



**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. 06/18

Date to Members: 09/02/2018

Member's Deadline: 15/02/2018 (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:

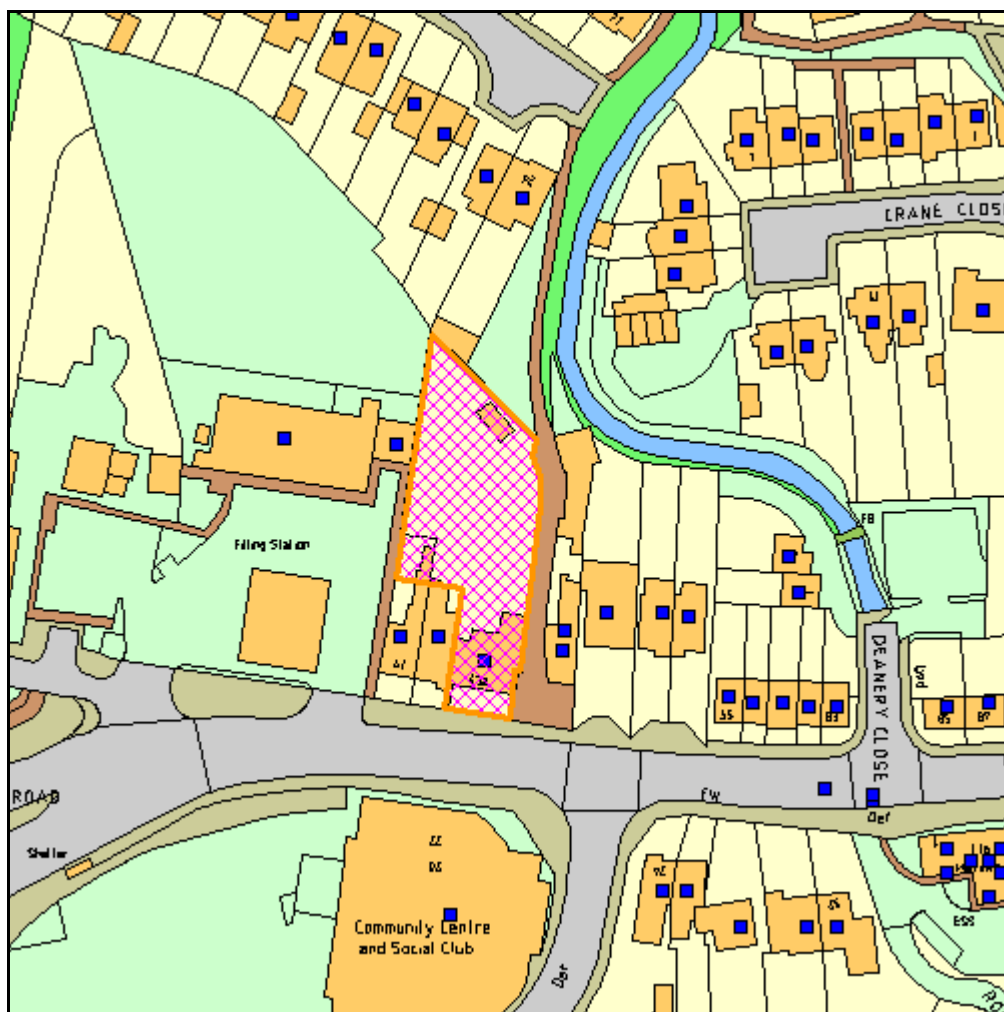
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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 - 9 February 2018

| ITEM NO. | APPLICATION NO. | RECOMMENDATION | LOCATION | WARD | PARISH |
|----------|----------------------|-------------------------|---|---------------------|--|
| 1 | PK17/1407/F | Approve with Conditions | 41 - 43A Deanery Road Kingswood South Gloucestershire BS15 9JB | Siston | None |
| 2 | PK17/3702/F | Approved Subject to | Land To The East Of Greenbank Road Hanham South Gloucestershire | Hanham | Hanham Parish Council |
| 3 | PK17/5217/F | Approve with Conditions | Brockham House North Stoke Lane Upton Cheyney South Gloucestershire BS30 6NG | Bitton | Bitton Parish Council |
| 4 | PK17/5658/F | Approve with Conditions | 23 Furzewood Road Kingswood South Gloucestershire BS15 4HH | Kings Chase | None |
| 5 | PK17/5710/O | Approve with Conditions | 1A & 39A Blackhorse Road Kingswood South Gloucestershire BS15 8DZ | Woodstock | None |
| 6 | PK17/5761/CLP | Approve with Conditions | 28 Croomes Hill Downend South Gloucestershire BS16 5EH | Downend | Downend And Bromley Heath Parish Council |
| 7 | PK17/5852/RVC | Approve with Conditions | 1 Elmtree Way Kingswood South Gloucestershire BS15 1QS | Kings Chase | None |
| 8 | PK18/0165/F | Approve with Conditions | The Scout Hall Northcote Road Mangotsfield South Gloucestershire BS16 9HF | Rodway | None |
| 9 | PT17/2856/F | Approve with Conditions | Land Off Mumbleys Lane Mumbleys Lane Thornbury South Gloucestershire BS35 3JU | Thornbury South And | Thornbury Town Council |
| 10 | PT17/5105/F | Approve with Conditions | 36 Braemar Crescent Filton South Gloucestershire BS7 | Filton | Filton Town Council |
| 11 | PT17/5720/CLP | Approve with Conditions | 12 Mackie Grove Filton South Gloucestershire BS34 7NF | Filton | Filton Town Council |
| 12 | PT17/5779/CLE | Approve with Conditions | 1 Catbrain Lane Almondsbury South Gloucestershire BS10 7TQ | Patchway | Almondsbury Parish Council |

CIRCULATED SCHEDULE NO. 06/18 – 9 FEBRUARY 2018

| | | | |
|------------------------------|--|---------------------|-----------------|
| App No.: | PK17/1407/F | Applicant: | Mr R Longden |
| Site: | 41 - 43A Deanery Road Kingswood Bristol South Gloucestershire BS15 9JB | Date Reg: | 21st April 2017 |
| Proposal: | Demolition of existing garage. Erection of 2no. flats and 4 no. dwellings with access, parking and associated works. | Parish: | None |
| Map Ref: | 366709 173588 | Ward: | Siston |
| Application Category: | Minor | Target Date: | 14th June 2017 |



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N.T.S.

PK17/1407/F

1. THE PROPOSAL

- 1.1 The application site relates to the large rear garden areas to nos. 41 and 43 Deanery Road Warmley and the land currently occupied by a garage/vehicle repair shop at no. 43a Deanery Road.
- 1.2 A full planning permission is sought to demolish the garage/vehicle repair shop at no. 43a as well as the garage to no. 43 and develop this site and much of the garden areas to the rear to erect 2no. self-contained 2-bed flats in a two-storey block on the site of 43a; and 4no. semi-detached 2.5 storey 3-bed houses to the rear. An existing adopted lane immediately to the east would be utilised to access the properties.
- 1.3 Nos. 41 and 43 are 2-storey dwellings fronting Deanery Road. To the east is the garage/vehicle repair shop no.43a which is single-storey and also fronts onto Deanery Road. The existing tenants of the garage are relocating to Soundwell, so the garage will become empty in due course. The houses i.e. nos. 41 & 43 have large rear gardens that extend to the rear of no. 43a. There is an existing detached single garage to the rear of no.43 and this is accessed via an adopted access lane which bounds the gardens to the east. This lane reverts to a public footpath shortly after this access and connects to Fawkes Close. The lane serves nos. 43, 43a and 45 Deanery Lane and currently varies in width from 5.6m at the junction with Deanery Road reducing to approx. 3.3m shortly after for the entire boundary to no.43.
- 1.4 The site is bounded to the North by the rear gardens of properties on Fawkes close. To the East of the adopted lane are other residential properties fronting Deanery Road, the nearest of which is no.45. This property has a single-storey garage to the rear which is served by the adopted access lane; there is also open frontage parking off Deanery Road. To the South, on the opposite side of Deanery Road is a Community Centre and its associated car park. To the West, is a Tesco petrol filling station and associated shop and forecourt.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Practice Guidance 2014

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013

CS1 - High Quality Design
CS2 - Green Infrastructure
CS4A – Presumption in Favour of Sustainable Development
CS5 - Location of Development
CS6 - Infrastructure and Developer Contributions
CS8 - Improving Accessibility
CS9 - Managing the Environment and Heritage
CS13 - Non-safeguarded Economic Development Sites
CS16 - Housing Density

CS17 - Housing Diversity
CS18 - Affordable Housing
CS23 - Community Infrastructure and Cultural Activity
CS24 - Green Infrastructure, Sport and Recreation Standards
CS29 - Communities of the East Fringe of the Bristol Urban Area

The South Gloucestershire Local Plan: Policies, Sites and Places Plan
(Adopted) 10th Nov. 2017

PSP1 - Local Distinctiveness
PSP2 - Landscape
PSP3 - Trees and Woodland
PSP5 - Undesignated Open Spaces within Urban Areas and Settlements
PSP6 - Onsite Renewable & Low Carbon Energy
PSP8 - Residential Amenity
PSP10 - Active Travel Routes
PSP11 - Development Related Transport Impact Management
PSP16 - Parking Standards
PSP17 - Heritage Assets and the Historic Environment
PSP19 - Wider Biodiversity
PSP20 - Flood Risk, Surface Water and Watercourses
PSP21 - Environmental Pollution and Impacts
PSP22 - Unstable Land
PSP37 - Internal Space and Accessibility Standards for Dwellings
PSP43 - Private Amenity Space Standards

West of England Joint Waste Core Strategy (Adopted) March 2011
Policy 1

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.

