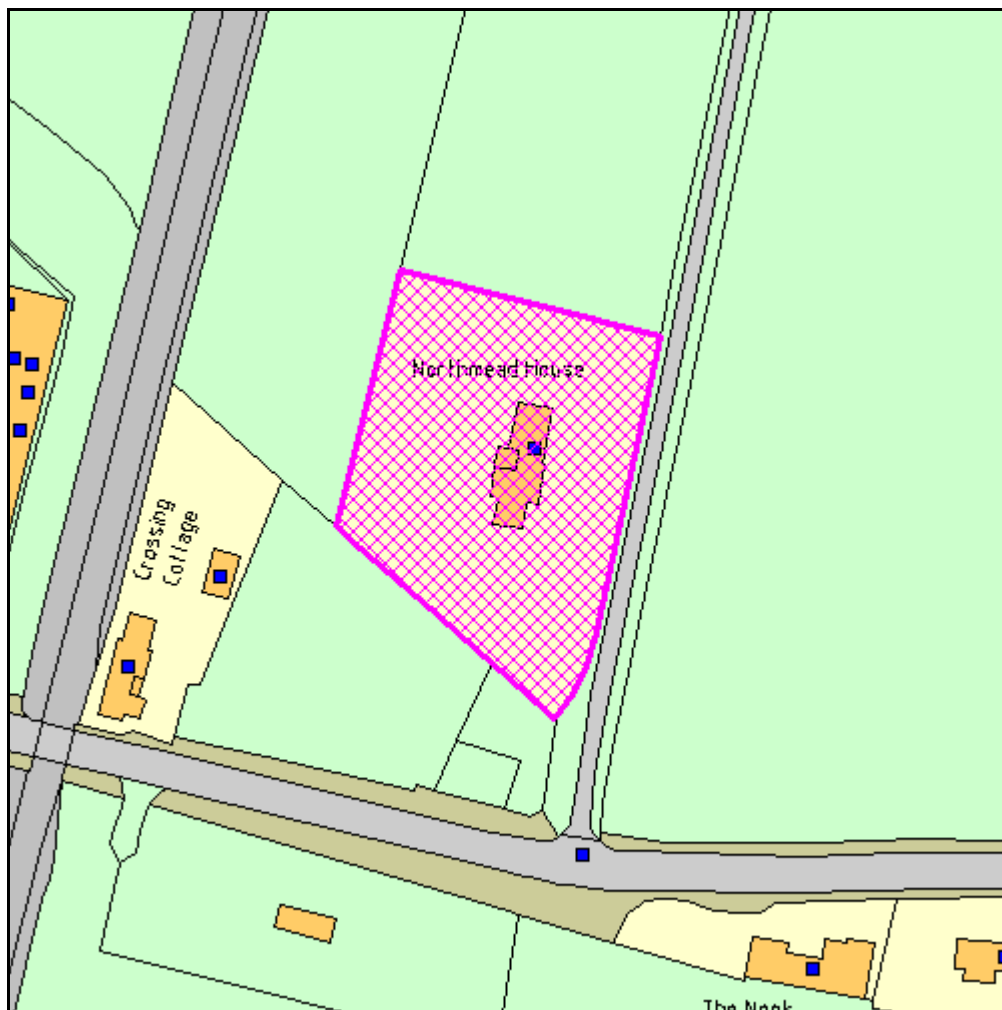
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 40/18 – 5 OCTOBER 2018

App No.:	PK18/3710/CLE	Applicant:	Mr & Mrs Mark & Lisa Stenner
Site:	Northmead House Latteridge Road Iron Acton Bristol South Gloucestershire BS37 9TL	Date Reg:	21st August 2018
Proposal:	Occupation of dwelling in breach of agricultural occupancy condition 1d of planning permission N7121 dated 22nd January 1981	Parish:	Iron Acton Parish Council
Map Ref:	367502 184470	Ward:	Frampton Cotterell
Application Category:		Target Date:	1st October 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK18/3710/CLE**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the occupation of the dwelling known as Northmead House in breach of agricultural occupancy condition 1d of planning permission N7121 would, on the balance of probabilities, be lawful development under Section 191 of the Town and Country Planning Act 1990. This is based on the assertion that the breach would be lawful due to the passage of time.
- 1.2 Condition 1d of planning permission N7121 stated the following:

“(d) The occupation of the dwelling hereby authorised shall be limited to a person solely or mainly employed, or at least employed, in the locality in agriculture as defined in Section 290 (1) of the Town and Country Planning Act 1971, or in forestry (including any dependants of such a person residing with him), or a widow or widower of such a person”
- 1.3 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.4 The red line boundary as submitted includes the dwelling, the surrounding curtilage, and a parcel of agricultural land to the north.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (As Amended) 1990 section 192
Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

The submission is not a full planning application this the Adopted Development Plan is not of relevance to the determination of this application; the decision rests on the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming the proposed development is lawful against the provisions of Section 191 to the Town and Country Planning Act.

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/3248/RVC Refusal 21/12/2007
Removal of Condition 1 attached to planning permission N.7121 dated 22nd January 1981 relating to agricultural occupancy of the dwelling.

Refusal reason:

1- Planning permission for the property was originally granted solely on the basis of the dwelling being occupied by an agricultural worker. It has not been demonstrated that the property has been adequately marketed or that the value of the property adequately reflects the agricultural occupancy condition. Furthermore, it has not been demonstrated that there is no agricultural or forestry need for the dwelling on the holding, nor is a need likely to arise in the foreseeable future; and, it has not been demonstrated that there is no agricultural or forestry need within the locality. The proposal is therefore contrary to advice contained within PPS7 and Policy H9 of the South Gloucestershire Local Plan (Adopted) January 2006.

3.2 N7121/AP Approved 16/04/1981
Erection of agricultural workers dwelling. (Details following outline). To be read in conjunction with planning permission Ref. No. N.7121.

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council
No objection.

4.2 Other Consultees

Councillor
No comment received.

Transport
No comment.

Other Representations

4.3 Local Residents
No comment received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed breach can continue lawfully, without the need for planning permission. Accordingly there is not consideration of planning merit, the application is based on the facts presented. This submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority *must* grant a certificate confirming that the breach is lawful.

- 5.2 The key issue in this instance is to determine whether the existing use and development on site would accord with the provisions of Section 191 of the Town and Country Planning Act 1990.
- 5.3 The basis of the argument for lawfulness is based on the assertion that the breach in condition 1d occurred at least 10 years prior to the application being made, and has been in continuous breach of this condition since.
- 5.4 The supporting evidence submitted to the Local Planning Authority consists of:
- Statutory Declaration of Mrs L Stenner
 - Statutory Declaration of Mr M Stenner
- 5.5 No contrary evidence has been received.
- 5.6 Assessment
The applicant seeks to prove that the dwelling outlined in red has been used as a residential dwelling without compliance within condition 1d of planning permission N7121 for a period in excess of ten years. The statutory declarations from Mr and Mrs Stenner both state that they purchased the site in August 2007, and at this time Mr Stenner was employed at a construction company called Perdune. This continued until 31st March 2013, when Mr Stenner went self employed as a builder. Mrs Stenner has worked at the University of the West of England continuously for 25 years. Both declarations clarify that no other occupants have lived at the property with them at any time since they purchased the property in 2007. Both declarations also confirm that the agricultural land to the north of the property has been left unused and overgrown since 2007.
- 5.7 The Council's records indicate that Mr Stenner applied to remove condition 1d in 2007 (PK07/3248/RVC) however this was refused.
- 5.8 No contrary evidence has been received, and the applicant's evidence is sufficient precise and unambiguous to justify granting the Certificate of Lawfulness on the balance of probability.
- 5.9 Other Issues
The red line boundary as submitted by the applicant's encloses not only Northmead House and its associated curtilage, but a parcel of agricultural land to the north which is under the same ownership. For the avoidance of doubt, and as this application is regarding only the residential unit, it is recommended that the decision notice encloses only the residential part of the site.

6. RECOMMENDATION

- 7.1 That a certificate of Lawfulness for Existing Development is **APPROVED**.

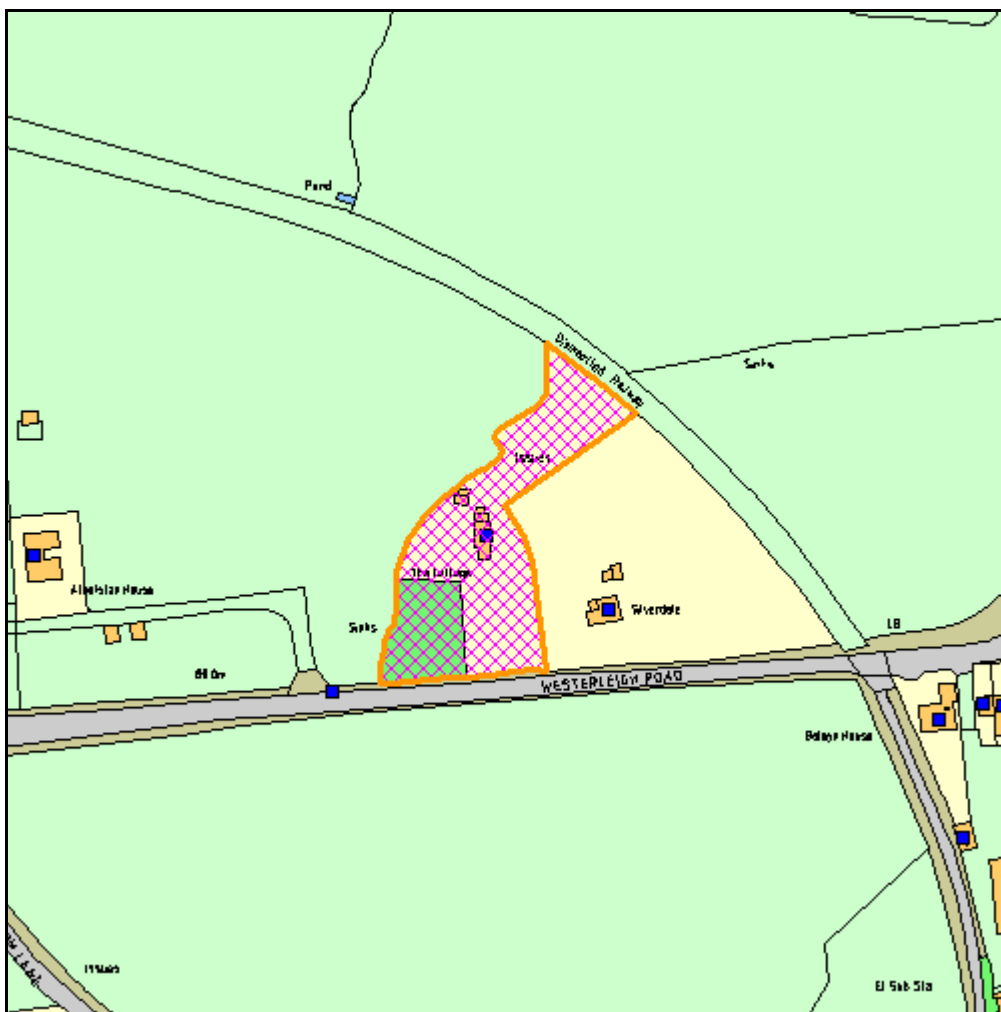
Contact Officer: Trudy Gallagher
Tel. No. 01454 864735

REASONS:

1. Sufficient evidence has been submitted to precisely and unambiguously demonstrate that, on the balance of probability, the dwelling has been in continuous breach of condition 1d of planning permission N7121 for a period of not less than ten years before the date of this application.

CIRCULATED SCHEDULE NO. 40/18 – 05 OCTOBER 2018

App No.:	PK18/3863/F	Applicant:	Mr Alan Jeffery
Site:	Oakley Green Cottage Kidney Hill Westerleigh Bristol South Gloucestershire BS37 8QY	Date Reg:	24th August 2018
Proposal:	Erection of detached garage.	Parish:	Westerleigh Parish Council
Map Ref:	369103 179214	Ward:	Westerleigh
Application Category:	Householder	Target Date:	18th October 2018



© South Gloucestershire Council 2007. all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PK18/3863/F**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has received comments that are contrary to the Officer recommendation. As such, according to the current scheme of delegation must be referred to the circulated schedule.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the demolition of an existing garage; and the erection of a replacement detached garage at Oakley Green Cottage, Kidney Hill, Westerleigh.
- 1.2 The application site consists of a modestly sized detached cottage set within a large plot. The site is located in the open countryside and within the Bristol/Bath Green Belt.
- 1.3 A two storey detached garage/store is already present at the site. This was constructed without planning permission, however was granted a Certificate of Lawfulness in 2016 by virtue of the passing of time since its construction.
- 1.4 The application site has an extensive planning history including the erection of a replacement dwelling. This application removed PD rights at the property but as noted in the appeal decision associated with PT12/2046/CLP, was not completed beyond the damp course; so the Inspector considered this condition to not be enforceable.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

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

3. RELEVANT PLANNING HISTORY

- 3.1. PK17/3090/F
Refusal (12.09.2017)
Erection of a detached garage.
- 3.2. PK17/0012/F
Withdrawn (02.03.2017)
Demolition of existing garage and erection of replacement detached garage and store
- 3.3. PK16/0906/CLE
Approved (28.06.2016)
Certificate of Lawfulness Existing for detached garage/store (Class C3).
- 3.4. PT12/2046/CLP
Refused (23.07.2012)
Application for Certificate of Lawfulness proposed for erection of incidental outbuilding.
- 3.5. PT11/3627/CLE
Approved (04.01.2012)
Application for Certificate of Lawfulness for existing use of land as residential curtilage.
- 3.6. PT11/1912/CLP
Withdrawn (01.08.2011)
Application for the Certificate of Lawfulness for the proposed erection of incidental outbuilding for use as domestic workshop and store.
- 3.7. PT10/3562/F
Refused (25.02.2011)
Erection of agricultural storage building.
- 3.8. PT09/5948/F
Refused (20.01.2010)
Erection of extension to existing double garage to form triple garage with storage above.
- 3.9. PT04/0808/F

Approved (15.07.2004)
Erection of replacement dwelling.

- 3.10. PT03/0888/F
Refused (19.05.2003)
Alteration and extension to existing dwelling to form breakfast area with bedroom above.
- 3.11. PT02/1325/F
Withdrawn (14.10.2002)
Erection of two storey rear extension and single storey front extension
- 3.12. PT02/0765/F
Refused (16.04.2002)
Alterations to existing vehicular access. (Retrospective).

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No comment.

Other Consultees

Archaeology
None received.

Sustainable Transport
No objection.

Other Representations

- 4.2 Local Residents
Two letters were received. One supported the proposal referencing the dilapidated and dangerous condition of the garage. The other objected to the proposal in relation to repeated applications; that an illegal double garage, and other outbuildings exist at the site; and that the actual cottage should be renovated.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy PSP38 of the PSP Plan allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1, which is echoed by PSP38 seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. Additionally, the site is acknowledged as being located in the Green Belt where development is rigorously controlled. Policy PSP7 permits extensions to properties in the

Green Belt providing that the extension is not disproportionate to the original dwelling. The proposal accords with the principle of development subject to the consideration below.

5.2 Green Belt

Inappropriate development is harmful to the Green Belt and will not be acceptable unless very special circumstances can be demonstrated that clearly outweigh the harm to the Green Belt, and any other harm. There are exceptions to this as detailed in PSP7. These are changes of the use of land for sport and recreation; new buildings for outdoor sport and recreation; and proportionate additions to a building.

5.3 Outbuildings are included within proportionate additions to a building. In assessing this proportionality, PSP7 has useful guidance. This policy states that additions to dwellinghouses (including extensions and outbuildings) that would result in the overall volume increase of under 30% of the original building are acceptable. An increase in excess of 30% but less than 50% of the original dwelling is less likely to be considered acceptable; and an increase of 50% or more of the original dwelling would most likely be considered a disproportionate addition and be refused as inappropriate development.