Affordable Housing SPD Adopted Sept. 2008.

South Gloucestershire Council Residential Parking Standards (SPD) Adopted Dec. 2013.

Waste Collection: guidance for new developments (SPD) Adopted Jan. 2015

Trees on Development Sites SPG Adopted Nov. 2005

3. RELEVANT PLANNING HISTORY

- 3.1 PK01/0917/F - Erection of single-storey extension to existing garage, together with erection of new pitched roof over the entire building.
Approved 12 July 2001

4. CONSULTATION RESPONSES

There have been two rounds of consultations as a result of revisions received in Dec. 2017. The following is a summary of the overall responses received.

4.1 Siston Parish Council

Initial response:

“Siston Parish Council's objections are based on undoubted dangers for so many pedestrians currently using the lane running along the eastern boundary of the site, which will be changed from a present occasional use by two private motor vehicles to a dramatic increase in a high number of two-way traffic.

Families from the 100 plus homes on the Firework Farm Estate have used this lane daily for some 40 years as their only direct pedestrian route to public transport, schools, shops, and local services, with no foot-way provided or needed as no dangers were faced. The introduction of such greatly increased vehicle manoeuvring along this lane would be a safety hazard for all. Additional vehicles regularly exiting this lane in such close proximity to a pedestrian crossing and opposite a road junction on this heavily trafficked A420 road would also create danger for many road users.”

Subsequent response:

“Members are disappointed to note what now appears to be acceptance of an increase in motor vehicle use of this sole southerly pedestrian link for families living at Firework Farm Estate. However, they remain of the view that support for a greater amount of vehicle movement along this access lane will bring increased danger to local people. They are also greatly concerned to note the latest promotion of a 'three point turn' for certain vehicles wishing to access or exit the proposed site, with this, they feel, resulting in an even higher safety risk. Because of these concerns, local councillors are of the view that any such development should, as a minimum, be required to provide a segregated and/or dedicated raised pedestrian footway.”

Oldland Parish Council

No response

4.2 Other Consultees

Historic Environment (Archaeology)

No objections

Highway Structures

Standard response – no objection.

The Coal Authority

No objection subject to a condition to secure intrusive site investigation works and mitigation should coal mining legacy issues be found.

Avon & Somerset Police

No objection

Lead Local Flood Authority

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

Housing Enabling

This scheme does not reach any of the thresholds for affordable housing under Policy CS18 of the adopted Core Strategy.

New Communities

The application for the erection of 4no. dwellings and 2no. flats falls below the threshold for requiring S106 contributions towards open space which is a net gain of 10 or more dwellings, therefore we have no comments,

Transportation D.C.

No objection subject to conditions to secure access road widening and footpath, construction management plan and parking arrangements.

Environmental Protection

No objection subject to a condition relating to possible contamination of the site and mitigation for impacts on air quality.

Other Representations

4.3 Local Residents

9no. local residents raised objections to the scheme as originally proposed. The concerns raised are summarised as follows:

- Increased vehicles on the existing public footpath to Firework Farm Estate.
- Cars exiting onto a pedestrian crossing and close to Tesco's exit.
- Cars speeding off the ring road roundabout into Deanery Rd.
- Already difficulties exiting existing parking spaces.
- Overdevelopment.
- Difficulty of parking for no. 45a.
- There is already a lack of parking in the lane.
- Increased air pollution.
- The lane is used as a cycleway.
- Increased traffic – already too many junctions on Deanery Road.
- Not in-keeping with the local area.

2no. further letters of objection were received in relation to the revised scheme raising the following specific objections:

- The building of 3 town houses so close to a major traffic junction will increase existing hazards when entering/exiting the busy main road. These properties would be immediately adjacent to a busy pedestrian crossing used by children accessing the Manor Primary School and has a narrowing in the road due to a bollard island.
- The proposed houses are not in-keeping.
- The occupiers of nos. 45 & 49 Deanery Rd. have garages in the lane which would be affected. The turning space proposed would be right outside the garages.
- Any reversing will be straight into the public lane.
- The proposed footpath will be right outside the garages of 45 & 49. What will the footpath consist of?
- An increased number of cars (13no) will use the lane.
- Cars will come onto Deanery Road close to the pedestrian crossing.
- Too close to the exit from Tesco's Petrol Station.

- Jobs will be lost if garage (43a) is pulled down.
- No. 45a will have nowhere to park.
- No visitor parking for no.45.
- Overdevelopment of site.
- There should be a site visit to assess matters first hand.
- Residents do not park on Deanery Road because it is too dangerous to do so. Baden Road has double yellow lines on both sides. Nobody parks at the top end due to concerns about vandalism.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

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

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

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

5.4 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.

5-Year Land Supply

- 5.6 The Council's Annual Monitoring Review (AMR) reveals that the Council cannot currently demonstrate a 5-year housing land supply. There is currently provision for 4.66 years with a deficit of 719 new homes. As there is provision for windfall sites in the calculation, this weighs in favour of the proposal, which would make a positive contribution, to the housing supply within South Gloucestershire; as such para. 14 of the NPPF is therefore engaged.
- 5.7 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities, including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments. The proposal provides a mix of 2 bed flats and 3 bed houses which complies with this policy.
- 5.8 It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings'. The NPPF encourages efficient use of land and paragraph 47 requires the need to 'boost significantly the supply of housing'.
- 5.9 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: 'Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.'
- 5.10 Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.
- 5.11 The site lies within the Urban Area and within a sustainable location close to shops, services and public transport routes. The development of the site for residential purposes is broadly in compliance with Core Strategy Policy CS5 which directs most new development to the North and East fringes of the Bristol Urban Area. Given that the existing garage/vehicle repair business is re-locating to Soundwell and the buildings on the site at 43a are dated and ramshackle, the proposal does not conflict with Policy CS13 which seeks to retain economic development sites. There is therefore no in-principle objection to the proposed residential development, subject to the matters discussed below.

Analysis

Scale and Design

- 5.12 The design objective is to create a sustainable and attractive development that would deliver a mix of housing styles and tenure ranging from modest sized flats to 3-bed housing units. The scheme would provide a total of 6no.

dwellings. Figure 6 of the Wider Bristol SHMA vol 2 (Nov 2015) establishes that the greatest growth in market housing need over the 2016-2036 period, will be for three bedroom houses.

- 5.13 Core Strategy Policy CS1 requires new development to, inter alia, demonstrate that siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.14 The overriding development forms in the area are residential, inter-mixed with commercial elements. Different building styles and architectural features reflect the various periods of construction. Architecturally the area has a mixed and varied vernacular as opposed to one style that needs to be specifically replicated. Many of the local properties are however either terraced or semi-detached and predominantly 2-storeys in height. The palette of materials also varies from traditional natural stone to modern brickwork and render with concrete tiles.
- 5.15 The design rationale proposed has taken account of the above and as such, the 2-storey block of flats and semi-detached houses proposed are considered to be a logical design approach, which makes for the most efficient use of the land available. A total of 6no. dwellings are proposed on this 0.096ha site, which equates to a density of development of 62.5 d.p.h. which is considered appropriate for this location.
- 5.16 The flats would conform to the existing building line on Deanery Road; whilst the houses would be on a back-land site, they are not so divorced from the established grain of development as to justify refusal on this point.
- 5.17 The proposed flats would have a rustic appearance having natural rubble stone frontages and rendered side and rear elevations. The houses to the rear would have a modern appearance and would be rendered with tiled roofs to match existing properties.
- 5.18 Officers have no objections on urban design grounds to the proposal which is considered to accord with Core Strategy Policy CS1.

Transportation Issues

- 5.19 A number of highway safety concerns have been raised by local residents, in particular in relation to pedestrians using the lane and footpath beyond; these concerns are acknowledged by the Council's Transportation Officer.
- 5.20 The existing lane links to a public footpath located to the north – together, these (the existing lane and the public footpath) provide an important route for those people walking between the residential Estate to the north (i.e. Firework Farm Estate) and Deanery Road, where access on foot is made to public transport facilities, schools, shops and local services.
- 5.21 Access from this lane to the wider highway network is off Deanery Road - part of the A420 principal classified road and it is in close proximity to a signalised pedestrian crossing point. There are concerns that increased turning

movements in proximity to the existing crossing point would create further conflict at this location. However, it is acknowledged that the impact of this development would partially be offset by the removal of an existing commercial garage/car repair shop from this site. Notwithstanding this, given the location of the site entrance (i.e. access being onto a major highway and being in close proximity to a signalised crossing) it was considered necessary for the applicant to submit auto-track details and to demonstrate that service/emergency vehicles can access the site with sufficient on-site turning area for such vehicles, in order to access and egress the site in forward gear. It was also considered necessary to widen the access and create a footpath along the eastern side of the lane to segregate pedestrians from vehicles using the lane.

- 5.22 In response to these matters the applicant has submitted a revised plan showing the access lane widened plus construction of a segregated footpath to the east of the lane. The auto-track details requested have been provided to officer satisfaction and the whole arrangement has now been the subject of an 'independent' safety audit.
- 5.23 It is proposed to widen the access lane to 5m wide and this is considered adequate for two-way traffic movement. It is further proposed to create a new footway (2m wide) on the eastern side of the lane. The applicant's agent has confirmed that the footway would have a 25mm upstand (which still allows access to the existing neighbouring garages, served off the lane, that would be retained). Both access widening and the provision of the new footway are considered necessary in this case in order to make the development acceptable from a highway point of view. In any event, works to the highway would need to be to the highway authorities' standards and satisfaction.
- 5.24 Upon the issue of parking - the parking provision for the site is in accordance with SGC's Adopted Policies, Sites and Places Plan (Policy PSP16) and 'Residential Parking Standards' Supplementary Planning Document. According to the SG Council parking standards, a 1-bed dwelling requires 1 space, a 2-bed dwelling requires 1.5 spaces and a 3/4 bed dwelling requires 2 spaces. The proposal includes 11 spaces within a parking court to be constructed as part of the new development. The submitted plan shows a further 2 parking spaces to the front with access directly off Deanery Road. Overall, there would be a total of 13 spaces on site and this would include parking for the existing properties no. 41 and 43 Deanery Road. The design also includes one visitor parking space on the site. It must also be noted that as part of the provision of the new parking court for this development, the proposal would provide a suitable turning area on site to ensure that service vehicles can enter and exit the site access in forward gear.
- 5.25 Officers are therefore satisfied that the scheme provides acceptable parking provision as well as a suitable turning area on site for the scale of the development proposed. The access widening will be provided by demolition of an existing vehicle workshop/garage with the new housing and parking spaces provided in the overall plot created. Visibility splays at the access are shown at 2.4m x 43m and this is considered acceptable.

- 5.26 Some local residents and the Parish Council are objecting to this application on the basis of road safety and the issue of access for pedestrians. As mentioned above, the scheme has been subject to an independent safety audit by 'Cotswold Transport Planning'. It must be reported that the extent of the safety audit includes the consideration of the access arrangements from Deanery Road to the development parking court and it also considers the interaction with the controlled pedestrian crossing. The auditor has considered the proximity of the proposed access to the existing puffin crossing to the West and Baden Road junction to the East and comments as follows:-

"Whilst it is likely that the proposed development will generate more trips than the existing vehicle workshops it was observed during the site visit that vehicles associated with those businesses are regularly manoeuvred in and out of the workshop and parked on the footway and carriageway in the vicinity, including across the access to the shared use highway. Vehicles entering and exiting the workshop are being manoeuvred immediately adjacent to the pedestrian crossing area with parked vehicles outside the workshop potentially obstructing their view. It is therefore considered that the proposed development and subsequent removal of the existing workshop will provide an element of 'betterment' over the existing situation."

- 5.27 The transportation officer's own views, as well as his site observations, give support to those views expressed by the auditor and confirm that the impact of the proposed development as proposed would not necessarily increase highway risks to the road users, including pedestrians at this location, when compared to the existing situation.
- 5.28 In view of the above mentioned, and in consideration of the extant use of the site as well as the mitigating measures put forward, it is not considered that the residual cumulative impacts of development are 'severe' and as such a transportation objection cannot be substantiated in this case.

Impact Upon Residential Amenity

- 5.29 The site lies within the settlement boundary, close to the centre of Warmley. Officers have considered whether or not the proposal would have any adverse impact on residential amenity in terms of, overbearing impact or loss of privacy from overlooking or inter-visibility between habitable room windows; and whether adequate amenity space would be provided to serve the dwellings.
- 5.30 As regards overlooking and loss of privacy; some overlooking of neighbouring gardens from upper floor windows is only to be expected in urban areas where houses are built in close proximity to each other, especially if efficient use of land in the urban area is to be achieved, as is required by government and Local Plan policy.
- 5.31 In this instance the buildings have been appropriately orientated and set back from the site boundaries to give adequate distance between any facing habitable room windows. Furthermore, the retention of the existing boundary walls would help to screen the development from views to-from neighbouring residential property.

- 5.32 The buildings are considered to be appropriately scaled for the location and given their positions within the site, would not result in any significant overshadowing or overbearing impact for neighbouring residents.
- 5.33 In terms of amenity space for future occupiers, PSP Policy PSP43 provides that all residential units should benefit from adequate useable private amenity space relative to the size of the unit. All of the proposed houses and flats would benefit from private gardens and adequate amenity space is retained for nos. 41 and 43.
- 5.34 There are therefore no objections on amenity grounds.

Environmental Issues

- 5.35 Matters of noise, unstable land, contamination and disturbance must be considered in relation to the NPPF and Policy PSP21. The site does not lie within a zone at high risk of flooding. The site does lie within a Coal Referral Area, however a Coal Mining Risk Assessment has been submitted to the Coal Authorities satisfaction and subject to an appropriate standard condition relating to site investigations and mitigation should shallow workings be found; there are no objections on this issue. Connections to the mains sewer would need to be agreed with Wessex Water. A condition would secure a SUDS drainage scheme for surface water disposal. The locality is a densely populated urban location with a night time economy; any additional light pollution to result from the proposal would not have any significant adverse effect.
- 5.36 Standard informatives would be added to any approval, regarding construction sites. Whilst there may be some disturbance for local residents during the construction phase, this would be on a temporary basis only. In the event of planning permission being granted, a condition would be imposed to control the hours of working on the site. Possible excessive noise or anti-social behaviour from future residents is controlled by legislation other than that found within the Planning Act and is not therefore grounds to refuse the application. The Police Community Safety Officer has raised no objection to the scheme.
- 5.37 Given the previous use of part of the site as a garage/workshop, these uses may have led to contamination of the land. The Council's EHO has requested a condition to secure an assessment of this situation and measures in mitigation should contamination be found.

Air Quality

- 5.38 The proposed development is sited within and adjacent to the Kingswood – Warmley Air Quality Management Area (AQMA) and as such, could introduce new receptors into an area of poor air quality. This could result in impacts on the health of the future occupants.
- 5.39 The highest potential risk of exposure to poor air quality is to the future occupants of the ground floor flat fronting onto Deanery Road (A420). There is less of an exposure risk to future occupants of the first floor flat because of the distance, in terms of height, from the road traffic and therefore, the source of pollution. The four dwellings proposed behind the two flats are not considered to be an issue in terms of exposure risk because of the distance from the road.

- 5.40 When the pollutant (nitrogen dioxide) concentrations at the nearest SGC monitoring site (site 141; located at 41 Deanery Road) are considered however, these show the levels of nitrogen dioxide have been below the target set to protect human health in recent years.
- 5.41 Whilst the Stage 1 Road Safety Audit produced by Cotswold Transport Planning suggests that it is likely that the proposed development will generate more trips than the existing vehicle workshops, the number of additional vehicle trips are not considered significant in terms of the potential impacts on air quality and are not likely to result in an exceedance of the relevant air quality objectives in this location.
- 5.42 However, while the development itself is unlikely to contribute significantly to pollution levels within the Air Quality Management Area, the following good practice principles identified in the “Land-Use Planning & Development Control: Planning for Air Quality” guidance produced by Environmental Protection UK (EPUK) /Institute of Air Quality Management (IAQM) (January 2017) should be applied to all development to reduce emissions and contribute to better air quality management:
- Where on-site parking is provided for residential dwellings, Electric Vehicle (EV) charging points for each parking space should be provided.
 - All gas fired boilers to meet a minimum standard of <40mgNOx/kWh.

Furthermore PSP21 states that development that introduces receptors into designated AQMA's should mitigate the impact on future receptors. These matters can be secured by condition.

Landscape Issues

- 5.43 The existing site is well enclosed by high walls and is not generally visible from the public realm. The site contains no vegetation of note and its value as an ‘open space’ is very limited indeed. The proposed houses/flats would be provided with gardens and some indicative tree planting is shown on the submitted proposed site plan.
- 5.44 On balance therefore and subject to a condition to secure a landscape scheme, there are no objections on landscape grounds.

Ecology

- 5.45 The site comprises for most part rough garden land but is in part a brownfield site within the urban area. The site provides limited opportunity for ecological habitat. There are no existing trees on the site. Some ecological enhancement in the form of new habitat could be secured via the landscape scheme. There are no ecological constraints to the proposal.
- 5.46 New Communities
The scheme falls below the threshold for contributions towards public open space etc.

Affordable Housing

5.47 Consideration must be given to the need to provide affordable housing in accordance with Policy CS18 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

5.48 As the proposal is in an urban location with a site size of .096ha, is for 6 units and has a gross internal area of under 1,000 sq.m.; the scheme does not reach any of the thresholds for affordable housing under Policy CS18 of the adopted Core Strategy.