5.4 Volume calculations completed for application PK17/3090/F showed the combined volume of the original buildings at the site to be approximately 409m³. As the combined volume of existing buildings at the site (including outbuildings) is approximately 551m³ then the property is currently 34% larger than the original. As the property is currently 34% larger than the original then careful consideration must be given to any further additions to the property, with particular regard to whether the proposal would appear out of scale and proportion to the existing building.

5.5 The proposed garage would replace an existing garage at the property. It is acknowledged that the replacement is slightly larger in both footprint and volume than the current garage. However, this increase is nominal and would not alter the current situation of volume at the property being within the 30-50% range. Moreover, as the garage would be located in a similar location to the existing garage and with a much improved design, Officers consider the replacement garage to be a proportionate addition to the property that is not harmful to the openness of the Green Belt.

5.6 Design and Visual Amenity

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

5.7 Despite its proposed siting approximately 50 metres away from the highway, the proposed garage would be visible from the public areas offered along Westerleigh Road. However, as the properties in the immediate surrounding area do not demonstrate a distinctive character, Officers consider that the garage is unlikely impact upon the character and distinctiveness of surrounding

properties. Nonetheless, as the garage would replace an existing garage, would be of a similar scale, and would be an improvement on the current situation, Officers consider the garage to be an acceptable addition to the property in design terms.

5.8 Residential Amenity

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

5.9 By virtue of the nature of the proposed works, and the levels of separation between the proposed garage and nearby properties, it is not considered that the proposal would impact upon the residential amenity currently enjoyed by occupiers of the host or surrounding dwellings. Moreover, a significant amount of amenity space remains. As such there are no objections on residential amenity grounds.

5.10 Transportation

The property benefits from substantial areas for parking. Also, as access is unchanged there are no objections in transport terms.

5.11 Equalities

This planning application is considered to have a neutral impact on equality.

5.12 Other matters

In regards to the objection raised by a neighbour making reference to the amount of buildings, the amount of applications at the site, that an illegal building is present, and that the cottage should be renovated. This garage would replace an existing garage thus the situation would not change. The existing outbuilding was granted a Certificate of Lawfulness, as such is lawful (however the combined impact of the proposed garage/store and the existing outbuilding has been taken in to account). And, the planning system does not seek to control the number of applications it assesses or force applicants to complete other works at their property.

5.13 When considering the history of the site, Officers consider it prudent to secure the demolition of the existing garage by condition; and to further condition the plans to ensure the replacement garage is built as approved.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: David Ditchett
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. Prior to the erection of the garage hereby approved, the existing garage to be demolished as indicated on the Existing Block/Roof Plan, Drawing Number 2003/EX/02 and Received by the Council on 20th August 2018 shall be demolished in totality and completely removed from the site.

Reason

In the interests of the openness of the area and to protect the Green Belt in accordance with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; Policy PSP7 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the NPPF (July 2018).

3. The garage hereby approved shall be constructed in strict accordance with the below approved plans.

Site Location Plan

Drawing Number 2003/EX/01 REV. A

Received by the Council on 23rd August 2018

Existing Block/Roof Plan

Drawing Number 2003/EX/02

Received by the Council on 20th August 2018

Existing Garage Plan/Elevs

Drawing Number 2003/EX/03

Received by the Council on 20th August 2018

Proposed Block/Roof Plan

Drawing Number 2003/PR/05

Received by the Council on 20th August 2018

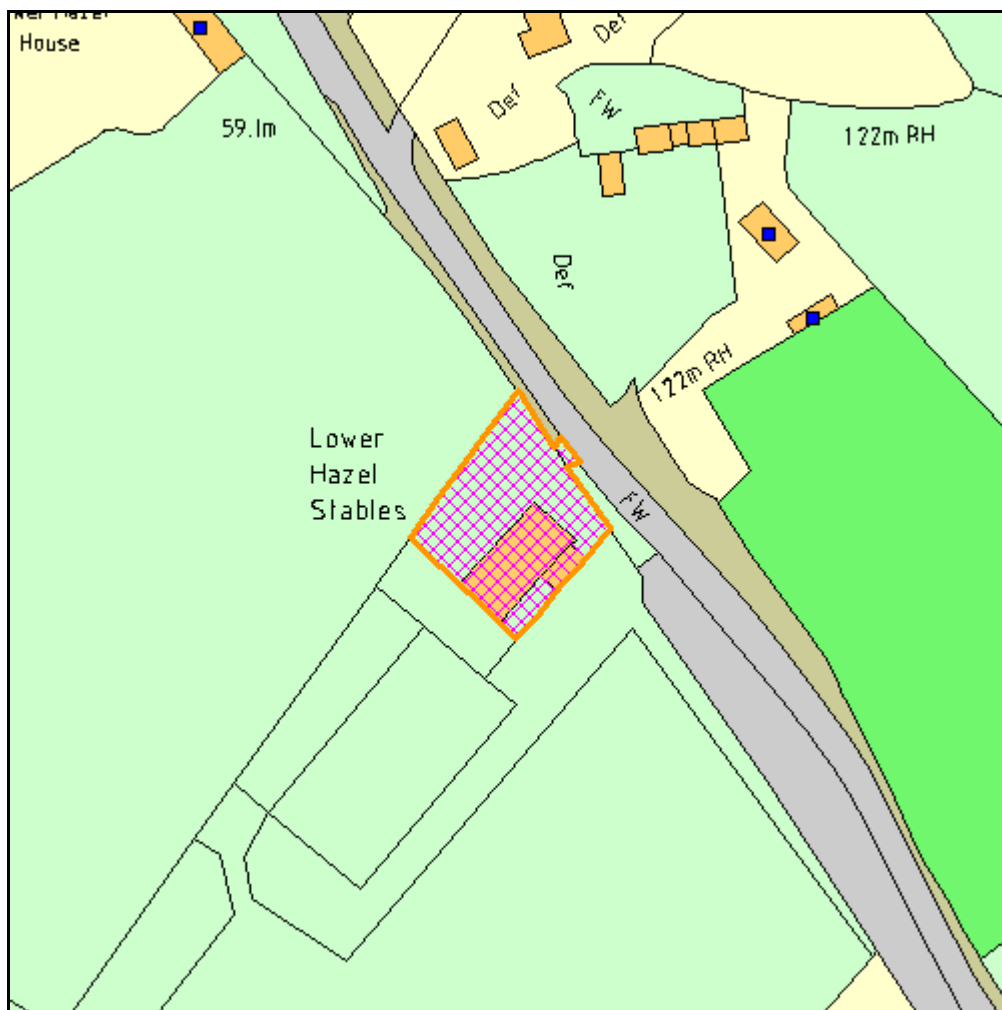
Prop Garage Plan/Elevs

Drawing Number 2003/PR/06
Received by the Council on 20th August 2018

Reason
For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 40/18 – 05 OCTOBER 2018

App No.:	PT18/2369/F	Applicant:	Mr Ken Jones
Site:	Lower Hazel Stables Lower Hazel Rudgeway Bristol South Gloucestershire BS35 3QP	Date Reg:	31st May 2018
Proposal:	Conversion of existing stable building to form 1no holiday cottage (Use Class C3).	Parish:	Olveston Parish Council
Map Ref:	362659 187385	Ward:	Severn
Application Category:	Minor	Target Date:	25th July 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT18/2369/F**

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

Members will recall that this application has previously appeared on the circulated schedule. A re-consultation was carried out due to an amendment to the red line boundary. Additional consultations contrary to the Officers recommendation have been received, and are considered within this revised report.

1. THE PROPOSAL

- 1.1 This planning application seeks permission for the conversion of an existing stable building to form 1no. holiday cottage (Class C3) at 'Lower Hazel Stables' near Rudgeway.
- 1.2 The existing building comprises blockwork construction with cement roofing it currently has no openings apart from a double entrance door.
- 1.3 The site is located in a group of buildings approximately 300 metres North West of Rudgeway and relatively close to, but outside, the settlement boundary of Alveston. The site is within part of the Bristol/Bath Green Belt.
- 1.4 Throughout the course of the application the red line boundary was amended to include the access and parking areas. As such, the Officer undertook a period of re-consultation for 21 days.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS17 Housing Diversity
CS34 Rural Areas

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP7 Development within the Green Belt
PSP8 Residential Amenity
PSP16 Parking Standards
PSP19 Wider Biodiversity
PSP21 Environmental Pollution and Impacts

PSP28	Rural Economy
PSP40	Residential Development in the Countryside
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 PT05/0050/F Refusal 17.03.2005
 Appeal Dismissed
 Change of use of land and erection of two storey building to form storage area and bathroom with two bedrooms, kitchen area and lounge over.

Refusal Reason:

The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, Policy GB1 of the South Gloucestershire Local Plan (Revised Deposit Draft), Policy 16 of the Joint Replacement Structure Plan and Policy RP34 of the adopted Northavon Rural Areas Local Plan.

- 3.2 P97/2505 Approval 16.01.1998
 Change of use of building and land from agriculture to mixed agriculture and keeping of horses. Alteration to existing access.

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
 Objection – to conversion to holiday cottage should be converted to a market home.
- 4.2 Sustainable Transport
 - The development is likely to be somewhat car-dependent. However, we do believe that this cottage is likely to be occupied continuously and even if it were it is unlikely it would generate more than about 7 new vehicular movements in a 24 hour period. It is not considered that it would constitute a severe transportation impact.
 - Utilising existing access is acceptable
 - Parking in accordance with policy
- 4.3 Ecological Officer
 No objection, subject to conditions.

4.4 Landscape Officer

The site is well contained and there are no visual landscape objections. In the event of consent being felt to be acceptable it is suggested that a mixed or single species native hedge be planted behind the boundary wall to the north side of the gateway to replace the existing struggling laurel hedge and plant a medium stature native specimen tree in the corner of the wall to the side of the entrance. All existing trees and other significant structural vegetation should be retained and protected. The existing gate is not in keeping with the landscape character of the locality and it is suggested that it could be changed to a 5 bar timber field gate.

4.5 Economic Development

No comments received.

Other Representations

4.6 Local Residents

2no. objections received. Comments summarised as follows;

- Would set a precedence for the surrounding area
- Dwelling was refused and dismissed at appeal previously on this site.
- Transportation concerns, in relation to narrow roads, and the use of private drives for passing, the development would exacerbate these issues.
- Flooding concerns, the lane suffers from waterflow and further development would worsen this issue.
- Concerns regarding the lack of notice for surrounding properties of this application
- High demand for stables in the area, potential for it to remain as such.
- Queries as to how the 8 acres associated with the site will be maintained.
- Concerns that there will be future applications to expand the dwelling.
- Concerns there would be more than the suggested vehicular movement
- Structural comments regarding the roof surface replacement
- Lighting concerns that this will intrude into surrounding area
- Increase in traffic noise.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application is for the conversion of a building to form residential use which is outside of a settlement boundary and within the open countryside and Bristol/Bath Green Belt. While it would be for holiday accommodation, it is still considered to comprise a C3 use class, the development is therefore assessed as such.

Residential conversion in the open countryside

5.2 PSP40 sets out that the conversion and re-use of buildings for residential purposes could be acceptable subject to criteria, which are set out below;

- i). the building is of permanent and substantial construction; and
- ii). it would not adversely affect the operation of a the rural business(es) or working farm(s); and

- iii). any extension as part of the conversion or subsequently is not disproportionate to the original building; and
- iv). If the building is redundant or disused; the proposal would also need to lead to an enhancement of its immediate setting.

- 5.3 It also goes on to state that, development proposals including the 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. Para. 79 of the NPPF 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.
- 5.4 In terms (i) of the above, Officer's noted on a site visit that the building is of solid, permanent and substantial construction. Plans show that there would be an element of operational development to convert the building to residential accommodation, but this is generally so the building provides appropriate natural light and outlook.
- 5.5 Moving on to (ii), it is understood that the buildings have been used for training horses for competition purposes. The agent states that work has now moved to an equestrian mail order business and has moved away from equestrian training. As such, the need for the stables has diminished. The applicant therefore seeks to secure a beneficial re-use of the building, to provide supplementary income. Given the above, it is not considered that the development would adversely affect a rural business. This is also something that Para. 83 of the NPPF supports, stating that sustainable growth and expansion of all types of business enterprise in rural areas, through the conversion of existing buildings should be promoted. While it is noted that local residents state that the demand for stables in the locality is high, this assessment has found that the development would comply with this criteria.
- 5.6 As aforementioned, the development does involve the installation of windows/doors but it would not involve any extension to the existing building. As such, the proposal is considered to comply with (iii) of the above.
- 5.7 In terms of the impact on the immediate setting of the building, it is already well enclosed by mature trees, and plans show that it would benefit from a small garden area to the rear. Through a landscaping condition it is recommended that additional planting is introduced at the site. Accordingly, it is considered that the immediate setting would benefit from some enhancement. This is in accordance with (iv) and Para. 79 of the NPPF. In this way, it is also not considered that the development would lead to harm of the countryside, particularly as it is already enclosed by trees and other vegetation.
Green Belt
- 5.8 The proposal site is situated within the Bristol/Bath greenbelt. It is noted that a previous scheme at the site was refused and dismissed at appeal. However, this development was a new building, in contrast with this application which is a conversion. The NPPF sets out that there are certain forms of development

which are not inappropriate development in the Green Belt, on the proviso that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. One of these exceptions is the re-use of buildings providing that they are of permanent and substantial construction. The assessment 5.4 of this report has found that the building would be permanent and substantial construction. It is therefore considered that the development would comprise appropriate development in the Green Belt. It is however, recommended that permitted development rights for householders are removed in relation to Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1 Classes A, B, D and E. This is to ensure that any volumetric additions can be first assessed by the Local Planning Authority.

5.9 The assessment above has found that the conversion of the building in this location is acceptable in principle. Detailed matters will be discussed below.

5.10 Design, Visual Amenity and Landscape

The existing building has only 1no. fenestration which is a double entrance door. The development would retain this opening, but also involves the installation of 2no. windows to the west (front) elevation, patio doors, bi-fold doors, 2no. windows and 2no. doors to the east (rear) elevation, as well as 5no. rooflights. It would also involve the introduction of render to the elevations. While these alterations would change the appearance of the building, it is not considered that they are detrimental to the building or the visual amenity of the area. The rendering of the existing blockwork is considered positive in terms of design. Officers are also mindful that these works would also be required to satisfy building regulations in order for the building to form residential accommodation. A condition is recommended to ensure external materials are agreed.

5.11 The application site is currently well screened from the surrounding area. It is not considered that its conversion would impact on the wider landscape. The landscape officer has recommended that additional planting is proposed to improve the existing situation. Given its location within the countryside and the Green Belt it is recommended this is carried forward to the decision notice.

5.12 Residential Amenity

Comments received stated that the development would increase traffic noise in the locality. While nearby buildings may notice the introduction of the holiday accommodation, given the scale of the development, as well as the distance to surrounding occupiers it is not considered that detrimental impacts to residential amenity would occur.

5.13 PSP43 sets out private residential amenity standards for new residential units. This development proposes 2no. bedrooms, and as such 50sqm of private amenity space is expected to be provided. Plans show that in excess of these standards would be provided, and therefore no objection is raised.