5.49 CIL Matters

The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. CIL charging commenced on 1st August 2015 and this development, if approved, would be liable to CIL charging

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

5.51 With regards to the above this planning application is considered to have a neutral impact on equality. Equalities have been given due consideration in the application of planning policy as discussed in this report.

The Planning Balance

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

5.53 In this case there are some clear benefits to the proposal; in light of the Council's housing land supply situation the provision of 6no. new dwellings must carry weight in its favour, albeit that the net gain would only represent a modest contribution to the 5-year housing supply. The economic benefits for local house builders and suppliers of building materials and for local services would be a further small benefit to which only moderate weight can be afforded. The proposal makes efficient use of land for housing in a highly sustainable location within the Urban Area which is a further benefit. The residual

cumulative transportation impacts of the development, which are not considered to be 'severe' can only be afforded neutral weight in the final balance, as this is expected of all developments. That said, the independent safety audit considers that there would be some betterment to highway safety in the scheme as proposed.

5.54 Weighed against this would be the loss of the existing garage/workshop but this business is re-locating so jobs would not be lost. There are alternative facilities within the wider area. Any harm to result from the proposal is not so great as to significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework as a whole or specific Framework policies.

5.55 On balance therefore officers consider that in their judgement, the proposal is sustainable development that should be granted planning permission.

6. CONCLUSION

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

6.2 The recommendation to grant planning 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 be GRANTED subject to the conditions listed below:

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies PSP8 and PSP21 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

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

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP2 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the National Planning Policy Framework. This is a pre-commencement condition to ensure that the site can be adequately landscaped.

4. The Development shall not be brought into use until the access (including footway buildout), car parking, cycle parking and turning areas have been completed in accordance with the approved plans and retained thereafter for that purpose.

Reason

To ensure the satisfactory provision of access, turning and parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies PSP11 and PSP16 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013.

5. Prior to the commencement of development, engineering details of the proposed access road widening (5m wide) and provision of a new footway (2m wide) as shown in principal on 'Proposed Site Plan :Ground' (drawing no 2913/2 Rev A) from Deanery Road shall be submitted to and agreed in writing by the local planning authority. Prior to the first occupation of any dwelling hereby approved, the road widening and the new footway shall be completed in full and in accordance with the Council's adoptable standards of construction so agreed.

Reason

To ensure that highway works are carried out to an acceptable standard in the interest of highway safety and the amenity of the area, and to accord with Policy PSP11 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013. This is a pre-commencement condition to ensure that the required highway works can be implemented at the site.

6. Prior to the commencement of work on the site, including demolition a site specific Construction Environmental Management Plan (CEMP), shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved plan.

The CEMP shall address the following matters:

- (i) Measures to control dust from the demolition and construction works approved.
- (ii) Adequate provision for the delivery and storage of materials and provision of suitable contractor's parking on site.
- (iii) Measures to control the safe movement of construction traffic on The access road leading into the site and Deanery Road to include the use of a Banksman for all reversing movements.
- (iv) Deliveries shall only take place Monday to Friday between the hours of 09:30 to 15:00 (school term time) and 09:00 to 16:00 (outside of school term time) and 09:00 to 12:00 Saturday. No deliveries on a Sunday.
- (v) Details of how construction work is to be managed to ensure that the access road is not obstructed.
- (vi) Details of how residents of the access road and adjacent properties on Deanery Road will be kept informed about the programme of works including the timing of large vehicle deliveries.
- (vii) Contact details for the Site Manager.

Reason

In the interests of residential amenity and highway safety and to accord with Policies PSP8, PSP11 and PSP21 of the The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013 and the provisions of the NPPF. This is a prior to commencement condition to ensure that all works including demolition are carried out appropriately.

7. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. For the avoidance of doubt the submitted scheme should include the following information:
- o A clearly labelled drainage layout plan showing the exact location of any soakaways.
 - o Evidence is required to confirm that the ground is suitable for soakaways. Percolation / Soakage test results as described in Building Regs H - Drainage and Waste Disposal
 - o Evidence that the soakaway is appropriately sized in accordance with BRE Digest 365 Soakaway Design.
 - o Sp.Note; - Soakaways must be located 5 Metres from any structure including the Public Highway

Reason

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

8. In relation to potential Land Contamination Risks the following steps shall apply:

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

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

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

Reason

In the interests of the health of future occupiers and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and Policy PSP21 of The South Gloucestershire Policies Sites and Places Plan (Adopted) Nov. 2017. This is a pre-commencement condition to ensure that the site can be safely developed.

9. Prior to the first occupation of the dwellings hereby approved;
- o Where on-site parking is provided for residential dwellings, Electric Vehicle (EV) charging points for each parking space shall be provided.
 - o All gas fired boilers to meet a minimum standard of <40mgNOx/kWh.

And maintained as such thereafter.

Reason

To reduce emissions and contribute to better air quality management having regard to the sites location within and adjacent to the Kingswood-Warmley AQMA, in the interests of the health of future occupiers and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and Policy PSP21 of The South Gloucestershire Policies Sites and Places Plan (Adopted) Nov. 2017.

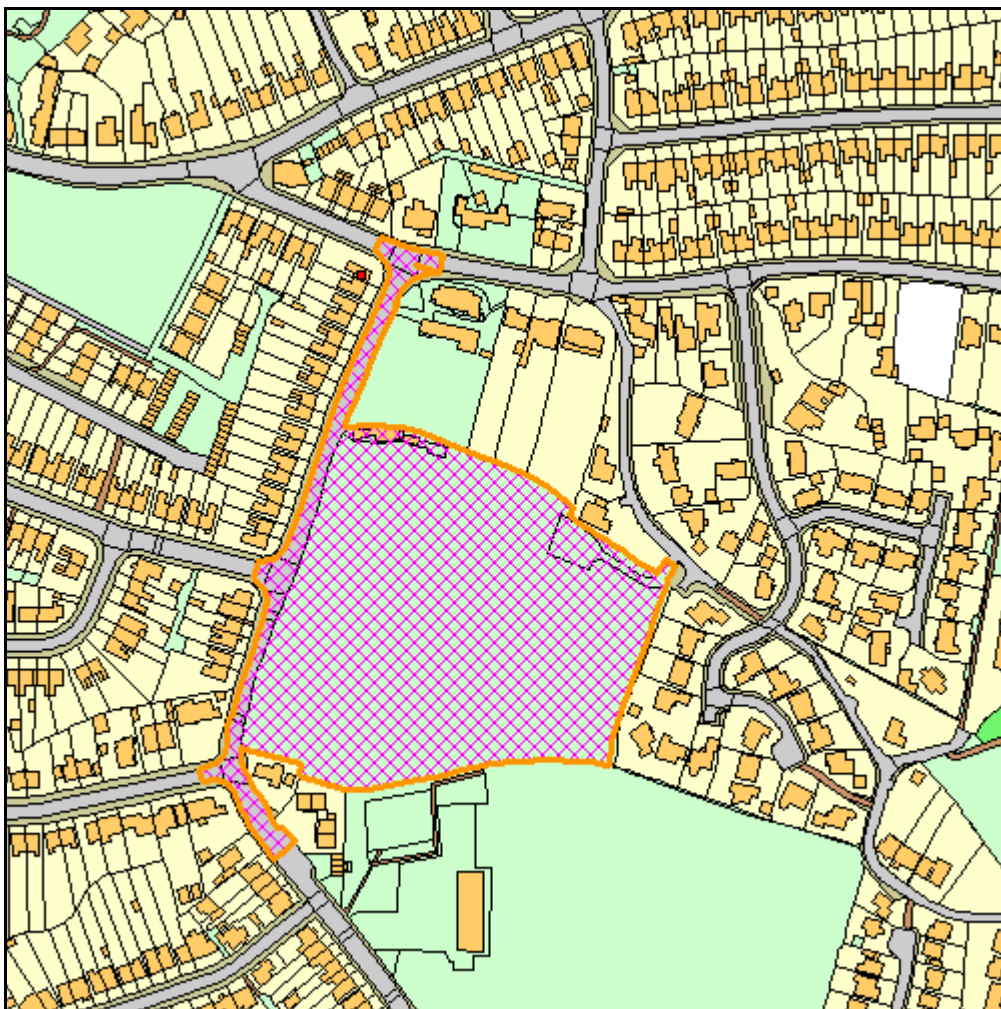
10. Prior to the commencement of the development hereby approved, intrusive site investigation works of the site shall be undertaken to establish the coal mining legacy issues (if any) on the site and appropriate measures of mitigation, should shallow mining or mine entries be found. The mitigation measures if required shall be carried out to the Council's written satisfaction prior to the commencement of the development hereby approved.

Reason

This is a pre-commencement condition as investigation works and appropriate mitigation are required to ensure the future safety of the occupiers of the development and prevent the need for retrospective mitigation after the development is commenced/completed and to take account of the past mining activities within the area in accordance with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP22 of The South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) Nov. 2017.

CIRCULATED SCHEDULE NO. 06/18 – 9 FEBRUARY 2018

| | | | |
|------------------------------|---|---------------------|-----------------------|
| App No.: | PK17/3702/F | Applicant: | Square Bay (No 4) LLP |
| Site: | Land To The East Of Greenbank Road Hanham South Gloucestershire | Date Reg: | 29th August 2017 |
| Proposal: | Erection of 77no dwellings (including 27no affordable) with associated access, parking, landscaping, infrastructure and open space. | Parish: | Hanham Parish Council |
| Map Ref: | 364915 172546 | Ward: | Hanham |
| Application Category: | Major | Target Date: | 3rd November 2017 |



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PK17/3702/F

1. **THE PROPOSAL**

- 1.1 The site consists of an open area of land situated to the East of Greenbank Road. The site is located within Hanham and is within the Urban Area associated with the Bristol East Fringe.
- 1.2 Currently the site is enclosed on its Western edge by a mature hedgerow which also forms the Eastern side of Greenbank Road. The Western side of Greenbank Road is occupied by modern semi-detached dwellings with hipped roofs. The site is enclosed on its Northern edge by existing residential development associated with Kingsfield Lane and Holyguest Road as well as land associated with Kingswood Church of the Ascension. The Eastern Edge is enclosed by development associated with Tyler Close whilst local children's play facilities the AEK Boco Football Club are located immediately to the South of the site.
- 1.3 Generally the locality is sub-urban in nature and characterised by modern mid to late 20th Century buildings. Traditional buildings associated with Kingsfield Lane and Holyguest Road are located to the North and East of the site. The existing access to the site is from Kingsfield Lane (in the very Northeast corner of the site. There is currently no access onto the site from Greenbank Road.
- 1.4 The proposed development consists of the construction of 77 new residential dwellings. The dwellings would be made up of the following;
- i) 30 x 4 bed houses
 - ii) 30 x 3 bed houses
 - iii) 9 x 2 bed houses
 - iv) 3 x 2 bed flats
 - v) 5 x 1 bed flat
- The proposed development includes the provision of 27 Affordable Housing units.
- 1.5 The proposed development details two separate accesses onto Greenbank Road. The proposed development would provide 129 private parking spaces, 43 garage parking spaces and 16 visitor parking spaces.

2. **POLICY CONTEXT**

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

- 2.2 **Development Plans**

The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013

| | |
|------|--|
| CS1 | High Quality Design |
| CS4A | Presumption in Favour of Sustainable Development |
| CS5 | Location of Development |
| CS6 | Infrastructure and Developer Contributions |

| | |
|------|--|
| CS9 | Managing the Environment and Heritage |
| CS15 | Distribution of Housing |
| CS17 | Housing Diversity |
| CS18 | Affordable Housing |
| CS23 | Community Infrastructure and Cultural Activity |
| CS24 | Green Infrastructure, Sport and Recreation Standards |
| CS29 | Communities of the East Fringe of Bristol Urban Area |

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

| | |
|-------|---|
| PSP1 | Local Distinctiveness |
| PSP2 | Landscape |
| PSP3 | Trees and Woodland |
| PSP5 | Undesignated Open Spaces within Urban Areas and Settlements |
| PSP8 | Residential Amenity |
| PSP10 | Active Travel Routes |
| 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 |
| PSP43 | Private Amenity Space |

2.4 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted)
The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.
Affordable Housing SPD Adopted Sept.2008.
South Gloucestershire Council Residential Parking Standards (SPD) Adopted (2013)
South Gloucestershire Landscape Character Assessment (adopted Nov 2014) - LCA 14 Kingswood

3. **RELEVANT PLANNING HISTORY**

3.1 None

4. **CONSULTATION RESPONSES**

4.1 Hanham Parish Council
Object for the following reasons;

There is insufficient private amenity space for the proposed flats.

Concern that the proposed access to the site is on a blind bend.

The proposed plans do not show how vehicles will manoeuvre through the site.

The original 'trim-track' and 'outdoor gym' is not proposed as promised by the developer. The proposal to upgrade the children's play area is a poor substitute.

4.2 Highway Authority

No objection in principle subject to the implementation of highway improvements, travel plan and real time upgrading to local bus stops.

In particular it is noted that;

There is sufficient visibility and capacity onto Greenbank Road from the proposed access points into the site and would provide sufficient space for use by refuse vehicle.

The surrounding highway network has sufficient capacity to cater for the proposed development; and the impact would be minor.

The proposed highway improvements on Greenbank Road (including improved footway provision and dropped kerb pedestrian crossing points will provide adequate mitigation of the impact of the development in highway safety terms.

4.3 Lead Local Flood Authority

No objection in principle subject to the provision of sustainable drainage measures (SuDS) on the site as part of the development.

4.4 Landscape Officer

The proposal falls short of South Gloucestershire Landscape policy and the landscape strategy for Landscape Character Area 14 (Kingswood). Clarification in respect of planting/landscaping detail has been requested and planting suggestions made to improve the development in landscape terms. Concern is raised as to the creation of steep slopes within garden areas.

4.5 Ecology Officer

The Ecology officer has confirmed that the development will not materially impact upon protected species or habitat. Initial concern is raised as to the loss of the hedge associated with Greenbank Road and the level of mitigation for this loss (priority habitat). However, following revisions to the landscaping proposal, the Ecological Officer is satisfied that initial concerns have been addressed and the loss of the hedge has been adequately mitigated. A lighting condition is requested to create/protect dark areas at the perimeter of the site

4.6 Arboricultural Officer

No Objection, subject to the development being implemented in accordance with submitted Arboricultural Management Scheme and appropriate tree protection measures.

4.7 Waste Management Team

No objection in principle.

4.8 Highways Structures

No objection in principle.

4.9 Arts Co-ordinator

No objection in principle. A condition relating to the provision of public art within the site is requested.

4.10 Community Spaces Officer

No objection in principle subject to the following requirements (to be secured by s106 legal agreement);

Financial contributions

| | |
|--|-------------|
| Off-site Public Open Space provision/enhancement | £219,046.29 |
| Off-site Public Open Space maintenance | £126,555.80 |
| Public Open Space inspection fees | £1948.20 |

Inspection fees required for on-site provision of public open space which equates to 2310 sq.m of Natural and Semi-Natural Open Space.

The financial contribution are to be direct to the following sites;

- i) Natural and Semi-natural Open Space - Cock Road Ridge and or Court Road/Pettigrove Road open space
- ii) Outdoor Sports Facilities - Greenbank Road Playing Field
- iii) Provision for Children and Young People – Greenbank Rd and/or Court Road play areas.

4.11 Housing Enabling Team

The proposed development generates a requirement for 35% of the dwellings to be provided as Affordable Housing Units with a tenure split of 73% Social Rent and 27% Shared Ownership. This is to be provided on the following basis;

20 Social Rent units comprising

3 x 1 bed flats
3 x 2 bed flats
7 x 2 bed houses
6 x 3 bed houses
1 x 4 bed house

7 Shared Ownership units comprising

2 x 1 bed flats
2 x 2 bed houses
3 x 3 bed houses

Other Representations

4.12 Local Residents

14 sets of comments have been received. Of these, 8 comments are made in objection, 4 make a general comment and 2 are made in support.

Objection Comments are summarised as follows:

The proposed development will increase traffic on Greenbank Road to the detriment of highway safety.

The proposed access to the site is unsafe.

Greenbank Road, Wesley Road and Holyguest Road suffer from existing speeding problems. The surrounding locality is already congested with traffic.

Potential conflict with of vehicles waiting to turn onto driveways.

The proposed footway would have the effect of narrowing the road to the detriment of highway safety; and does not connect to the surrounding locality.

Wesley Avenue is used as a 'rat run' to access Hanham High Street travelling at high speed. Traffic calming and a 20 mph speed limit should be provided on Wesley Avenue in order to make this development acceptable in planning terms.

There is insufficient parking proposed within the development. The proposed development will exacerbate existing car parking problems in the area.

The density of the proposed development is too high and is out of character with the low density of the surrounding area.

The number of dwellings on the site should be reduced to 10.

The proposed development will use a greenfield site when houses should be built on brownfield land.

The proposed development would not provide and green space

The development would create water run off during heavy rain.

The development would put pressure on existing services.

The development would cause more pollution, especially during rush hour.

There would be a loss of wildlife and impact on existing habitat (including bats). The development would result in the loss of the hedgerow on Greenbank Road which acts as a wildlife corridor. The landscaping of the site is not sufficient for wildlife.

Potential anti-social behaviour associated with the play area and routes though the site.

Concerns are raised as to the impact of the construction phase of the development.

General Comments are summarised as follows;

There is general support for the provision of new housing in the locality

Traffic calming should be provided as part of the proposed development; provision on Holyguest Road is suggested.

Consideration of pedestrian safety should be given to this application.

The developer should have regular meetings with local residents and provide a work plan and regular updates.

Contractor parking should be provided on site to avoid conflict with local residents parking.

Working on site should be restricted to 8am until 4pm Monday to Friday only.

Greenbank Road should be cleaned on a daily basis during the construction phase.

Improvements to local play facilities are welcome but the upkeep of them should be ensured.

Support Comments are summarised as follows:

The development will be a good use of the site and provide housing.

The development would address issues with anti-social behaviour on the site.