5.14 Ecology

The application was supported by a bat survey. No evidence of bats was recorded as part of the survey and the building was considered to offer

- negligible bat roost potential. A birds nest was recorded. The report recommended that external lighting is kept to a minimum as well as other mitigation and enhancement measures. The ecological officer has raised no objection to the application, but recommends conditions.
- 5.15 Sustainable Transport and Parking Provision
This proposal would create a C3 class use on the application site which is located in the open countryside. Concerns were raised that Hazel Lane is narrow and that there are already congestion issues. Transportation colleagues do not raise a concern with the access to the site. They do state in their representation that the development would likely be somewhat car-dependent. While this is acknowledged by Officer's, it is noted that there is a public house within short walking distance. Further, bus stops providing access into Thornbury and Bristol are only a 200 metre walk from the site. PSP11 sets out that where residential development is not appropriate distance to key services and facilities, it must be within a 400 metre walk to a bus stop which connects to such facilities. As such, on balance, it is considered that the location would be acceptable.
- 5.16 In terms of parking provision, PSP16 sets out that for a property with 2no. bedrooms, 1.5no parking spaces should be provided. Transportation colleagues have reviewed the proposal and considered that there is sufficient space to park at least two vehicles adjacent to the cottage (north east) and to the front of the property, and therefore do not raise an objection.
- 5.17 Consideration of likely impact on Equalities
The proposal would have a neutral impact on equalities.
- 5.18 Planning Balance
The assessment above has found that the development would form a residential conversion in the open countryside in accordance with PSP40. Further, it would not comprise inappropriate development in the Green Belt. There is some harm to ecology, however, this can be largely mitigated against through the recommended conditions. As such, it is not considered that the justification for 1no. dwelling to be used as holiday accommodation is necessary. It is therefore not considered that a holiday let restriction condition would be necessary or reasonable.
- 5.19 Other matters
The parish council commented that a market dwelling should be provided as opposed to holiday accommodation. As paragraph 5.18 states, it is not recommended that a holiday let restriction is conditioned. It could therefore be sold as a market dwelling.
- 5.20 Concerns were raised as part of the consultation that the development would set a precedent in the surrounding area. This is a conversion of an existing building, which has been found to comply with relevant policy and guidance. Any similar development would be required to do the same.
- 5.21 Representations received stated that the development would increase flooding issues in the surrounding area. This scheme does not propose any additional

built form, and as such, is unlikely to give rise to worsening flooding issues in the locality. Detailed drainage matters will be dealt with through building regulations. Similarly, concerns regarding the structure and form of the roof would be a matter for building regulations.

- 5.22 Queries were raised in terms of the land surrounding the site itself, and in terms of how this would be maintained. This goes beyond the scope of this application, and does not comprise a material planning consideration.
- 5.23 Concerns were also raised that future applications could expand the converted building. It should be noted that it is recommended that permitted development rights are removed for the property. As such, any future application would be fully assessed under prevailing policy and guidance.
- 5.24 It was also raised that internal and external lighting could intrude into the surrounding area. Given that the ecology officer has recommended that lighting is kept to a minimum at the site, and condition in relation to lighting at the site, it is not considered that this would be harmful to the amenity of the area.
- 5.25 Concerns were raised that notice had not been served in relation to the application to surrounding properties. Our Statement of Community Involvement (SCI) sets out that for minor development, we will consult:
- all adjoining neighbours having a common boundary with the site
 - all occupiers of land within 30 metres of the vehicular access point (measured linearly along the road, including properties on the opposite side)

In this context, it appears we have consulted in accordance with this strategy.

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 planning permission be **APPROVED** subject to the conditions set out below.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

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

Reason

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

3. Prior to the relevant stage 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

In the interest of visual amenity and to protect the character of the countryside; in accordance with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP1 and PSP2 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

4. Prior to occupation, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. For avoidance of doubt, the strategy shall:
 - Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the approved details, and shall be maintained thereafter.

Reason

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

5. Prior to occupation of the development hereby permitted one bird box and one bat box shall be provided at the site.

Reason

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

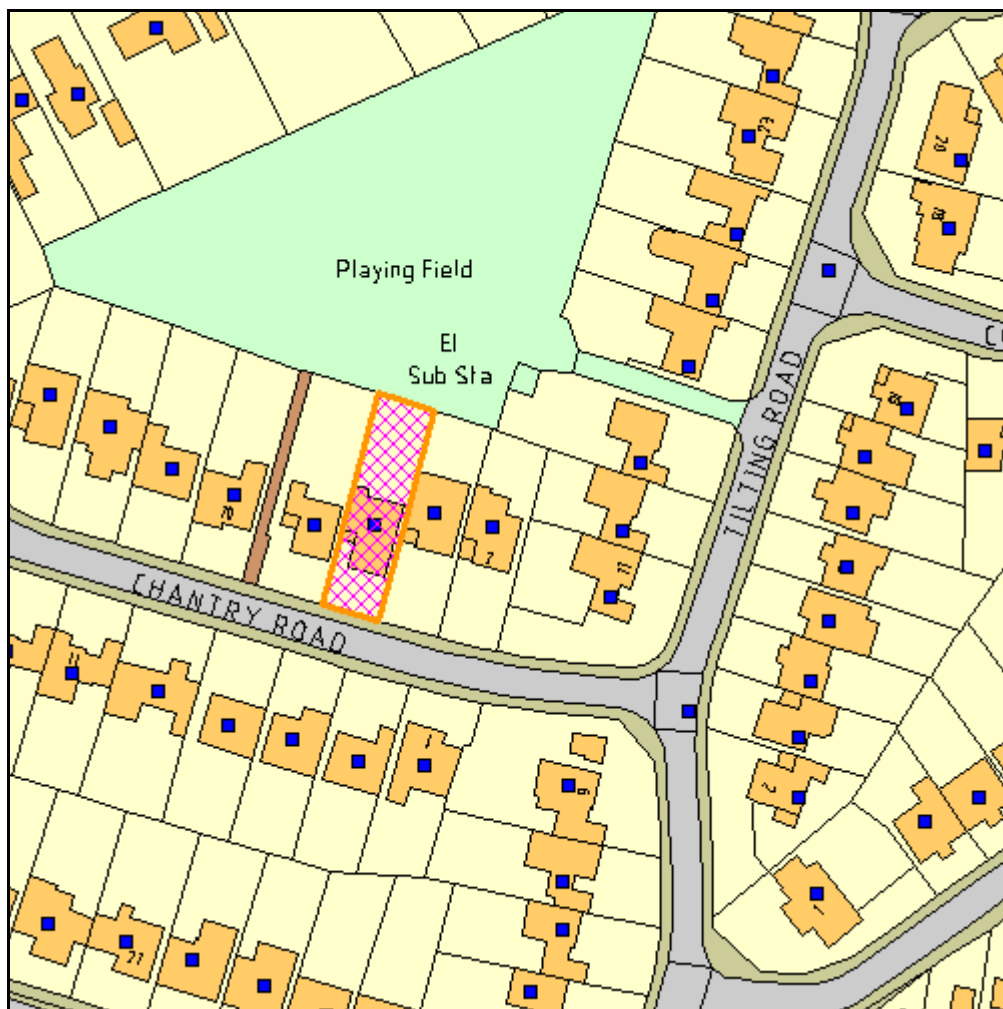
6. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D and E) other than such development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

Reason

In the interests of the visual amenity of the area and to protect the openness of the Bristol / Bath Green Belt and to accord with Policy CS1, CS5 and CS34 of the South Gloucestershire Core Strategy (Adopted) December 2013; PSP7 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 40/18 – 5 OCTOBER 2018

App No.:	PT18/2423/F	Applicant:	Jayne Giltrow Bristol & South Gloucestershire Methodist Circuit
Site:	6 Chantry Road Thornbury Bristol South Gloucestershire BS35 1ER	Date Reg:	14th June 2018
Proposal:	Erection of first floor side extension to provide additional living accommodation and erection of side carport.	Parish:	Thornbury Town Council
Map Ref:	363770 190650	Ward:	Thornbury North
Application Category:	Householder	Target Date:	6th August 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT18/2423/F**

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a first floor side extension to provide additional living accommodation and the erection of a side car port. The application relates to no. 6 Chantry Road, Thornbury.
- 1.2 The application site consists of a detached two storey dwelling set within a moderately sized plot. The site is situated within the defined settlement boundary of Thornbury.
- 1.3 Revised plans were received by the Local Planning Authority on 14th August 2018 and 10th September 2018. The revisions involve an alteration in roof form from hipped to gable, and the rearrangement of proposed on-site parking spaces. The amended plans as received on 14th August were considered to trigger a further round of consultation, which was undertaken from 22nd August 2018 to 6th September 2018.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. **RELEVANT PLANNING HISTORY**

3.1 **N5824**

Erection of single storey rear extension to provide kitchen, enlarged study and extended garage.

Approved: 02.08.1979

4. **CONSULTATION RESPONSES**

4.1 Thornbury Parish Council

Original Plans

Objection – support the comments from neighbours and have concerns regarding loss of neighbours' amenities.

Revised Plans

Reiterate original comments.

4.2 Other Consultees

Sustainable Transport

No objection subject to 3 parking spaces being provided on-site.

Archaeology

No comment

Other Representations

4.3 Local Residents

One letter of objection was received during the statutory consultation period. The main concerns raised are outlined below:

- Gap to neighbouring properties only 90cm. Raising height of no. 6 will block out light to neighbouring windows. A proposed side window will also overlook neighbouring side window.
- Proposed windows would overshadow/overlook on to neighbouring garden.
- In order to carry out works, scaffolding will need to be erected on neighbouring land – this is unacceptable and may block access.
- Disappointed that no one representing the Methodist Church made contact prior to application being submitted.

A further comment, originating from the same address, was submitted during the second round of consultation. The main concerns raised are outlined below:

- The revised application will further deteriorate amount of light coming on to neighbouring property.
- Increased height between number 6 and neighbouring property will make passageway between properties dark and dingy and will reduce light in to neighbouring property considerably, as well as garden.
- Note that additional parking space has been provided, however disappointing that this is the only comment taken in to account.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application seeks permission for the erection of a first floor side extension and side car port. Policy PSP38 of the Policies, Sites and Places Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity, transport and loss of trees and vegetation. The development is acceptable in principle but will be determined against the analysis set out below.

5.2 Design and Visual Amenity

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

5.3 The immediate surrounding area generally consists of two storey detached properties. Almost all properties incorporate gable ends, with several properties, such as the subject property, orientated so that the front elevation consists of a gable facing on to the highway.

5.4 The proposal as originally submitted sought to erect a hipped extension. However hipped roofs are not characteristic of the area. Several similar side extensions have previously been approved and constructed at neighbouring properties, all of which incorporate gable roofs. The proposed hipped extension was therefore not considered to be appropriate from a visual perspective.

5.5 This assessment was put to the applicant, and the proposal was subsequently amended, with a side gable replacing the proposed hip. This design approach is considered to be more appropriate. It is noted that the proposal would reduce the gap between the host dwelling and the neighbouring property to the west. However a number of properties in the immediate area are separated by very small gaps, and as such it is not considered that the extended dwelling would appear out of keeping with the immediate streetscene.

- 5.6 Overall, it is considered that an acceptable standard of design has now been achieved. The proposal therefore accords with policy CS1 of the Core Strategy and PSP38 of the Policies, Sites and Places Plan.
- 5.7 Residential Amenity
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity, and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.8 As the proposed extension would project from the west-facing side of the host dwelling, the main property under consideration when assessing the impact of the development on residential amenity is the adjacent property to the west at no. 8 Chantry Road. The comments received during the respective consultation periods raise concerns regarding the impact of the development on the adjacent neighbour.
- 5.9 In terms of any potential overbearing or overshadowing impact, the first area of assessment is the extent to which the proposed extension would reduce the outlook from, or restrict the levels of light entering neighbouring windows.
- 5.10 As the proposed extension would be set at a first floor level, it is not considered that the proposal would have any material impact on ground floor neighbouring windows. During a site visit, it was noted that there appear to be 3 first floor windows located at the east-facing elevation of no. 8 Chantry Road. One larger window is set towards the front of the dwelling, with two smaller windows set centrally.
- 5.11 Given the internal layout of no. 6, it is likely that the larger side-facing window serves a bedroom. However as the proposed first floor extension would be slightly set back from the front of the property, it would be set away from the neighbouring window. As such, it is not considered that the proposed first floor extension would significantly reduce outlook or block out high levels of natural light. In terms of the smaller windows, given the internal arrangements, it is likely that these windows serve a landing area and/or bathroom. As the windows are unlikely to serve primary living accommodation, it is not considered that any loss of outlook would result in significant harm to residential amenity. Furthermore, given the arrangement of the two properties, the existing outlook from the windows is likely to be limited. It is not considered that the proposed extension would significantly worsen the existing situation.
- 5.12 It is also important to consider the potential overbearing impact on the neighbouring garden. As the two properties follow the same building line, the proposed extension would be constructed up against the neighbouring property, and would not border the neighbouring garden. As the extension would only in-fill a relatively small gap between the two properties, it is not considered that its erection would cause any significantly greater sense of

- overbearing or overshadowing than that caused by the existing dwellinghouses. The comments made regarding the impact of the proposal on the passageway between the two properties have been taken in to account. However as this area is unlikely to hold high amenity value, and simply provides rear access to the neighbouring property, it is not considered that any increased overbearing impact would result in significant harm to residential amenity.
- 5.13 In terms of overlooking, it is noted that no side-facing windows would be inserted in to the west-facing elevation. As such, there would be limited inter-visibility between new windows and any neighbouring windows. However the insertion of any first floor windows at this elevation in the future could cause privacy issues. As such, a condition will be appended to any decision, ensuring that no windows are inserted at a first floor level in to west-facing side elevation. It is noted that the proposal would involve the insertion of an additional first floor window at the rear elevation. Whilst this window would be closer to the neighbouring boundary, there would be no direct line of sight on to the neighbouring garden or in to neighbouring windows.
- 5.14 In terms of the proposed front-facing window, it is noted that there would potentially be inter-visibility between this window and a side-facing window at no. 8. However the proposed window would serve an en-suite, and the obscure glazing of the window would restrict any potential inter-visibility. A condition ensuring that the window be obscurely glazed will therefore be attached to any decision. Subject to the recommended conditions, it is not considered that the proposal would result in a significant loss of privacy through increased overlooking.
- 5.15 In terms of disturbance, it is not considered that the use of the extension for residential purposes would cause any unacceptable disturbance to neighbours. It is however acknowledged that given the proximity to the adjacent property to the west, immediate neighbours may be subject to some disturbance during the construction phase. Whilst this alone is not considered to substantiate a reason for refusal, a condition will be attached to any decision, restricting the permitted working hours during the construction period.
- 5.16 With regards to private amenity space, as the proposal extension would be constructed above an existing structure, there would be no material loss of outdoor private amenity space.
- 5.17 Whilst the concerns raised have been taken in to account, it is not considered that the development proposal would cause an unacceptable level of harm to residential amenity. It is also considered that any potential harm that may arise in the future can be avoided through the use of the planning conditions set out above. Subject to these conditions, the proposal is considered to comply with policies PSP8 and PSP38 of the Policies, Sites and Places Plan.
- 5.18 Transport
In terms of parking provision, it is acknowledged that the proposed extension would increase the total number of bedrooms contained within the property from 4 to 5. Under policy PSP16 of the Policies, Sites and Places Plan,

a minimum of 3 on-site parking spaces should be provided for properties containing 5+ bedrooms.

5.19 Revised plans received on 10th September indicate that 3 parking spaces can be provided to the frontage of the property. The proposed parking arrangements are considered acceptable, and it is noted that large parking areas are provided to the front of several properties along Chantry Road. However for the avoidance of doubt, a condition will be attached to any decision, ensuring that a minimum of 3 parking spaces are provided on-site and thereafter retained.

5.20 Subject to sufficient parking being provided on-site, it is not considered that the proposal would have any material impact on highway safety.

5.21 Trees and Vegetation

The proposal would not result in the loss of any trees or vegetation that contribute significantly to the character of the locality.