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed development consists of the demolition of existing structures/buildings on the site and the construction of 77 new residential dwellings. The development would provide a mix of detached dwelling-houses, semi-detached dwelling-houses and flats. The development includes the provision of 27 Affordable Housing Units.
- 5.2 Principle of Development
The National Planning Policy Framework (NPPF) makes a strong presumption in favour of Sustainable Development. In respect of decision making, paragraph 14 of the NPPF sets out that Local Planning Authorities should approve development proposals without delay where they accord with the local development plan, unless other material planning considerations indicate otherwise.
- 5.3 The South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 together with the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 form the adopted local development plan. Policy CS5 and CS15 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013 encourage new residential development into the Urban Areas, whilst policy CS29 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013 encourages the provision of new housing in the East Fringe of Bristol Urban Area in line with Housing policy CS15 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013.
- 5.4 The planning application details the provision of new dwellings within the East Fringe of Bristol Urban Area. It includes a good mix of housing types including Affordable Housing. Accordingly, the proposed development is consistent with the scope of the above planning policies and the development is acceptable in principle; subject to the detailed consideration set out below.

5.5 Five Year Housing Land Supply

At this time, South Gloucestershire Council cannot demonstrate that it has a five year supply of housing land. The proposed development would provide 77 dwellings towards the current deficit. Furthermore, it is likely that the developer would deliver the proposed dwellings within 5 years. Whilst the amount of housing is relatively modest, the delivery of it would bring a positive benefit to which officers afford modest weight.

5.6 Agricultural Land Impact

Whilst the site lies within the East Fringe of Bristol Urban Area, the application site is open green-field land. It currently has no specific land use and as such could be regarded as providing agricultural land. However, it is clear that the land is not being used for agricultural purposes and is made up of mown grass with areas of scrub and hedging at its edges.

5.7 The site measures approximately 2.66 hectares. The site is surrounded by urban development and has limited access at this time. As such officers are satisfied that the site would not likely provide a viable agricultural use. Given the condition of the site and its overall area, it is unlikely to provide high quality agricultural land that should otherwise be retained. On this basis, officers are satisfied that the loss of the green-field site would not result in a material impact in respect of the retention of high quality agricultural land; and limited weight is afforded to this impact.

5.8 Design, Layout and Landscape

The proposed development would provide 77 new residential dwellings as a good mix of detached dwelling-houses, semi- detached dwelling-houses and flats. Access to the site is from two separate access points onto Greenbank Road, with the majority of the development being access from the southerly access.

5.9 *Design and Layout* - The application shows a wide range of house types and strong pallet of materials. The general scope of the design of the dwellings is one of a contemporary approach. The frontage of the site would include hipped roof style semi-detached dwellings that reflect the style and type of dwellings present along Greenbank Road. The proposed materials are appropriate and bring variety and distinctiveness the street scene. The proposal shows a small area of open-space opposite the junction Woodyleaze Drive and Greenbank Road. This acts as a focal point in the development as it faces onto Greenbank Road whilst the frontage of the dwellings along Greenbank Road are set back behind front gardens and private parking spaces. This reflects the mid 20th Century suburban character of Greenbank Road. Overall the development achieves a density of approximately 29 dwellings per hectare, although this ratio accounts for areas of open space provided as part of the development. It is anticipated that the built area of the development is approximately 35 dwellings per hectare and this is consistent with the character of the surrounding locality.

5.10 Within the site, the design of the dwellings reflects a more modern style. Again, there is a strong pallet of materials appropriate to the wider locality.

The general internal 'street' arrangement utilises flush tegular paving to enhance the focus on pedestrians rather than the private car. The development would effectively introduce a new walking/recreational route through the site (from West to East) linking the site with Hanham Town Centre (due West) and wider walking/recreational routes towards Longwell Green Leisure Park and to open space south of Cock Road (Cock Road Ridge) and beyond. New natural and semi-natural open space would be introduced along the south and west boundary of the site and this would provide recreational and amenity for the occupiers of the new development and the wider local community. The area to the south of the site includes a small area of outdoor gym equipment and this would benefit the amenity of the development and the wider community. The development also includes a landscaped pedestrian link from north to south within the site. Together with the measures discussed above, officers consider that this would provide good pedestrian permeability through the site. The exact provision of street furniture (benches and waste bins etc) is not shown on the application drawings. However, the applicant has indicated that street furniture can be provided and would accept a planning condition relating to the design and provision of street furniture. The use of bespoke street furniture can add positively to the distinctiveness of the site and the locality, and is a way of bringing public art into new development. On this basis, officers consider that this is a good opportunity to also provide an element of public art in proportion to the development.

- 5.11 Having regards to the above, officers are satisfied that the general layout and appearance would facilitate a distinct development which complements the general character of the locality and that the represents good quality design. As such the proposed development is consistent with the scope of Policy PSP1 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017; and Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013.
- 5.12 *Energy Efficiency* - PSP6 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 seeks to reduce CO2 emissions on new major 'greenfield' residential development by a further 20% via the use of renewable and/or low carbon energy generation sources on or near the site providing this is practical and viable.
- 5.13 In this instance the application does not detail the provision of on-site renewable and/or low carbon energy production. The submitted 'energy statement' rules out the use of solar PV equipment and argues that this technology is not efficient in temperate zones and can generate more CO2 in its manufacture than it would save during its lifetime; and would lead to a net energy loss. The document also cites the need for occupants of dwellings to undertake potentially expensive maintenance and repairs. This would imply that the applicant considers that the use of solar PV equipment is not viable or practical. Instead the applicant makes preference to the use of high quality design and material specifications and orientation of buildings to provide long term and passive energy reduction at the site. Whilst the lack of solar PV equipment is not consistent with the scope of policy PSP6 of the PSP, officers are satisfied that there is no viable or practical option for alternative onsite or near site renewable energy generation.

- 5.14 Notwithstanding the above, the energy statement sets out that the development would orientate dwellings on the site to maximise passive solar gain. This would aid retrospective installation of Solar PV in the future. The construction and fabric of the dwellings would also utilise highly efficient materials and measures such as highly efficient boilers, domestic appliances, water efficient taps and toilets and hot water recovery systems. The applicant sets out that, through those measures the development would conserve 13% CO₂ over the Building Regulation Requirements. This factor is consistent with Policy PSP6 of the PSP.
- 5.15 Officers do not necessarily concur with the applicant that the use of solar PV energy production is unviable and impractical. Nonetheless, the applicant has indicated the use of solar PV equipment is not proposed as part of this development. As such, the proposed development is contrary, in part, to policy PSP6 and this weighs against the proposal. However, officers note that the proposal would achieve 13% CO₂ savings through other means (materials and appliances etc.) and this is consistent with Policy PSP6. When considered in conjunction with other factors (which are addressed in more detail elsewhere in this report) such as the well-connected and sustainable location, measures (such as the Travel Plan) for encouraging renewable modes of transport and health and well-being benefits (out-door gym and connections to recreational routes and open spaces) officers consider that impact of the lack of provision of solar PV equipment can be afforded neutral weight; and that on balance the proposed development would perform well in terms of its CO₂ generation.
- 5.16 *Landscape* - The site is located within the Kingswood Landscape Character Area identified in the South Gloucestershire Landscape Character Assessment SPD. It is located towards the Eastern part of the urban area, and the site is surrounded by sub-urban residential development. The site is an area of undesignated open space, although there is no public right of access onto it. It is adjacent to the AEK Boco Football Club but it is not part of that community facility.
- 5.17 Policy PSP5 of the South Gloucestershire Policies, Sites and Places Plan seeks to ensure that development upon undesignated open spaces within urban areas would not adversely affect the quality, character, biodiversity, sustainable water management, recreation opportunities, heritage value, amenity or distinctiveness of the locality.
- 5.18 The site is currently enclosed by hedging to its West Elevation and existing residential development to the north and east. To the south is the existing recreation ground/sports facilities associated with AEK Boco Football Club. Limited views into the existing site from the public realm are available from Greenbank Road and Kingsfield Lane. The site is more apparent in views from the South from Greenbank Road and from AEK Boco Football Club. In the wider context, views of the site are very limited. Whilst it is acknowledged that the site, as an open area of land would have some value in the urban area, officers consider that this value is limited in nature due to its limited visibility in the local and wider urban context. Accordingly officers are satisfied that the proposed development would not conflict with policy PSP5 of the South

Gloucestershire Policies, Sites and Places Plan as a result of the loss of the open space in terms of its wider landscape value.