5.22 Equalities

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

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

5.24 Other Matters

The concerns raised in relation to the positioning of scaffolding during building works have been taken in to account. However the granting of planning permission does not give the applicant the right to carry out works on land outside of their ownership, without the consent of the land owner. This is considered to be a civil matter, and therefore has no bearing on the assessment of this planning application.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

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

2. No windows shall be inserted at any time at a first floor level in the west-facing side elevation of the extension hereby approved.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

3. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor windows on the south-facing elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being a minimum of 1.7m above the floor of the room in which it is installed.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

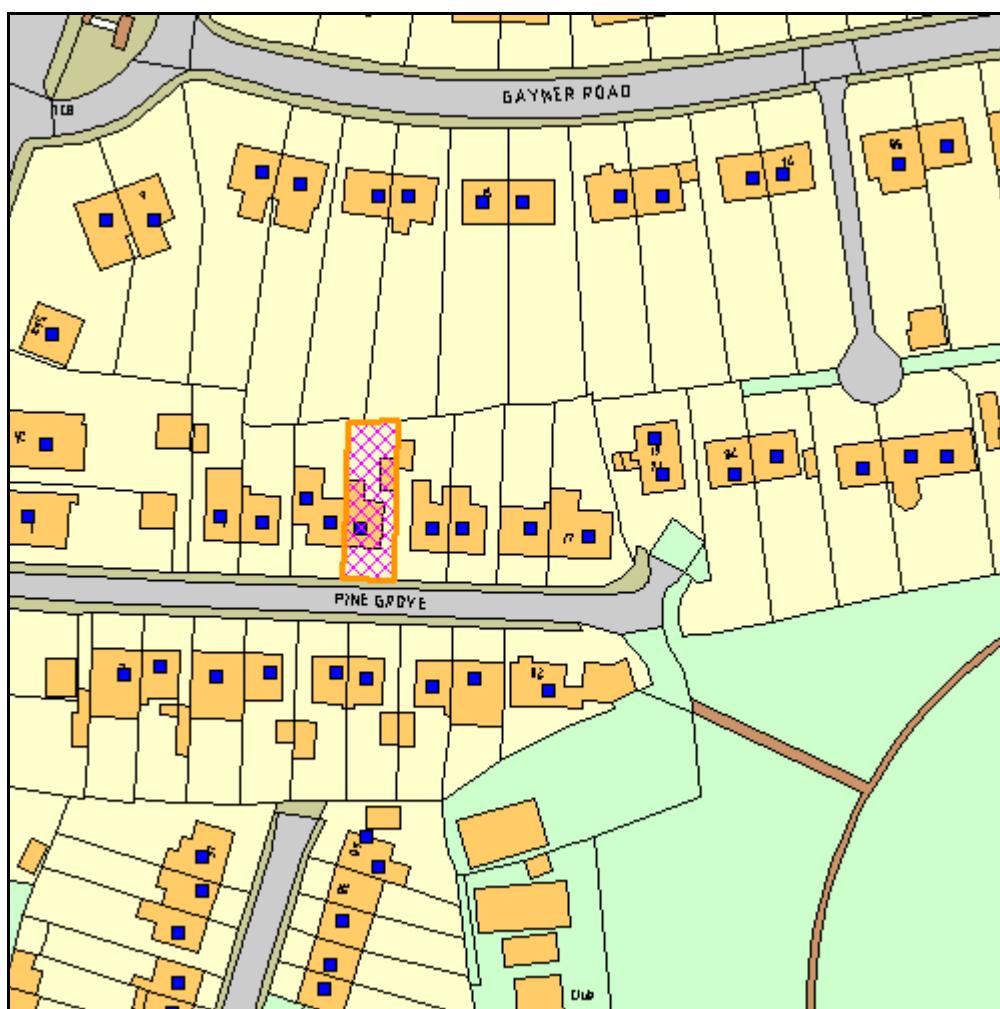
5. The off-street parking facilities (for all vehicles, including cycles) shown on the plan (18/0233/104 REV B) hereby approved shall make provision for the parking of a minimum of 3 vehicles (measuring at least 2.4m by 4.8m), and shall be provided within 1 month of the extension hereby approved being substantially complete, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 40/18 – 5 OCTOBER 2018

App No.:	PT18/2751/F	Applicant:	Mr Tom Zomkowski
Site:	9 Pine Grove Filton Bristol South Gloucestershire BS7 0SL	Date Reg:	25th June 2018
Proposal:	Alteration to roofline and installation of rear dormer to form loft conversion. Conversion of existing dwelling to form 2 no. flats and associated works	Parish:	Filton Town Council
Map Ref:	360045 178422	Ward:	Filton
Application Category:	Minor	Target Date:	20th August 2018



© South Gloucestershire Council 2007. all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT18/2751/F**

REASON FOR REPORTING TO THE CIRCULATEC SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for the alteration to the existing roofline and installation of rear dormer to form loft conversion and the conversion of the existing dwelling to form 2 no. flats and associated works.
- 1.2 This application site is a semi detached property, located on a cul-de-sac containing similar, within the residential and urban area of Filton.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Improving Accessibility

South Gloucestershire Policies Sites and Place Plan Adopted 2017

- PSP8 Residential Amenity
- PSP16 Residential Parking Standards
- PSP37 Internal Space and Accessibility Standards for Dwellings
- PSP38 Development within Residential Curtilages
- PSP39 Residential Conversions
- PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist – August 2007
South Gloucestershire Residential Parking Standards

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
Filton Town Council are in favour of keeping this property as a family home. There does not appear to be any provision for extra parking on an already crowded street. Following on from the neighbours objection comments, the application does not show that drainage or amenity space has been considered.

4.2 Other Consultees

Sustainable Transportation

The applicant seeks to convert the existing dwelling into 2 flats. It is proposed to create 1x one bed flat and 1x two bed flat. Each flat requires 1 off street parking space. The plans which have been provided show 3 spaces to the front of the dwelling. Spaces in front of a garage and on curtilage parking require a minimum length of 5.5m. This is to prevent parked vehicles overhanging the pavement and causing obstruction. Please can the applicant provide an accurate scale plan detailing the dimensions and proposed location of the off street parking spaces.

A block plan showing spaces to the front of the property was submitted to the Local Planning Authority, and on this basis further comments were sought by the Council's Highways Officer:

Although ideal to have off street parking at a length of 5.5m when up against a house, our SGC minimum parking standards state a minimum of 4.8m is required. As such, given the length of the proposed spaces meet this, there is no transportation objection.

Highways Structures

No comment

Lead Local Flood Authority

No objection

Other Representations

4.3 Local Residents

6 letters of objection have been received from local residents raising concerns summarised as follows (full consultation responses are available on the Council's website:

- The proposals are out of keeping with the street in terms of house type and mix on what is a family orientated street
- The proposals would take away suitable housing for families which is demonstrated to be needed over flat accommodation (as identified in the South Gloucestershire SHLAA and the West of England Strategic Housing Market Assessment)
- Permitting the development would set a precedent for others to do the same and have a negative impact upon the required local housing stock and the local community
- There is a shortage of family homes in the area
- There is a need to provide parking spaces to accommodate the flats and subsequently drainage from extra surface water would be generated

- There would be an adverse effect upon the residential amenity of neighbours by reason of noise, disturbance overlooking, loss of privacy and overshadowing
- Would lead to unacceptably high density
- Visual and overbearing impact, - dormer is very large and out of keeping
- Out of scale and character in terms of appearance compared with existing development
- Loss of existing views from neighbouring properties adversely affecting residential amenity
- The proposals would exacerbate existing parking issues down this narrow cul de sac and provide access issues for bin lorries and emergency vehicles
- Provision of 3 parking spaces to the front does not solve existing parking problems and tarmacking the front area also creates reduced biodiversity
- Parking and access would affect the houses adjacent and opposite making it hard to reverse out unless the spaces across the street were clear,
- The proposals, including the proposed on-site parking, would prevent the availability of on –street parking spaces, exacerbating the parking issue
- The proposals do not identify sufficient private amenity space, and are contrary to policy
- There is no reference to design of amenity space and safety provision to avoid burglaries which have occurred in the area
- The addition in car movements would make it more dangerous for existing residents and give rise to access to property issues
- The application appears to be for personal profit only with no consideration for the local community and this is not a valid reason to grant permission

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The NPPF emphasis is on sustainable growth, including boosting housing supply and building including through windfall development, except where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policy framework. New residential development on sites within the urban area and the curtilage of dwellings are, in Local Plan policy terms, acceptable in principle, subject to the proposal satisfying other material considerations, such as density, design, residential amenity, parking and highway safety and drainage. Policies CS16 and CS17 of the Core Strategy seek to achieve an efficient use of land, maximise housing supplied at locations where there is good pedestrian access to frequent public transport services, and provide a mix of housing types. Policy PSP39 states that the conversion or sub division of existing residential buildings into smaller units of self-contained residential accommodation will be acceptable, provided that they would not harm the character and amenity of the area or prejudice the amenity of neighbours, provide adequate amenity space and provide parking,

in accordance with the Councils parking standards. These issues are addressed in the following sections.

5.2 Residential Amenity

The proposals incorporate a change to the roofline through providing a gable end design to replace the existing pitched/slanted roof. This would not increase the footprint of the building which would remain within the existing building lines, beyond which is the side driveway of the host property and a side driveway to the adjacent property in this direction. The side windows on this elevation would remain as existing and do not serve principal rooms, being for a bathroom and landing, and therefore are unlikely to give rise to any significant overlooking. The dormer would be set in the roof of the rear elevation of the property, set beneath the ridge of the existing roof. Windows would face to the rear as on the remainder of the dwelling, towards the rear garden. It is not considered on this basis, that given the scale, layout, orientation and relationship with adjoining properties, they would give rise to any significant or material additional amenity impacts such as to sustain objections to the proposals and warrant refusal of the application.

5.3 Associated amenity space and access for the property would be available and remain at the front, side and rear elevations. Available amenity space would not be impacted and would consist of the existing rear garden. The area available is existing curtilage and is more than sufficient to meet the Council's adopted requirements in terms of space and function. A condition is recommended to ensure satisfactory subdivision of useable private amenity space for each unity and/or communal use areas within the plot. On this basis it is considered that there would be sufficient private amenity space within the private curtilage of the plot to serve the requirements of the combined flats.

5.4 Design

Whilst the existing dwelling forms part of a semi-detached pair currently with a pitched roof at each side, the proposed alteration to the roofline is essentially the addition of a gable end to the side of the application site. Whilst this would clearly differ from the other dwelling in the pair, it is apparent that there are a number of side additions and different designs along the streetscene, including flat roofed extensions and side dormers that reduce the impact. Given this it is not considered that the proposals would unreasonably unbalance or impact upon the existing streetscene to a material degree. The rear dormer, whilst of box like design, as many are, on the rear elevation would not be considered unacceptable in this instance. It is not considered on this basis therefore that given the design, scale, layout, orientation and relationship with adjoining properties, that they would give rise to any significant or material impacts in terms of design such as to sustain objections to the proposals and warrant refusal of the application.

5.5 The proposals would effectively offer a three bedroom property split between two separate flats. In addition to this no addition to the buildings footprint would be proposed and in terms of impact upon layout and density, the proposals would be relatively neutral. The property would remain with residential (C3) use. The issue of safety provisions and the prevention of burglaries would

remain a factor for residents to be conscious of, as is the existing case. As suggested above, a condition is recommended to secure and ensure acceptable amenity space provision associated with each individual unit.

5.6 Transportation

The adopted parking requirements for the flats would be a minimum of 2 off-street spaces. Given the area to the front, accessed from the road and the side drive to garage, there is sufficient space to provide for in excess of this amount, and this is demonstrated in the submitted plans. On this basis there are no transportation objections to the application. A condition is recommended relating to the provision and retention of the required number of spaces. Unauthorised parking or blocking of rights of access are civil and legal highways issues.

5.7 Drainage

It is not considered that any additional surfacing to the frontage of the property, over and above that already there would give rise in its own right to any material issues associated with increased surface water, given the size and nature of the proposals and the drainage potential of the existing site. There are no objections to the proposals on drainage grounds.

5.8 Ecology

It is not considered that the use of the frontage area for allocated parking, on the basis of its existing use, location, size would give rise to any significant or material impacts upon biodiversity in this instance. The area could also be resurfaced, treated or relayed without the requirement for planning permission.

5.9 Other Matters

In terms of issues raised concerning the setting of precedents, each application must be judged on its individual merits in each case. In this case the relevant issues are referred to in the report. The profitability, or otherwise of a scheme, and this being a reason for the submission of the application, is not a material planning consideration in this instance, as stated above, each application must be judged on its own merits against relevant development control criteria.

5.10 Community Infrastructure Levy

The planning application would be CIL liable. Information regarding the Council's approach to CIL is available on the Council's website, also included is the CIL and s.106 Planning Obligations SPD.

5.11 Equalities

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

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That this application is granted subject to the conditions recommended.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

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

Reason

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

3. A minimum of 2 off-street parking spaces, measuring at least 4.8m by 2.4 m, shall be provided before the building is first occupied as two separate flats, and thereafter retained at all times for that purpose.

Reason

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

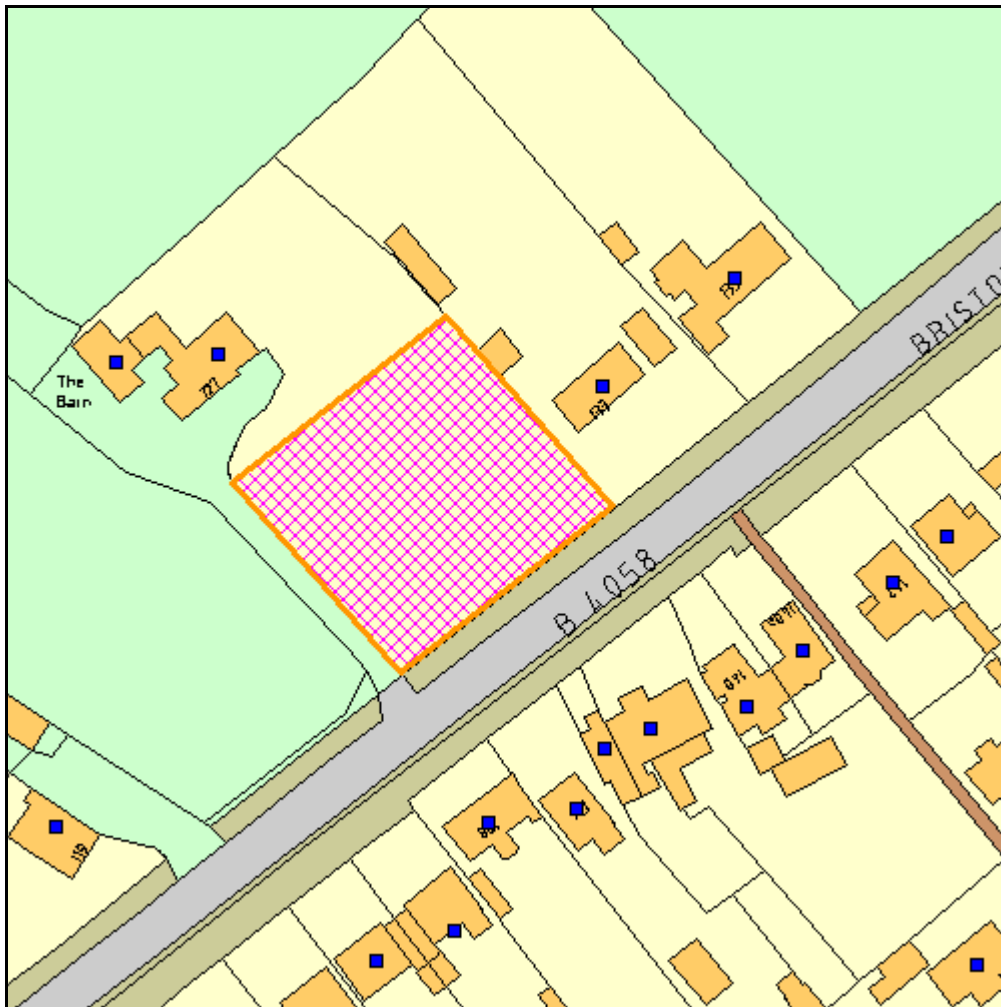
4. Prior to the first occupation of the flats as individual properties details of the subdivision of the plot and garage area, illustrating suitable and adequate private amenity space and cycle and bin storage areas, shall be submitted to the Council for written approval. The details shall thereafter be implemented and retained as approved prior to the occupation of the flats.