- 5.19 The proposed development would result in the removal of the existing hedge along the boundary of the site with Greenbank Road. Although the hedge does contain some gaps, it does provide amenity value and is a positive part of the landscape. The hedge also provides ecological benefit and this matter is addressed later in this report. As set out above, the proposed development would introduce new dwellings along the frontage of the site onto Greenbank Road. The proposal includes a small area of open space directly opposite the junction with Greenbank Road and Woodyleaze Drive. This would provide a landscaped focal point in the street scene that would include new trees and the retention of existing trees. Additionally, the development would be set back from Greenbank Road to allow the provision of front garden and landscape private parking areas. New street trees would be introduced into these areas. Whilst this would alter the visual character of Greenbank Road, officer consider that the impact of the loss of the hedgerow is adequately mitigated
- 5.20 Further landscaping would be introduced to the eastern and southern perimeters of the site and would include areas of wild-flower meadow and grassed areas of informal open space. The area in the northeastern part of the site would provide a more open area of landscaped space. These areas are linked via walkways, which in turn lead out to recreational routes beyond the site. Whilst it is noted that the Landscape Officer continues to raise issues around planting, the developer has agreed to provide native species as part of this landscaping. These areas of open space would provide positive landscape buffers and useable open space that would act to improve the development in landscape terms and also to improve the landscape amenity of the site and the surrounding locality.
- 5.21 Landscaping will also be introduced into the 'built area' of the development and this generally takes the form of street trees and landscaping to the pedestrian links though the site. Hard-landscaping would be provide in the form of block paving and 'flush' surfaces. Again, there is some concern over the type of planting and potential issues around maintenance in the future. However, the developer has agreed to introduce native plant species into this area. The developer also indicates that a private management company will be engaged in order to maintain the public areas of the site (this would include the outdoor gym equipment). The provision of a private management company is appropriately controlled by planning condition in the event that this application is approved.
- 5.22 Some concern is raised in respect of the introduction of steep slopes into some gardens associated with the proposed new dwellings. The nature of the site is such that some levelling will be required and this has resulted in the slopes being necessary. However, the slopes would not be readily visible in the public realm with the exception of the pedestrian link running north to south in the development. Whilst this would have an 'engineered appearance, officers are satisfied that overall, it would not undermine the general quality of the development.

5.23 Having regards to the above, officers are satisfied that the landscaping of the development would also facilitate a distinct development which complements the general character of the locality. It would also achieve a positive contribution to the sub-urban landscape value of the area and that the loss of the open space currently occupying the site is appropriately mitigated in this design. The proposed landscaping would act to complement the contemporary design of the built development and represents good quality landscape design. As such the proposed development is consistent with the scope of Policy PSP1, PSP2 and PSP5 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017; and Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013.

5.24 Residential Amenity

The site is closely enclosed by existing residential development on its northern, western and eastern sides. The existing dwellings associated with Kingsfield Lane, Tyler Close and Holyquest Road back onto the site with rear gardens sharing the site boundary. A single dwelling on Kingsfield Lane backs onto the site boundary. Dwellings associated with Greenbank Road face towards the site and are separated from it by Greenbank Road itself. The design and layout of the proposed development is such that good distances are maintained between existing dwellings surrounding the site and the proposed dwellings. The landscaping of the development facilitates this measure and where dwellings associated with Kingfield Lane abut the site, the landscaping opens out so creating a strong buffer. Whilst it is acknowledged that the outlook of existing dwellings will be altered, the relationship of the existing dwellings and new dwellings within the proposed development would be consistent with the suburban characteristics.

5.25 The design and layout of the proposed development is such that adequate private amenity space is provided for the proposed houses. The relationship of them is such that overlooking is also consistent with suburban characteristics. Officers note that the proposed residential flats (located in the southern part of the site in a block of 6 units) do not benefit from individual areas of private amenity space. This is with the exception of one of the ground floor units, which does have its own area of private garden. This unit is designed to be accessible for a wheelchair user/disabled persons; and this provision of private amenity space is in excess of detailed requirements relating to specialist affordable housing units.

5.26 Policy PSP43 of the South Gloucestershire Policies, Sites and Places Plan (adopted November 2017) requires that 1 and 2 bed flats include a minimum of 5 square metres of private amenity space (with additional private shared communal space for 2 bed flats). In respect of 5 out of the 8 proposed flats, the proposed development is technically not compliant with the planning policy. However, as set out earlier in this report, the development would good quality open space, including access to 'outdoor gym equipment' and walking and cycling links to the wider open space, recreational walking and cycling routes and other recreational uses in the local and wider area. Furthermore, the development would include benches and other street furniture as part of the landscaping of the site. On this basis, officers are satisfied that the lack of individual private space for 5 of the proposed flats is adequately mitigated

through the provision of good quality open-space and associated facilities within the site itself.

5.27 Drainage Issues

The site is in Flood Zone 1 and is not at risk of flooding from fluvial or tidal water bodies. The site is an open area of land which currently would handle rain fall (surface water) naturally. Officers note that the land slopes from North to South and it does not contain any ponds or natural water storage. The Lead Local Flood Authority has considered the proposal and does not raise objection to the development subject to the provision of a Sustainable Drainage Scheme (SuDS), and have confirmed that the use of SuDS would be a viable method of site drainage. The applicant has agreed to provide SuDS on the site in principle and indicate that this detail would be provided prior to the commencement of the development in the event that the application is approved. Officers are satisfied that SuDS can be secured by way of an appropriate planning condition; and that the development of the site would not adversely affect the water management of the local and wider area (in accordance with Policy PSP5 of the South Gloucestershire Policies, Sites and Places Plan).

5.28 Subject to the condition, the proposed development is acceptable in drainage terms.

5.29 Ecological Considerations

The Ecological Officer has confirmed that the proposed development will not materially impact upon habitat relating to protected species and the site itself is of limited ecological value.

5.30 Initial concerns were raised by the Ecology Officer which related to the loss of the existing hedge on the boundary of the site with Greenbank Road. This hedge would provide foraging and nesting habitat for bird life. In such circumstances, the South Gloucestershire Bio-diversity Action Plan would encourage new development to provide positive ecological benefit, and this approach is supported by relevant planning policy. The initial concern cited the use of ornamental planting and non-native species into the areas of landscaping associated with the proposed development. Through discussion with the developer, the planting mix has been improved and would now provide a greater proportion of native species, such that the loss of the existing hedgerow is adequately mitigated in ecological terms.

5.31 The Ecology Officer has requested that a condition is imposed such that the street lighting design of the development is agreed prior to its installation. This is to ensure that certain areas of the site are kept 'dark' for the benefit of nocturnal species. Subject to the provision of such a condition, there is no ecological objection to the proposed development.

5.32 Affordable Housing

The proposed development triggers the threshold for affordable housing to be delivered as part of the development. The basic requirement is that a total of 27 affordable units are provided.

- 5.33 In this instance, the Housing Enabling Officer has specified a housing mix as follows;

20 Social Rent units comprising

3 x 1 bed flats
3 x 2 bed flats
7 x 2 bed houses
6 x 3 bed houses
1 x 4 bed house

7 Shared Ownership units comprising

2 x 1 bed flats
2 x 2 bed houses
3 x 3 bed houses

- 5.34 The applicant has agreed to provide the requested Affordable Housing within the development as requested. The Housing Enabling Officer has confirmed that the development would provide the appropriate mix of affordable units and that these would be located appropriately within the development. Officers are therefore satisfied that the proposed development is consistent with the requirements of policy CS18 of the South Gloucestershire Local Plan; Core Strategy. This can be secured by way of appropriate legal agreement.

5.35 Community Infrastructure (Open Space)

The proposed development would take place on an undesignated urban open space. Whilst there is some evidence of use by the community the area is not formally publically accessible and as such is not regarded as public open space. The proposed development would result in the majority of the open space being developed. Notwithstanding this, the development would include the provision of 2264 sqm of Natural and Semi-natural Open Space and this would be publically available for the residents of the new development and the surrounding community. As set out earlier in this report, the open space would provide links to the wider area including other areas of open space. This would bring a positive community benefit through the provision of additional publically accessible open space and benefit the health and well being of the local community by linking to existing recreational routes and open spaces. Accordingly, officers are satisfied that the very limited public benefit offered by the existing site would be outweighed by the provision of good quality and publically accessible open space. Accordingly, the proposal does not conflict with Policy PSP5 of the South Gloucestershire Policies Sites and Places Plan (adopted) November 2017.

- 5.36 Based upon the projected population of the proposed development it would generate the requirement to provide the following in respect of public open space to offset the impact of the development in that regard.

| | | |
|------|---|-------------|
| i) | Natural and Semi Natural Open Space | 2264 sqm |
| ii) | Outdoor Sports Facilities | 2481.60 sqm |
| iii) | Provision for Children and Young People | 425.25 sqm |

5.37 The development would provide 2316 sqm of Natural and Semi Natural Open Space on site, leaving a short fall of 354 sqm. There is not sufficient space within the development to provide the required level of Outdoor Sports Facilities and Provision for Children and Young People.

5.38 It is noted that the development would provide 476 sqm of Informal Recreational Open Space within the site. This is provided in the form of an open air gym. However, this is not specifically required as part of the development and is provided in addition to the minimum requirements for Community Open Space for this development proposal. Nonetheless, this is a positive benefit and is afforded moderate weight in the assessment of this planning application.

5.39 Accordingly, a financial contribution is requested in order to provide off-site provision of and/or improvements to existing open space in the locality to offset the shortfall of provision on site; along with a proportionate amount for the maintenance of that provision. This is as follows;

| | | |
|------|--|-------------|
| i) | Off-site POS provision/ enhancement contribution | £219,046.29 |
| ii) | Off-site POS maintenance contribution | £126,555.80 |
| iii) | Public Open Space inspection fees | £1948.20 |
| | Total contribution | £347414.75 |

5.40 The funds would be directed to improvements at the following sites;

- i) Natural and Semi-natural Open Space - Cock Road Ridge and or Court Road/Pettigrove Road open space
- ii) Outdoor Sports Facilities - Greenbank Road Playing Field
- iii) Provision for Children and Young People – Greenbank Rd and/or Court Road play areas.