Reason

In the interests of the residential amenities of the future occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP8, 38, 39 and 43 of the South Gloucestershire Policies Sites and Place Plan Adopted November 2017 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 40/18 – 5 OCTOBER 2018

App No.:	PT18/3128/F	Applicant:	Mr David Cahill
Site:	Field House 127 Bristol Road Frampton Cotterell Bristol South Gloucestershire BS36 2AU	Date Reg:	16th July 2018
Proposal:	Erection of 2 No. dwellings with garages and associated works.	Parish:	Frampton Cotterell Parish Council
Map Ref:	365768 182048	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	6th September 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT18/3128/F**

REASON FOR SUBMISSION TO CIRCULATED SCHEDULE

This application is circulated as a result of a consultation response received from a neighbour, which is contrary to the officer recommendation detailed within this report.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission to erect 2 no. dwellinghouses with garages and associated works at Field House, 127 Bristol Road, Frampton Cotterell.
- 1.2 The whole site is located in the Bristol/Bath Green Belt and is outside but adjoining the nearest settlement boundary of Frampton Cotterell which is not a washed over village. The site is in Flood Zone 1.
- 1.3 The site forms part of the residential curtilage associated with Field House.
- 1.4 During the course of the application, amendments were sought to move the garages proposed and to show a continuation of a footpath approved as part of the adjacent development for 3 no. dwellings to the south west (PT18/3093/RVC and PT18/1280/F.) A neighbour re-consultation was carried out for 10 days.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2018

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact management
PSP16	Parking Standards
PSP19	Wider Biodiversity

PSP20	Drainage
PSP37	Internal Space and Accessibility Standards for Dwellings
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space

2.3 Supplementary Planning Guidance

South Gloucestershire Development in the Green Belt (Supplementary Planning Document) Adopted May 2007

South Gloucestershire Design Checklist (Supplementary Planning Document) Adopted 2007

Residential Parking Standards Supplementary Planning adopted December 2014

South Gloucestershire Landscape Character Assessment as amended and adopted Nov 2014:-

3. RELEVANT PLANNING HISTORY

3.1 *Relating to site to south-west*

PT18/3093/RVC Approve with conditions 05/09/2018

Variation of condition 11 to substitute drawings 2904/103 rev D and 2904/104 rev D of planning permission reference PT18/1280/F.

3.2 PT18/1280/F Approve with conditions 04/06/2018

Erection of 3 dwelling houses (Use Class C3) together with associated new vehicular access, hard/soft landscape works, and drainage.

3.3 PT17/2904/O Approve with conditions 28/11/2017

Erection of 3no. dwellings (Outline) with access, siting and scale to be determined. (All other matters reserved)

3.4 *Relating to The Barn*

PT15/0924/CLE Approve 12/08/2015

Use of building as independent residential dwellinghouse

3.5 *Relation to the application site*

PT14/3092/F Refusal 17/09/2014

Appeal Dismissed 19/05/2015

Erection of detached triple garage

Refusal reason:

1- *The proposal constitutes a disproportionate addition to the original dwelling and combined with the proposed location away from the main dwelling is considered to be inappropriate development in the Green Belt. Inappropriate development is harmful to the openness of the Green Belt. Very Special Circumstances have not been demonstrated that clearly outweigh the harm of the proposed development. The proposal is therefore contrary to the provisions of the National Planning Policy Framework (2012), policy CS5 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and South Gloucestershire Council's 'Development in the Green Belt' SPD (Adopted) 2007.*

- 3.6 PT11/0559/F Approve with conditions 30/03/2011
Creation of new access from Bristol Road. Erection of 2 no entrance pillars with 2 metre high gates.

4. **CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council
No comment received.

- 4.2 Other Consultees

Landscape Officer

If consent is felt to be acceptable then, prior to determination, a landscape scheme should be submitted that enhances the setting of the development and contribute to the amenity of the wider landscape and public realm. The scheme should follow relevant SGC planning policy in relation to landscape, the strategic landscape recommendations of the South Gloucestershire Landscape Character Assessment, the above comments and accommodate SuDS. The landscape drawing should also indicate any existing vegetation to be removed.

Lead Local Flood Authority

No objection.

Sustainable Transport

The proposed development indicates that the residential units are 4 bed dormer bungalows, having viewed the plans it would appear that it is not unreasonable to view them as 5 bed residential units rather than 4 bed as described. From a transportation perspective this has the implication of requiring that the dwellings have a minimum of 3 parking spaces each. In this development both residential units have two parking spaces and a garage space, as such parking is in accordance with the Councils standards. The access arrangement provides suitable space for vehicles to enter and leave in a forward gear even if only the access point in between the new dwellings were to be used.

The additional traffic generated by the proposal will not generate a severe highway safety issue at the access points. However, I would like to see the new footway link to the bus stops provided by the adjacent development continued along the frontage of this development.

Subject therefore to revised plans or a condition requiring details of the new footway link to be submitted for approval, with the development proceeding in accordance with the approved details prior to first occupation of either of the new dwellings then there will be no transportation objection to this proposal.

Highway Structures

No comment.

Tree Officer

The submitted survey is entirely fit for purpose. Provided the development is carried out in accordance with the information provided there is no arboricultural objection to the application.

Other Representations

4.3 Local Residents

One letter of support was received, stating the following:

- Beautiful little pocket development which is going to be a credit to the area.

One letter of objection has been received stating that work has already started on site.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application site is situated outside of any defined settlement, as identified on the proposals maps, and is therefore in the open countryside and rural area of the district. This part of the district also falls within the Green Belt. Policy CS5 directs new development to the existing urban areas and defined settlements unless it comes forward a neighbourhood plan. In relation to the Green Belt, policy CS5 requires development proposals to accord with the provisions of the NPPF. Policy CS34 considers development in the rural areas. This policy too seeks to direct development to the defined settlements whilst protecting the green belt from inappropriate development, and the impact on the Green Belt will be considered in greater detail below.

5.2 *Five Year Housing Land Supply*

Whilst the proposal would be contrary to the provisions of the Development Plan, at present the local planning authority cannot demonstrate a 5-year supply of deliverable housing land. As a result, paragraph 11 of the NPPF is engaged. This states that when an authority cannot demonstrate a 5-year supply, the policies in the Development Plan which act to restrict the supply of housing should be considered out of date and applications for residential development considered under the presumption in favour of sustainable development.

5.3 The presumption in favour of sustainable development states that planning permission should be granted without delay unless specific policies direct that permission should be restricted or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal.

5.4 Therefore, the requirement of policy CS5 and CS34 to direct development to the existing urban areas and defined settlement boundaries must be considered out of date and should therefore be afforded limited weight. Furthermore, policy PSP40 which sets specific categories of residential development considered appropriate in the rural areas should also be considered out of date at this time in relation to this application due to the current housing shortage. The location of the site outside of a defined settlement is therefore not sufficient reasoning in its own right to resist this development and the application should be considered against the analysis set out below.

5.5 *Sustainability*

The site immediately adjoins the designated settlement boundary of Frampton Cotterell and is therefore in a reasonably sustainable location. There are also houses and businesses on either side of the site. These two houses would not materially increase the number of journeys into properties on the west of the Bristol Road. As such given the close proximity to the settlement boundary and the immediate sandwiching between other houses and business premises on that side of Bristol Road, the site is not found to be unsustainable nor to pose a severe traffic hazard.

5.6 *Green Belt*

Whilst the village of Frampton Cotterell is excluded from the Green Belt, this site lies outside of the settlement boundary and therefore is situated on Green Belt land. Paragraph 11 makes it clear that inappropriate development in the Green Belt should be resisted, notwithstanding the aforementioned housing supply issue.

5.7 The NPPF states that development in the Green Belt should be considered as inappropriate with the exception of certain types of development. "Limited infilling within a village" is one such exception to this policy. Policy CS5 states that 'small scale infill development may be permitted within the settlement boundaries of villages'; but the NPPF makes no such reference to this exception only applying to villages with defined settlement boundaries.

5.8 The question therefore is whether this site could be accurately be described to be within Frampton Cotterell notwithstanding the settlement boundary as defined in the development plan. The two dwellings proposed are located in a line between other dwellings immediately next to the site and fronting onto Bristol Road, including being level with 3 no. new build dwellings currently under construction to the south and with the host dwelling Field House and The Barn separating them from the open countryside to the rear. It is therefore concluded that the proposal is considered to be limited infill within a village within the NPPF definition and therefore is appropriate development.

5.9 Regarding the openness of the Green Belt, the proposed dwellings are dormer bungalows with a reduced ridge height. The proposed site was already residential curtilage and so whilst this will be intensified by the subdivision, it is shielded from the open Green Belt by existing or recently approved residential development. As such this appropriate development is not considered to be harmful to the openness of the Green Belt.

5.10 Design and Visual Amenity

The detailed design of the dormer bungalows are considered to be acceptable, as there is a mix of houses and bungalows in the immediate vicinity of the site. The gables face the road and there are a number of feature openings such as bay windows on the principle elevation, creating a strong residential character. Brick of differing colours will be used to finish the external wall and create detailing, whilst the windows and doors will be grey UPVC. Redland Stonewold

tiles in Breckland Black are proposed for the roofing, and this matches the materials to be used on the development of three bungalows immediately to the south-west. Whilst the design of the two adjacent developments are different, the use of the same tile will link them visually. During the course of the application, officers requested that the location of the proposed garages was amended to avoid the front elevation of the dwellings being blocked by the garages when viewed travelling along Bristol Road.

- 5.11 In terms of landscaping, the driveway to the south-west serving The Barn and a secondary access to Field House has a number of mature trees along its edge which are considered to contribute positively to the visual amenity of the public realm. In order to ensure their protection, an arboricultural survey, method statement and protection plan was requested. The Tree Officer found the report to be acceptable and a condition will ensure the development proceeds in accordance with the agreed details.
- 5.12 The proposed development is on the edge of the village, and therefore has the opportunity to contribute positively towards the wider landscape. It is noted that many boundaries in the area are formed by hedgerows and stone walls, and so it is deemed appropriate to apply a landscaping condition to the development to ensure that this continues, and that additional planting is also proposed. Subject to this, the development is acceptable in terms of policy CS1 of the Core Strategy and policy PSP1, PSP2 and PSP3 of the Policies Sites and Places Plan.
- 5.13 Highway safety
The site is shown to have three parking spaces per dwelling, which is in accordance with the parking standards within policy PSP16 for a five bedroom property. There are adequate turning facilities within the site.
- 5.14 The development recently approved to the south-west (PT18/1280/F and PT18/3093/RVC) include the provision of a tarmacked footpath along the site frontage, to allow easier access to the bus stops to the south west of the site. It is considered appropriate to use a Grampian condition to ensure that this footpath continues along the front of this site, on land which is outside of the site but within highway land. This footpath extension is necessary and related to the site as it will increase the likelihood of residents taking a sustainable form of transport. It will also encourage other visitors to the west side of the road to consider using the bus. Overall subject to conditions relating to provision of the path and retention of sufficient parking no highway objection is sustained and the benefit of a footway being provided weighs modestly in favour of the development.
- 5.15 Residential Amenity
Dormer windows are proposed facing towards the host dwelling known as Field House, and The Barn. The window to window distance would be well in excess of 25 metres however so inter-visibility would be unlikely, and the host dwelling would retain its large, private side garden. The rear gardens of plot 1 and 2 are also large at over 100 square metres, and in accordance with policy PSP43. Plot 1 is adjacent to the new build development to the south west, however it does not have any facing first floor windows and the ground floor windows are

separated by a significant boundary of vegetation and the access drive to The Barn. No. 133 Bristol Road is adjacent to plot 2 and also does not have any first floor facing windows, with the ground floor kitchen and guest bedroom windows being screened by a tall hedge. The development is acceptable in terms of policy PSP8.

5.16 Consideration of likely impact on Equalities

No evidence has been put forward that this proposal would have any material impact on any particular sector of the community however the provision of a footway which gives safe access to less able users on that side of the Bristol Road is a modest benefit.

5.17 Planning Balance

Paragraph 11 of the 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 11 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.

5.18 The above report finds that the site is sustainable and that the development is appropriate development in the Green Belt without detriment to openness in the form presented. Substantial weight must be given to the sustainable location of the site. Weight was given in favour of the site to provide two new dwellings towards the housing land supply and further modest positive weight is attributed because of the provision of a footpath to the nearby bus stop, benefiting both proposed and existing occupiers.

5.19 Overall the benefits of the scheme are not significantly and demonstrably outweighed by any adverse impacts and as such planning permission is recommended to be granted.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is granted subject to the conditions set out below.

Contact Officer: Trudy Gallagher

Tel. No.

01454 864735

CONDITIONS

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

Reason

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

2. The development shall not be occupied until such time as the new footway, within the highway verge, as shown on submitted plan Proposed Site Plan 3054/2 Rev A (received 13th September 2018) is provided across the entirety of the front of the site and between the site and the nearby bus stop.

Reason

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

3. Prior to the occupation of development a scheme of landscaping, which shall include details of all 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 increase biodiversity and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

4. Development shall proceed in accordance with the recommendations of the Arboricultural Method Statement by Assured Trees, report reference 127BristolRd_AIA_AMS_1220918 version 001, received by the Council on 13th September 2018.

Reason

In the interests of visual amenity and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP3 of the Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

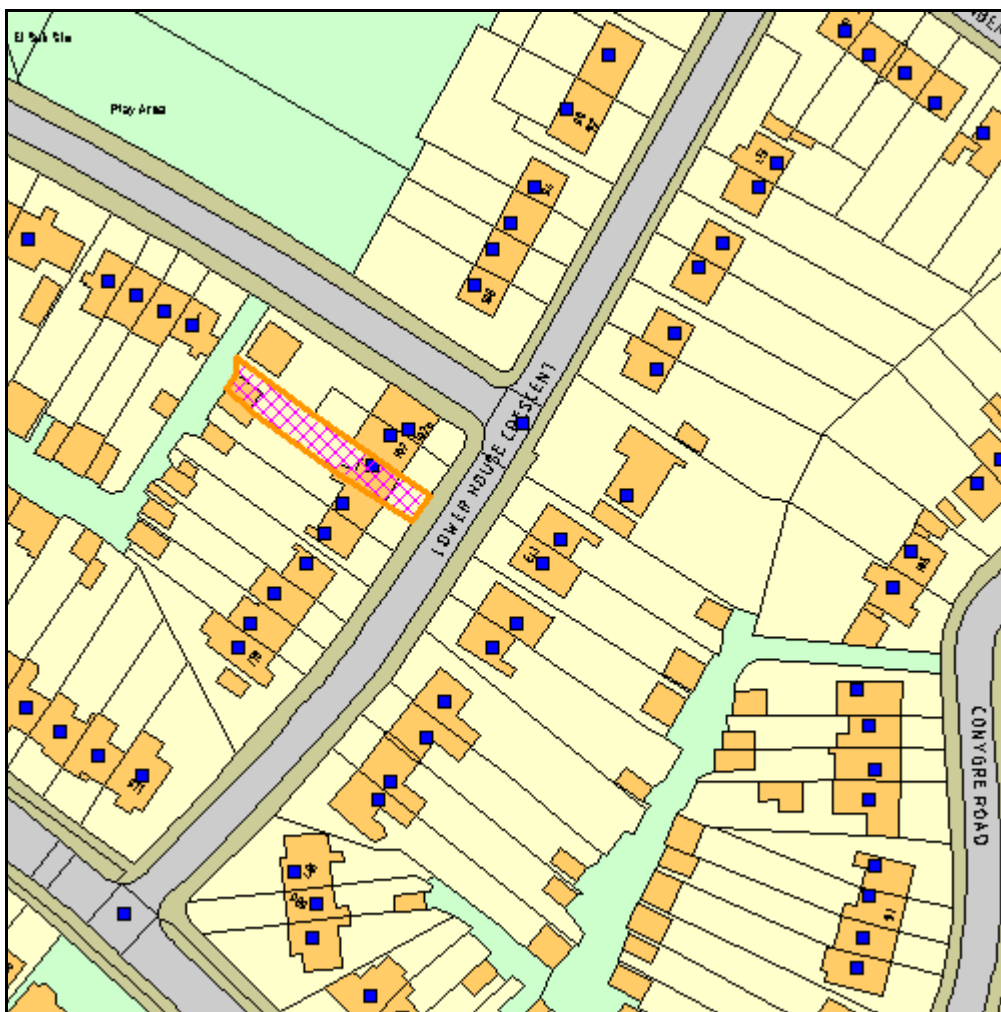
5. Prior to the first occupation of the site, the parking scheme showing the provision of three parking spaces for each dwelling together with the manoeuvring space and bin storage facilities for all dwellings and a bin pick up point shown on the plan 3054/2 Rev A shall be provided and thereafter retained 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 and the South Gloucestershire Waste SPD (Adopted) February 2015.

CIRCULATED SCHEDULE NO. 40/18 – 5 OCTOBER 2018

App No.:	PT18/3712/CLP	Applicant:	Mr Dylan Gosiewski
Site:	104 Lower House Crescent Bristol South Gloucestershire BS34 7DL	Date Reg:	20th August 2018
Proposal:	Installation of rear dormer to facilitate loft conversion.	Parish:	Filton Town Council
Map Ref:	360741 179638	Ward:	Filton
Application Category:	Certificate of Lawfulness	Target Date:	15th October 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT18/3712/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer at no. 104 Lower House Crescent, Filton would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Filton Parish Council
No comment received
- 4.2 Councillor
No comment received.

Other Representations

- 4.3 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Received by the Council on 13th August 2018:
The Location Plan

Existing and Proposed Front Elevation
Existing and Proposed Rear Elevations
Existing Side Elevation
Other Existing Elevation
Other Proposed Elevation
Existing GF Plan
Existing FF Plan
Roof Plan
Proposed GF Plan
Proposed FF Plan
Proposed SF Plan
Section A-A
Section C-C

6. **ANALYSIS OF PROPOSAL**

6.1 **Principle of Development**

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

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

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

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

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

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

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

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

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

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

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

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

The property is a terraced house and the proposal would result in an additional volume of 22 cubic metres.

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

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

The proposal would include none of the above.

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

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

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

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

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

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

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

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

The eaves of the original roof will be maintained; the proposed dormer would be 0.2 metres away from the eaves of the original roof. Additionally, the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse.

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

The proposal does not include the insertion of a window into the side elevation of the dwellinghouse.

Roof lights to front elevation

The proposal also involves the installation of 3no roof lights to the front elevation of the property. The roof lights meet the criteria set out in Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015, and as such constitute permitted development.

7. RECOMMENDATION

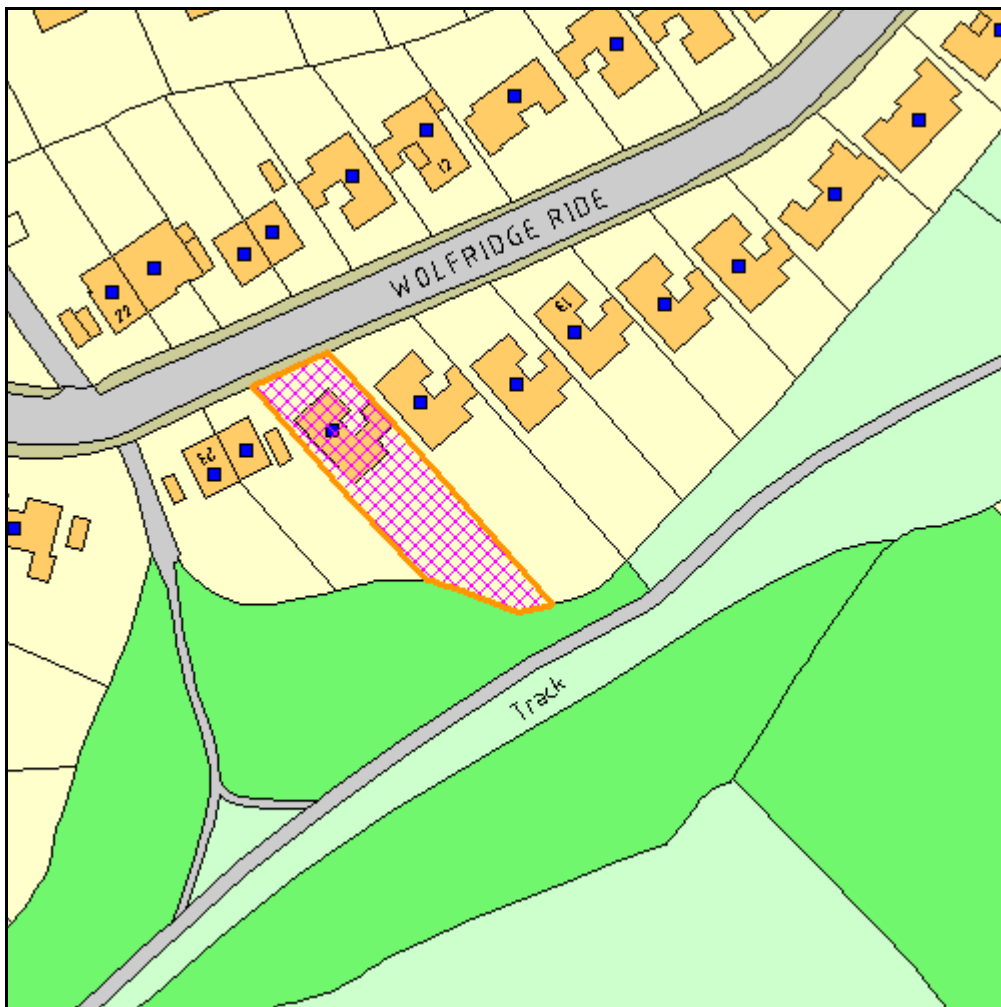
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

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

Contact Officer: James Reynolds
Tel. No. 01454 864712

CIRCULATED SCHEDULE NO. 40/18 – 5 OCTOBER 2018

App No.:	PT18/3750/F	Applicant:	Mr & Mrs Braund
Site:	19 Wolfridge Ride Alveston Bristol South Gloucestershire BS35 3RA	Date Reg:	22nd August 2018
Proposal:	Installation of 1 No. side dormer window and alterations to roof line to facilitate loft conversion. Erection of single storey infill extension to form additional living accommodation.	Parish:	Alveston Parish Council
Map Ref:	363094 187737	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	16th October 2018



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PT18/3750/F**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as the officer recommendation is contrary to comments made by local residents. The report has been re-published in order to clarify that the proposal includes the raising of the existing ridgeline of the dwelling.

1. THE PROPOSAL

- 1.1 The site is located in Alveston and is located within the Settlement Boundary. Alveston and is washed over by the Green Belt. The subject dwelling consists of a single storey 3 bedroom modern detached dwelling dating from the mid 20th Century. The property is accessed directly from Wolfridge Ride and includes driveway and garage parking.
- 1.2 The proposed development consists of the construction of a small extension to the Eastern elevation of the dwelling; and alterations to the roof of the dwelling including the introduction of a small dormer window in the Western Elevation. It is also proposed to introduce new roof lights and with a 'Juliet Style' balcony on the Southern Elevation facing towards the rear garden of the subject property, and a new widow in the North (front) elevation at first floor level.

2. POLICY CONTEXT

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

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

PSP1 Local Distinctiveness
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007
Residential Parking Standard SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council

No objection

4.2 Highway Authority

No Objection – sufficient off street parking is available to comply with South Gloucestershire Standards

Other Representations

4.3 Local Residents

One letter has been received. The writer has set out that there is no objection to the proposed development. However, it is requested that there is no noise at the site is not started before 8am (9am on Saturdays) and finishes before 7pm; with no building on a Sunday.

5. ANALYSIS OF PROPOSAL

5.1 The proposed development consists of a domestic extension. The site is within the Village Development Boundary associated with Almondsbury. The site is washed over by the Green Belt.

5.2 Principle of Development

Policy PSP38 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 is relevant to this application. The policy indicates that residential extensions are acceptable in principle subject to the following considerations.

5.3 Green Belt

The site is located within the Village Settlement Boundary associated with Alveston which is washed over by the Green Belt.

5.4 Paragraph 145 of the National Planning Policy Framework sets out the limited categories of development that is appropriate within the Green Belt. In particular, the NPPF sets out that the extension or alteration of an existing building is appropriate development provided that it does not result in a disproportionate addition, over and above the size of the original building.

5.5 In respect of extensions to existing buildings Policy PSP7 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 carries this principle forward, and it is relevant to proposals for domestic extensions. It goes further and sets out that, as a general guide that additions of up to 30% of the volume of the original building would likely be considered appropriate. Where an extension would exceed this up to 50% the proposal would be carefully assessed and in particular paying attention to the scale and proportion of the extension. Where proposed extensions exceed 50%, the policy indicates that this would likely be considered disproportionate and therefore inappropriate.

5.6 In this instance, the proposed development would result in minor changes to the roof of the main house and the addition of a roof over the existing garage. It is also proposed to add a small dormer window. The effect of the development would result in less than 10% additional volume over and above the original

dwelling. Furthermore, although the site is within the Green Belt, the dwelling is located within the Village Settlement Boundary and set within a built up area of the village. This factor has the benefit of considerably reducing the overall impact of the development upon the openness of the Green Belt such that there would be no material impact. Furthermore, for the reasons set out below, officers are satisfied that the proposed development is well proportioned and would not appear out of scale with the original dwelling and the immediate surrounding area.

5.7 On this basis, officers are satisfied that the proposed development is acceptable in Green Belt terms.

5.8 Design

The existing building dates from the mid 20th Century and is set amongst a wider estate of similar detached dwellings dating that period. The general character of the village in this location is dominated by mid 20th Century buildings and are of a wide range of styles, scale and size. It is noted that revised plans have been received which simply alter the position of roof-lights. These changes do not materially alter the appearance of the proposed development and as such no further consultation is necessary.

5.9 The proposed development would provide a modest extension that would enclose an open glazed porch and provide a roof over the existing flat roof garage and link to the main house. The development would also provide a small dormer window. It is also proposed to raise the height of the existing ridgeline and eaves by approximately ½ metre. The development would facilitate a loft conversion and provide additional bedroom and bathroom facilities. The general appearance of the building, its size, proportion and scale would remain consistent with the surrounding locality. It is not considered that the raising of the ridgeline would materially impact upon the street scene. Indeed, there are several examples of similar extensions very close by. Officers consider that the proposal represents high quality design; and on this basis is acceptable in that regard.

5.10 Residential Amenity

The existing dwelling sits in a generous plot, as do the existing dwellings which surround the application site. Officers note that the development would introduce a 'Juliet Style' balcony to the Southern elevation. This would allow views across neighbouring curtilages where currently no such views exist. However, the relationship of the subject dwelling with the neighbouring dwellings is such that these view would be compatible with the context of the site. The raising of the ridgeline is noted, however this would not materially impact upon the neighbouring dwellings. The development would not result in an unacceptable impact upon the amenity of the occupants of nearby dwellings; or the subject dwelling. On this basis, the proposed development is acceptable in residential amenity terms.

5.11 It is noted that neighbours have suggested that a restriction should be applied to working hours during the construction of the development. This is to reduce the perceived impact from noise during construction. It is suggested that no

work occurs before 8am during the week and 9 am on Saturday and no work occurs after 6pm or on a Sunday.

5.12 Working hours restrictions are normally applied to more substantial construction sites (for instance the development of a new house or group of houses). It is not normally applied to a domestic extension as that approach would be somewhat disproportionate. In this instance, the proposed development is domestic in nature and is in itself relatively modest in scale. It is not anticipated that noise levels during construction would result in a significant impact whilst the period of construction activity would be over a temporary period of time. Should working practices occur where noise levels result in a noise nuisance then this would be a matter for separate enforcement action under environmental health legislation; and is beyond the remit of planning legislation. On this basis, officers consider that the suggested restriction would not be appropriately applied using a planning condition.

5.12 Transportation and Highway Safety

The proposed development would utilise the existing access arrangements onto Wolfridge Ride. The development would also provide adequate off street parking and is compliant with the South Gloucestershire parking standards. On this basis, officers are satisfied that the proposed development would not result in a material impact in highway safety and transportation terms.

5.13 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.

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is granted subject to the following condition.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

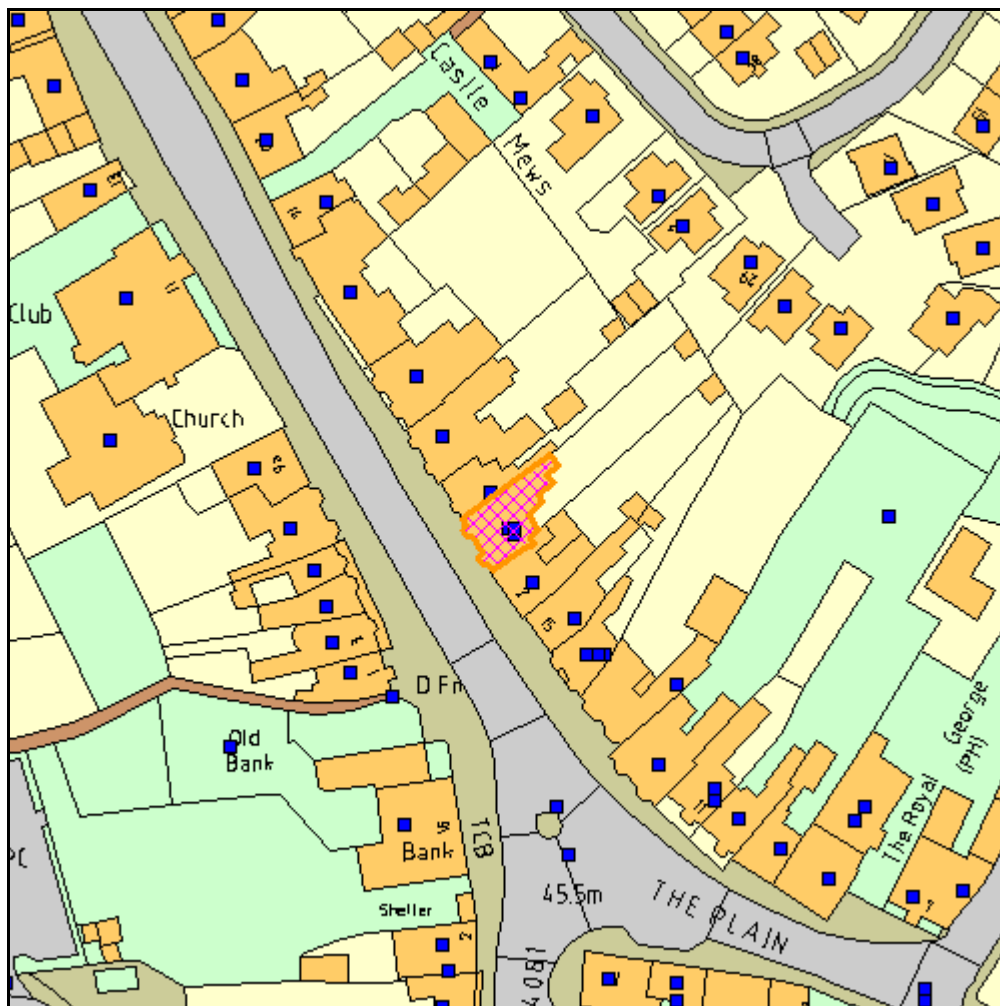
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 40/18 – 05 OCTOBER 2018

App No.:	PT18/3757/F	Applicant:	Mr Guy Oldring
Site:	4 Castle Street Thornbury Bristol South Gloucestershire BS35 1HB	Date Reg:	23rd August 2018
Proposal:	Change of use from Offices (Class A2) to physiotherapy and massage practice (Class D1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Thornbury Town Council
Map Ref:	363673 190233	Ward:	Thornbury North
Application Category:	Minor	Target Date:	10th October 2018



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

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure, following a letter of objection received which is to the contrary of the officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for a change of use from a solicitors office (Class A2) to a physiotherapy and massage practice (Class D1) at 4 Castle Street, Thornbury.
- 1.2 The site is situated within the town centre of Thornbury, within a Primary Shopping Area and no. 4 Castle Street forms part of a secondary shopping frontage.
- 1.3 The site is a grade II listed building along with a number of other buildings along Castle Street, The Plain and the High Street. It is also situated within Thornbury Conservation Area.
- 1.4 No internal or external alterations are proposed to the building so listed building consent is not required.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS5 Location of Development
CS8 Accessibility
CS9 Environment and Heritage
CS13 Safeguarded Employment Areas
CS14 Town Centres and Retail

South Gloucestershire Policies Sites and Places Plan Adopted November 2017

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP16 Parking Standards
PSP17 Heritage
PSP31 Town Centre Uses
PSP32 Local Centres, Parades and Facilities
PSP33 Shopping Frontages

2.3 Supplementary Planning Documents

3. RELEVANT PLANNING HISTORY

- 3.1 PT99/0389/F Approve with conditions 03/05/2000
Change of use of first and second floors from residential to Class A2 office use.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection.

- 4.2 Other Consultees

Economic Development
No objection.

Listed Building and Conservation

Number 4 Castle Street is Grade II listed. The application however only appears to seek consent for a material change of use of the building as no details of any internal or external alterations are included which would require LB consent.

In light of no alterations being proposed to the fabric of the building, there are no objections as the special architectural and historic interest of the building would be preserved.

Sustainable Transport

Although we consider that this change of use is likely to alter the travel demand associated with these premises, as they are located in an area of shops and other similar uses, we do not believe that this to change will be very significant. We also note that these premises currently possess no off-street parking and this position will not change in future. However, a number of parking areas exist with easy walking distance of this site which can be used by staff and patients. As a consequence, we have no material highways or transportation concerns about this proposal and so have no comments about this application.

Other Representations

- 4.3 Local Residents

One local resident objected to the proposal on the following grounds:

- Whilst I will be unable to see anything, my windows overlook the proposed treatment rooms
- Object to massage element of proposed use
- I am a practising Catholic, and activities such as yoga, massage, reiki or reading horoscopes can put people at risk from evil spirits – according to Father Jeremy Davis, exorcist for Cardinal Cormac Murphy-O'Connor, the

leader of Catholics in England and Wales. He has carried out thousands of exorcisms and is the Pope's top exorcist

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The site is within Thornbury Town Centre and Castle Street is a primary shopping area, as identified by policy CS14. Within this primary shopping area, no. 4 Castle Street forms part of a secondary shopping frontage. The proposed D1 use is considered to be a town centre use and is therefore in accordance with policy PSP31.

5.2 Policy PSP33 concerns the change of use of retail premises to other town centre uses on secondary shopping frontages, and states that it will only be acceptable where the development proposal:

- a) Maintains or enhances the function of the wider centre; and
- b) Does not undermine the established character, vitality or civic role of the frontage; and
- c) Maintains balance and diversity of uses in the frontage, and
- d) Maintains an active ground floor use

5.3 Impact on Secondary Shopping Frontage

The change of use refers to a solicitors office (A2), which was originally just at ground floor level until 2000, when an application to change the first and second floor from residential to expand the solicitors office was approved. It is now proposed to use all three floors as a physiotherapy/massage clinic (D1).

5.4 Officers consider that the change of use maintains the function of the wider centre, as they are both town centre uses. The development is likely to generate a similar amount of footfall along the secondary shopping frontage, as both the solicitors office and the physiotherapy clinic, with a mixture of customers making special visits to attend pre-arranged appointments and some sharing trips with the other units in the town centre. The character and civic function of the frontage would be retained and the physiotherapy practice would maintain an active ground floor frontage, which no external alternations proposed. There is not an overprovision of the same use in the area, as whilst there is another physiotherapy practice on the corner of Castle Street and The Plain, it is considered that there is a balance of diverse uses and shopping opportunities along both the secondary and primary shopping frontages of Thornbury town centre. Overall, officers consider that development accords with policy PSP33.

5.5 Design and Impact on the Heritage Assets

No. 4 Castle Street is a grade II listed building which is situated within the Thornbury Conservation Area. No external or internal works are proposed to facilitate the change of use, and so the development is acceptable in terms of policy PSP1, PSP17, CS1 and CS9 of the Development Plan.

5.6 Residential Amenity

As no external changes are proposed, the development will not overbear or overlook any neighbouring occupiers. A neighbour has objected on the grounds that the proposed use as a physiotherapy/massage clinic is against her religion, however only limited weight has been given to this comment, as the change of use does not affect the resident's right to practise their religious beliefs.

5.7 Transport

Any change to travel patterns as a result of the change of use will not be significant to the area, as the premises is located in an area of shops and other town centre uses. Currently no off-street parking is provided, nor is any parking proposed to serve the new clinic. Opportunities for shared parking in nearby car parks could still be utilised by future customers and staff which is the extant position.

5.8 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.

During the consultation process the issue of religion was raised, however officers have taken this into account and this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 864735

CONDITIONS

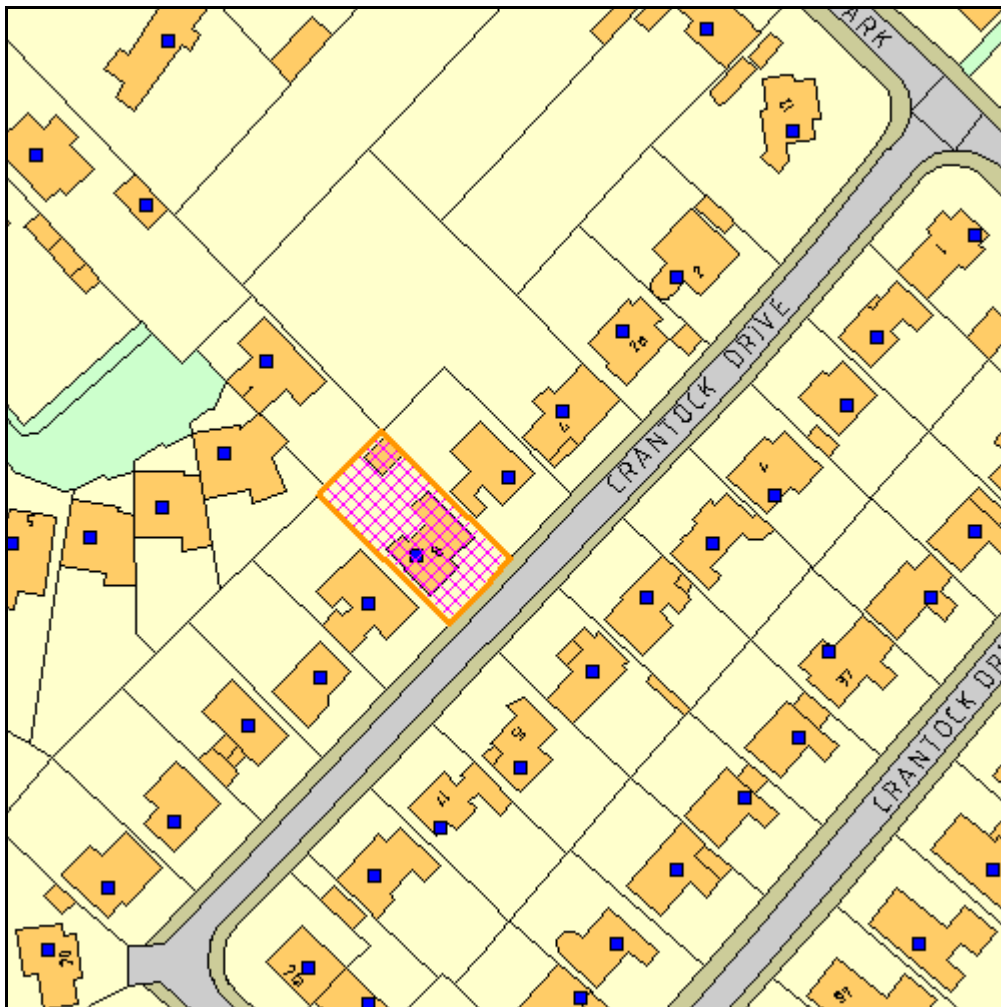
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 40/18 – 5 OCTOBER 2018

App No.:	PT18/3923/F	Applicant:	Mr & Mrs S Taylor
Site:	8 Crantock Drive Almondsbury Bristol South Gloucestershire BS32 4HG	Date Reg:	3rd September 2018
Proposal:	Erection of single storey and two storey front and rear extensions to form additional living accommodation. Raising of roof line and installation of 3 No. front and 1 No. rear dormer windows to facilitate loft conversion. Installation of 1 No. chimney. Creation of 2 No. parking spaces.	Parish:	Almondsbury Parish Council
Map Ref:	360988 184171	Ward:	Almondsbury
Application Category:	Householder	Target Date:	25th October 2018



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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as the officer recommendation is contrary to comments made by local residents.

1. THE PROPOSAL

- 1.1 The site is located in Almondsbury and is located within the Settlement Boundary. Almondsbury is washed over by the Green Belt. The subject dwelling consists of a single storey 2 bedroom modern detached dwelling dating from the mid 20th Century. The property is accessed directly from Hazel Gardens and includes driveway and garage parking.
- 1.2 The proposed development consists of the comprehensive alterations to the roof of the dwelling including the increased height of the ridge and the introduction of three dormer windows to the front elevation and one dormer window to the rear elevation. This would facilitate new accommodation within the roof space of the dwelling. It is also proposed to add a single storey and two storey extension to the rear of the dwelling. This would also provide living accommodation within the roof space.
- 1.3 The existing dwelling has been extended previously. This is in the form of modest flat roof extensions to the rear. These would be demolished as part of the proposed development.
- 1.4 The applicant has submitted a revised floor plan drawing that clarifies the use of the rooms in the proposed layout. Officers are satisfied that this does not materially alter the scope of the planning application and as such no further public consultation has been carried out. The revised drawing is publically available.

2. POLICY CONTEXT**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

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

- PSP1 Local Distinctiveness
- PSP7 Development in the Green Belt
- PSP8 Residential Amenity
- PSP16 Parking Standards
- PSP38 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT18/2026/F Erection of single storey rear extension to provide additional living accommodation and en-suite facility. Demolition of existing garage. Erection of replacement garage and utility room. Amendment to previously approved scheme PT17/2123/F to alter roof line above garage and utility room.

Approved 22nd June 2018

- 3.2 PT17/2123/F Erection of single storey rear extension to provide additional living accommodation and en-suite facility. Demolition of existing garage. Erection of replacement garage and utility room.

Approved 4th August 2017

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
Objection on the following grounds;

The proposed development is out of scale to the neighbouring properties

This side of Crantock Drive is predominantly occupied by bungalows.

Traffic concerns already in this area, the proposed development will add to an existing issue. Parking is already very limited on this Drive, often it gets gridlocked and has very poor parking, forcing many cars to drive overlapping drop kerbs.

Concern about the impact of the privacy of neighbouring houses.

- 4.2 Highway Authority
No Objection – sufficient off street parking is available to comply with South Gloucestershire Standards

Other Representations

- 4.3 Local Residents
Two comments have been received. One comment is made in support of the proposed development and one raises concerns. The comments are summarised as follows;

Support

Proposed development is fully supported – no specific reason is given

Officers note the written support for the renovation of the subject dwelling.

Objection

Officers note that the writer has indicated that comments do not necessarily imply objection or support for the proposed development. However, for the purpose of the report and given the nature of the comments, officers consider that they are raising concerns with the proposal. Relevant *planning matters* are reported as follows;

Concern is raised as to the number of occupants living at or visiting the subject property.

Concern is raised that the level of parking currently available at the subject property is not sufficient for the level of occupancy.

Concern is raised as to the impact of indiscriminate parking preventing access to the driveways of neighbouring properties.

The increase from two bedrooms to five bedrooms could cause increased parking congestion on the highway.

The provision of parking restrictions (double yellow lines) is suggested on areas of the highway opposite existing driveways.

Concern is raised that driveways are not being used to park cars despite being required by planning policy.

Crantock Drive and surrounding area is used by commuters who park vehicles and continue journeys to Bristol by bus.

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed development consists of domestic extensions. The site is within the Village Development Boundary associated with Almondsbury. The site is washed over by the Green Belt.
- 5.2 Principle of Development
Policy PSP38 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 is relevant to this application. The policy indicates that residential extensions are acceptable in principle subject to the following considerations.
- 5.3 Green Belt
The site is located within the Village Settlement Boundary associated with Alveston which is washed over by the Green Belt.
- 5.4 Paragraph 145 of the National Planning Policy Framework sets out the limited categories of development that is appropriate within the Green Belt. In particular, the NPPF sets out that the extension or alteration of an existing building is appropriate development provided that it does not result in a disproportionate addition, over and above the size of the original building.

- 5.5 In respect of extensions to existing buildings Policy PSP7 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 carries this principle forward, and it is relevant to proposals for domestic extensions. It goes further and sets out that, as a general guide that additions of up to 30% of the volume of the original building would likely be considered appropriate. Where an extension would exceed this up to 50% the proposal would be carefully assessed and in particular paying attention to the scale and proportion of the extension. Where proposed extensions exceed 50%, the policy indicates that this would likely be considered disproportionate and therefore inappropriate.
- 5.6 In this instance, the proposed development would result in a substantial extension to the existing dwelling amounting to approximately 60% of the original building. Clearly this is in excess of what it normally considered to be proportionate in the context of the Green Belt. However, it is also necessary to consider the location of the site and its scale in the context of nearby buildings.
- 5.7 As set out above, the site is located within Almondsbury Village Settlement Boundary. The area associated with Crantock Drive, Florence Park and Cope Park is 'built up' with closely related dwellings of various sizes and appearance. More recent development to the West of the site has resulted in large garden areas being developed for infill housing, consistent with wider Green Belt policy. In this context, the resulting development would appear consistent with its surroundings and against the back drop of large detached dwellings officers are satisfied that the proposed development would not result in a disproportionate addition.
- 5.8 On this basis, officers are satisfied that the proposed development is appropriate in Green Belt terms.
- 5.9 Design
The existing building dates from the mid 20th Century and is set amongst a wider estate of detached dwellings dating that period. The general character of the village in this location is dominated by mid 20th Century buildings and are of a wide range of styles, scale and size.
- 5.9 Almondsbury Parish Council suggest that the proposed development is out of scale with neighbouring properties and that this part of Crantock Drive is predominantly bungalow dwellings.
- 5.10 Crantock Drive is accessed from Florence Park which also gives access to Cope Park. The area associated with Crantock Drive and Florence Park is dominated by 1950's or 1960's development. Cope Park is later, dating from the 1970's to 1980's. Crantock Drive is a loop and includes a wide range of detached single storey and dwellings, many of which has been extended. The area as a whole is characterised by a wide range of detached, semi-detached, terraced houses and flats. The result is a wide range of size and types of dwelling. It is not the case that the area is dominated by bungalows.
- 5.11 Officers note that the subject dwelling stands in a group of 7 bungalow type dwellings. One of these bungalows has a substantial dormer widow extension.

- Elsewhere, (such as dwellings off Gloucester Road) the area includes large detached houses in generous plots, and there are two storey houses (many of which extended) immediately opposite the application site.
- 5.12 The proposed development would increase the overall height of the dwelling by 700 mm. The development would also introduce three dormer windows into the front elevation of the dwelling. However, the resulting appearance from the public realm would remain one of a modest bungalow, albeit with rooms within the roof space.
- 5.13 The rear extensions would replace the existing flat roof additions to the dwelling. A two storey extension would be introduced on the northern side of the rear elevation. The overall ridge height of the rear extension sits just below the proposed ridge over the original dwelling and as such would not be visible in the public realm. The topography of the site is such that there is a modest drop in levels at the rear of the dwelling. This allows a two storey extension (albeit with the first floor being partially within the roof space) to be introduced as a subservient form. This element of the proposal would provide a chimney, which would be partially visible in the public realm and would add interest to the general appearance of the extended dwelling.
- 5.14 Whilst officers accept that the development would bring about a significant change to the existing dwelling, the resulting development is well proportioned. It is not considered that the increased size of the dwelling would conflict with the bungalow dwellings either side of the application site and would sit comfortably in this context. It is consistent with the varied character of dwellings in the immediate and wider surrounding area. Accordingly, officers consider that the proposed development is acceptable in design terms.
- 5.15 Residential Amenity
Comments have been received from Almondsbury Parish Council that raise concern about the impact of the development upon the amenity of the occupants of nearby dwellings.
- 5.16 Clearly, the proposed development would increase the bulk of the existing dwelling. The position and orientation of the neighbouring dwellings is such that the increased height of the building is easily accommodated without material impact upon the amenity of the occupants of those dwellings. In particular, the overall increase in height is limited (approximately 0.7 metres). The development would not materially impact upon windows associated with principal rooms. The rear extension does not extend beyond the line of the rear elevation of the neighbouring properties and would be similar in scale to the neighbouring dwellings. Adequate separation would be retained between the subject development and neighbouring dwellings. The layout of the rear extension would not facilitate direct views into neighbouring dwellings such that privacy would be compromised. It would be possible to obtain views across neighbouring curtilages and wider context. However, this would be typical of a domestic relationship found in built up residential areas and is not considered to have a detrimental impact.

- 5.17 The proposed development would retain adequate private amenity space within the property of the benefit of the occupiers of the dwelling.
- 5.18 Accordingly, officers conclude that the proposed development is acceptable in residential amenity terms.
- 5.19 Transportation and Highway Safety
The proposed development would provide three new bedroom spaces at first floor level. The applicant has provided a floor plan which shows that the existing rooms on the ground floor at the front of the house would be retained. These are currently bedrooms in the existing dwelling. The plans indicate that they would be utilised as a study and bedroom (with en-suite), respectively. It is noted that public comment suggests that the number of bedrooms in the dwelling would increase from 2 to 5 as a result of the proposed development. Whilst this is entirely possible, it is reasonable to assume that the dwelling would provide 4 bedrooms.
- 5.20 *Parking* - The proposed development would utilise the existing access arrangements onto Hazel Gardens. The development would retain the existing garage and provide a further two off street parking spaces to the front of the dwelling. The proposed garage (and existing garage) are suitable to provide a parking space and as such the proposed development would provide 3 parking spaces. This is a level sufficient for a five bedroom dwelling. This is compliant with the South Gloucestershire Parking Standards and as such the proposed development is considered acceptable in parking terms. In this instance, officers consider that a suitably worded planning condition is sufficient to secure the proposed parking arrangement.
- 5.21 The concern raised by the Parish Council and local residents about the capacity of on-street parking is noted. On visiting the site, the case officer has noted the relatively narrow nature of Crantock Drive, which is a characteristic of residential developments dating back to the mid 20th Century. Nonetheless, the majority of dwellings located on Crantock Drive include off street parking within the individual properties and as such it is reasonable to assume that most residents will aim to park vehicles on private parking spaces.
- 5.22 Nonetheless, it is inevitable that parking of vehicles will park on the highway, and this may be a factor most apparent in the evening. In the context of the relatively narrow highway officers would acknowledge that there is potential for congestion as a result of indiscriminate parking. However, planning legislation does not control the parking of vehicles within the public highway. This is a matter for the Highways Act and (in the case of obstruction) a matter for the Traffic Act (enforced by the Police Authority. In this instance it is not considered that the provision of parking restrictions (double yellow lines) would be proportionate to the case in hand. As a matter of fact, the proposed development can provide adequate off street parking and as such is policy compliant in that regard.

5.23 *Vehicular Movements* – It is noted that the proposed development would result in an increase in the number of bedrooms associated with the dwelling. However, the character of the dwelling would remain as a family home and as such would not result in a materially greater level of vehicular movements than that of the existing situation. It will be necessary to widen the existing access onto the site from Crantock Drive. However, given the nature of the highway, visibility and ambient speeds, there would be no material impact in terms of highway safety.

5.24 Accordingly, Officers are satisfied that the development is acceptable in parking and highway safety terms.

5.25 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.

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is granted subject to the following conditions.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

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

Reason

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

2. Parking Provision

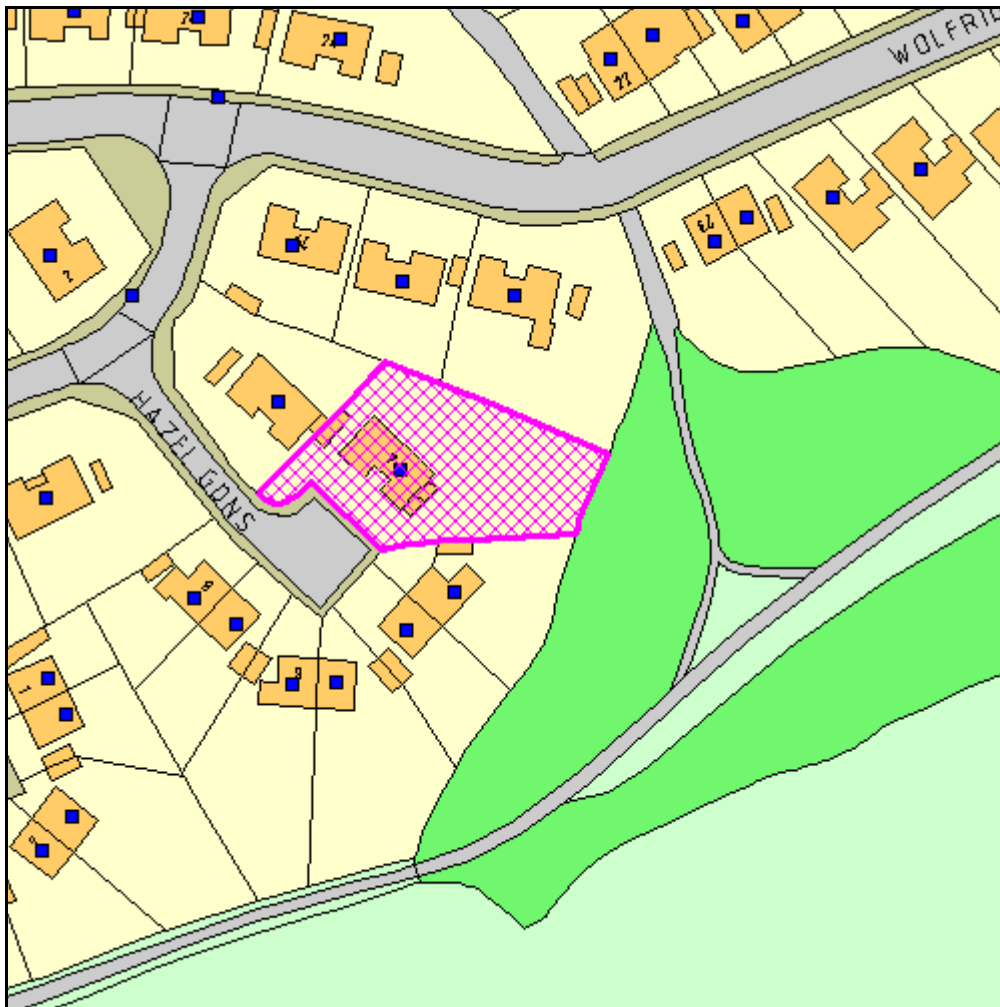
The off street parking spaces shown on drawing number 02 (as received by the Local Planning Authority on 23rd August 2018) shall be provided for use prior to the first use of the development hereby approved. Thereafter the development shall be retained as such.

Reason

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

CIRCULATED SCHEDULE NO. 40/18 – 5 OCTOBER 2018

App No.:	PT18/3985/F	Applicant:	Mr And Mrs Philip And Judy Hurd
Site:	2 Hazel Gardens Alveston Bristol South Gloucestershire BS35 3RD	Date Reg:	30th August 2018
Proposal:	Demolition of existing detached garage and toilet. Erection of single storey side and front extension to form garage and additional living accommodation.	Parish:	Alveston Parish Council
Map Ref:	363022 187692	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	24th October 2018



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PT18/3985/F**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as the officer recommendation is contrary to comments made by local residents.

1. THE PROPOSAL

- 1.1 The site is located in Alveston and is located within the Settlement Boundary. Alveston and is washed over by the Green Belt. The subject dwelling consists of a single storey 4 bedroom modern detached dwelling dating from the mid 20th Century. The property is accessed directly from Hazel Gardens and includes driveway and garage parking.
- 1.2 The proposed development consists of the construction of a single storey extension to the North-western elevation of the dwelling. The proposed development would replace the existing detached garage and would provide a new garage, and utility area.
- 1.3 The site benefits from two previous planning consents that would provide very similar accommodation and built form. These are detailed in section 3 of this report. It is of note that, at the time of compiling this report, those consents remain extant and can be lawfully constructed. The earlier consent shows a pitch roof arrangement whilst the later consent shows a flat roof arrangement. However the floor plans are very similar between the two. This application effectively reverts back to the pitched roof arrangement.

2. POLICY CONTEXT

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

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

PSP1 Local Distinctiveness

PSP7 Development in the Green Belt

PSP8 Residential Amenity

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT18/2026/F Erection of single storey rear extension to provide additional living accommodation and en-suite facility. Demolition of existing garage. Erection of replacement garage and utility room. Amendment to previously approved scheme PT17/2123/F to alter roof line above garage and utility room.

Approved 22nd June 2018

- 3.2 PT17/2123/F Erection of single storey rear extension to provide additional living accommodation and en-suite facility. Demolition of existing garage. Erection of replacement garage and utility room.

Approved 4th August 2017

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No objection

- 4.2 Highway Authority
No Objection – sufficient off street parking is available to comply with South Gloucestershire Standards

Other Representations

- 4.3 Local Residents
Two comments have been received and these raise objection to the proposed development. The comments are summarised as follows;

Planning Matters

The proposed development would have an adverse impact on the character of the dwelling and the visual amenity of the area as a whole.

The proposed development would block light and the view of the horizon

It is suggested that the proposed roof is made lower

The proposed development would replace a low fence and planting with a high brick wall and would obscure light into the garden and bedroom window of the neighbouring property.

The proposed extension, the removal of the existing party wall and the presence of builders at the site will expose the back of the neighbouring property to the detriment of the privacy of that property.

Civil Matters

The foundations of the proposed development would encroach onto the neighbouring land.

The development could damage an existing security wall and result in damage to paths and borders on the neighbouring property.

The proposed development would be constructed on the boundary of the neighbouring property where there should be a gap of a least one metre.

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed development consists of a domestic extension. The site is within the Village Development Boundary associated with Almondsbury. The site is washed over by the Green Belt.
- 5.2 Principle of Development
Policy PSP38 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 is relevant to this application. The policy indicates that residential extensions are acceptable in principle subject to the following considerations.
- 5.3 Green Belt
The site is located within the Village Settlement Boundary associated with Alveston which is washed over by the Green Belt.
- 5.4 Paragraph 145 of the National Planning Policy Framework sets out the limited categories of development that is appropriate within the Green Belt. In particular, the NPPF sets out that the extension or alteration of an existing building is appropriate development provided that it does not result in a disproportionate addition, over and above the size of the original building.
- 5.5 In respect of extensions to existing buildings Policy PSP7 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 carries this principle forward, and it is relevant to proposals for domestic extensions. It goes further and sets out that, as a general guide that additions of up to 30% of the volume of the original building would likely be considered appropriate. Where an extension would exceed this up to 50% the proposal would be carefully assessed and in particular paying attention to the scale and proportion of the extension. Where proposed extensions exceed 50%, the policy indicates that this would likely be considered disproportionate and therefore inappropriate.
- 5.6 In this instance, the proposed development would result in a single storey side extension. Officers note that the existing dwelling includes a modest side extension to the Southeast elevation. It is of note that this site currently benefits from two planning permissions, both of which can lawfully be implemented at this time. The assessment of the previous planning permissions concluded that those extensions are acceptable in Green Belt terms. This proposal includes a pitched roof and would not be materially greater in scale than the previous consent with a pitched roof. The proposal would not materially change the scope of the extant planning permission; and as such would not result in a greater impact upon the openness of the Green Belt. Furthermore, given that the location of the site, which is within the settlement boundary of Alveston and

- within a built up area, officers are satisfied that the proposed development would have a limited impact upon the openness of the Green Belt.
- 5.7 On this basis, officers are satisfied that the proposed development is appropriate in Green Belt terms.
- 5.8 Design
The existing building dates from the mid 20th Century and is set amongst a wider estate of similar detached dwellings dating that period. The general character of the village in this location is dominated by mid 20th Century buildings and are of a wide range of styles, scale and size.
- 5.9 The proposed development would provide a modest side extension. It would replace the existing detached garage associated with the dwelling. Again, this application should be considered in the context of the extant planning permissions relating to this site and which are material planning considerations. Comments from local residents in relation to the appearance of the development are noted. The earlier planning permission shows a development that is very similar to that which is proposed under this application. This includes a pitched roof design. This was considered acceptable at the time that the previous application was considered and officers remain of the same opinion at this stage. In particular, it is considered that the pitched roof design would be in keeping with the general character of the dwelling and similar developments in the surrounding locality. Accordingly, officers conclude that the proposed development is acceptable in design terms.
- 5.10 Residential Amenity
Comments have been received from local residents that raise concern about the impact of the development upon the amenity of the occupants of nearby dwellings; in particular the neighbouring dwelling to the West.
- 5.11 Again, this application should be considered in the context of the earlier planning permissions which remain extant; and which were considered acceptable in residential amenity terms. Whilst the proposed development (and the approved developments) would result in a change to the existing situation, given the nature of the proposed development, its orientation and relationship with nearby dwellings officers are satisfied that it would not result in an unacceptable impact. This application proposes a very similar development to the earlier approval. The key difference is that the extension would be constructed on the party boundary with the property to the West. Civil matters relating to that relationship are considered later in this report.
- 5.12 This means that the extension would become approximately 150 mm closer to the neighbouring dwelling than currently approved. It is also of note, that the existing garage structure, which would be demolished as part of the proposed development, is constructed on the party boundary. The proposed development would, in effect, replace the existing garage wall.
- 5.13 Whilst the proposed development would be closer to the neighbour than the extant permission, officers are satisfied that the minimal distance (approximately 150mm) would not result in a materially greater impact on

- amenity than the previously approved development. In all other respects (overall height and scale) the development is also very similar and would not materially alter the relationship of the approved development with the surrounding dwellings.
- 5.14 Accordingly, officers conclude that the proposed development is acceptable in residential amenity terms.
- 5.15 Transportation and Highway Safety
The proposed development would utilise the existing access arrangements onto Hazel Gardens. The development would also provide adequate off street parking and is compliant with the South Gloucestershire parking standards. On this basis, officers are satisfied that the proposed development would not result in a material impact in highway safety and transportation terms.
- 5.16 Civil Matters
It is noted that comments received raise concern that the proposed development would encroach into the neighbouring property; and that development should be at least one metre from the boundary of adjoining property. Concern is also raised that the development may affect part of the neighbouring garden wall and other elements close to or on the boundary. In this instance, the applicant has completed “certificate B” of the planning application form and in doing so has confirmed that the neighbour has been given the appropriate notifications as required by Planning Legislation.
- 5.17 Officers are aware that this development proposal is very likely to require entry into the neighbouring property to implement the development, specifically the Northwest Elevation. Indeed, this is likely the case for the previously approved development. It is not the case that planning legislation requires that there is a 1 metre easement from new development to the neighbouring boundary. As set out above, officers have concluded that the proposed development in this position is acceptable in planning terms.
- 5.18 Matters relating to access to third party land in order to implement approved development are civil matters. They may also be covered by the Party Walls Act 1996. In any case, this is not a matter which is covered by planning legislation. Any planning consent does not automatically grant consent to enter or carry out development on third party land without the consent of the owner of that land. Informative notes to that effect will be put on any grant of permission, as these are issues the developer will need to address outside of the planning application process.
- 5.19 Accordingly, whilst the concerns of the objector are noted, it is not appropriate to apply material weight in respect of the determination of this planning application.
- 5.20 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.

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is granted subject to the following condition.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

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

Reason

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