5.41 The developer has agreed to meet this obligation in full. On this basis, officers are satisfied that sufficient mitigation is provided in order to offset the impact of it in respect of the provision of public open space; and as such the development is consistent with Policy CS24 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013. This can be secured by way of appropriate legal agreement.

5.42 Transportation and Highway Safety and Amenity

It is noted that the key area of objection from the local community relates to highway safety and amenity; and that there is concern that the proposed development would result in a detrimental impact upon the highway safety and capacity.

- 5.43 The development would introduce 77 dwellings into the locality. The majority of the development would be accessed (from two separate points) from Greenbank Road. 10 of the proposed dwellings facing onto Greenbank Road would include direct driveway access onto Greenbank Road. A total of 129 private parking spaces, 43 garage parking and 16 visitor spaces are proposed with the development. This is consistent with the South Gloucestershire Residential Parking Standards and is therefore acceptable.
- 5.44 Officers acknowledge that the proposed development would result in an increase in the level of vehicular movements. However, the Highway Authority has assessed the scope of the development in highway impact terms and has concluded that the increase of traffic on Greenbank Road and the wider locality would be small. Accordingly, officers conclude that the impact would be modest. Nonetheless, the East side of Greenbank Road does not currently include a footway. Officers consider that the introduction of a new footway is required to provide a safe walking route for the benefit of the proposed development.
- 5.45 The developer has also acknowledged that the proposed development would introduce new vehicular traffic onto Greenbank Road and that there is limited pedestrian access associated with this area of Greenbank Road. As such the applicant has submitted comprehensive highway improvements to mitigate the impact. The measures include;
- i) widening of Greenbank Road to provide a new footway (into the site),
 - ii) traffic calming on Greenbank Road, and
 - iii) Junction improvements at Greenbank Road/Holyguest Road.
- 5.46 In this instance, officers are satisfied that these measures are sufficient to mitigate the impact of the proposed development and provide safe pedestrian access in proportion to the development proposed; and is reasonably necessary to make the development otherwise acceptable in highway safety terms.
- 5.47 It is noted that some local residents have suggested that traffic calming measures are extended onto Holyguest Road, Woodylease Drive and Wesley Avenue in recognition of perceived vehicle speeds in the locality. The Highway Authority has considered the extent of necessary highway improvements and have concluded that the relative scale of the development in the context of the surrounding highway network is such that highway improvements beyond the immediate vicinity of the site are not necessary. Accordingly, officers have not sought such improvements as they would not meet the statutory tests set out in the CIL Regulations 2010.
- 5.48 The site is located within a sustainable location, close to local shops and amenities as well as main bus routes. The site is also in walking distance of Hanham Town Centre. In order to promote sustainable transport measures and reduce the reliance on the private motor vehicle, the applicant has provided and 'interim travel plan' and has agreed to provide appropriate funding to allow

South Gloucestershire Council Travel Plan Team to assume the role of Travel Plan Coordinator. The funds would provide for the following measures relating to the development;

- i) Travel Plan Co-ordinator
- ii) Travel Information Pack
- iii) Sustainable Travel Vouchers
- iv) Personalised Travel Planning
- v) Marketing & Promotion events
- vi) Travel Plan Monitoring.

5.49 The applicant has also agreed to upgrade two local bus-stops with 'real-time-information'. These would be located on Hanham High Street (to the south) and Mount Hill (to the North). Cycle parking is provided for each dwelling consistent with the South Gloucestershire Cycle Parking standards.

5.50 It is considered that the above measures would provide appropriate and proportionate measures to encourage the use sustainable transport by residents of the new development.

5.51 Subject to the implementation of the above highway improvements and sustainable transport measures the proposed development is considered to be acceptable in Highway Safety and Amenity terms. The measures can be secured by way of an appropriate legal agreement and would bring about positive public benefit, attracting moderate weight in the assessment of this planning application.

5.52 Construction Phase

Public comment has been received that relates to the impact of the development during its construction phase, and in particular highway amenity.

5.53 As with all development, officers acknowledge that there would be a period of disruption during the construction phase of any development and the level of this disruption would depend on the scale of the development. In this instance, the scale of the development is such that officers consider that a Construction Management Plan is the appropriate measure for agreeing measures to ensure the impact of the construction phase is minimised. A working hours condition can also be applied to ensure that working on the site is not carried on during anti-social hours and in the interest of the amenity of local residents.

5.54 Planning Obligations

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

- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 5.55 In this instance, no more than five legal agreements have been secured in respect of projects in the locations that would benefit from the obligations. Officers are therefore satisfied that the planning obligations required to secure affordable housing, public open space and highway improvements are consistent with the CIL Regulations (Regulation 122). For the avoidance of doubt, the applicant has agreed to meet the obligations set out in this report.
- 5.56 Planning Balance
The site is located on a non-designated green field site within the urban area associated with Hanham and the wider Bristol East Fringe Urban Area. However, for the reasons set out above, officers are satisfied that the loss of the greenfield site would not materially impact upon the character and visual amenity of the locality, recreation activities, biodiversity or sustainable water management. Indeed, officers consider that the proposed development would act to open up access to improved recreational activities, well being and improved open space. In this regard, the impact is balanced by benefit and neutral weight is afforded to this aspect of the proposal; and the proposal does not conflict with policy PSP5 of the South Gloucestershire Policies Sites and Places Plan.
- 5.57 Similarly, the development would not provide for on-site micro renewable energy and does conflict with policy PSP6 of the South Gloucestershire Policies Sites and Places Plan. However, the development does provide energy efficiency improvements (some 13% over and above the minimum requirements set out in the Building Regulations) and through good design offers well-being benefits such as access to onsite open space, outdoor gym equipment and recreational activities and as such the lack of provision of on-site micro renewable energy generation is balance out. Officers also consider that these benefits also balance out the shortfall in respect of private amenity space for some of the flats on the proposed development. Officers therefore attribute neutral weight to this aspect.
- 5.58 The proposed development would introduce additional vehicular movements into the locality. However, the Highway Authority have concluded that the surrounding highway network has sufficient capacity to accommodate this increase. The development would provide a new footway on the east side of Greenbank Road as well as improved pedestrian links to the wider locality. Furthermore, the development would provide facilitate local bus stop improvements. These attribute would bring about wider public benefit as well as to the new residents of the development. Accordingly, officers consider that there is some overall benefit in highway safety and transportation terms and attribute moderate weight to this benefit.

- 5.59 Clearly, the proposed development would have significant benefit in respect of its contribution to the South Gloucestershire 5 year housing land supply and would also provide a significant contribution to Affordable Housing stock in South Gloucestershire. Accordingly, officers attribute significant weight to this factor.
- 5.60 In general environmental terms, officers are satisfied that through appropriate mitigation, the proposed development would not have a detrimental impact in terms of the biodiversity of the locality and would not materially impact in flood risk terms.
- 5.61 Paragraph 14 of the National Planning Policy Framework sets out that Local Planning Authorities should approve development proposals without delay where they accord with the local development plan, unless other material planning considerations indicate otherwise. Subject to appropriate conditions and legal agreements, the proposed development does not conflict with the planning policies in the South Gloucestershire Local Plan (adopted) December 2013 and the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017. Accordingly, officer recommend that the proposed development is approved as set out in section 7 of this report.
- 5.62 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.
- 5.63 With regards to the above this planning application is considered to have a beneficial impact on equality. The flats would be fitted out to provide 'accessible' (including access for wheel chair users) accommodation, and would provide 'lifetime homes' type accommodation beyond the minimum requirements of M4 of the Building Control Regulations.

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

i) Affordable Housing

20 Social Rent units comprising

3 x 1 bed 2 person flats (including 1 Wheelchair Compatible Unit)

3 x 2 bed 4 person flats

7 x 2 bed 4 person houses (including 1 Wheelchair Compatible Unit)

6 x 3 bed 5 person houses

1 x 4 bed 6 person house

7 Shared Ownership units comprising

2 x 1 bed 2 person flats

2 x 2 bed 4 person houses

3 x 3 bed 5 person houses

Reason

In order to secure the appropriate level of affordable housing and to comply with Policy CS18 of the South Gloucestershire Local Plan, Core Strategy (Adopted) December 2013.

ii) Public Open Space Enhancement

The provision of on-site public open space comprising of the following and **£1948.20** for Public Open Space inspection fees;

i) Informal Recreational Open Space (475sqm) and

ii) Natural and Semi-Natural Open Space (2,310sqm)

A financial contribution of **£219,046.29** towards the provision and/or enhancement of public open-space; and **£126,555.80** towards the maintenance of that provision. The areas of public open-space that benefit from the contribution are;

i) Natural and Semi-natural Open Space - Cock Road Ridge and or Court Road/Pettigrove Road open space

ii) Outdoor Sports Facilities - Greenbank Road Playing Field

iii) Provision for Children and Young People – Greenbank Rd and/or Court Road play areas.

Reason

To offset the impact of the development upon public open-space provision in the locality and to comply with Policy CS23 of the South Gloucestershire Local Plan, Core Strategy (Adopted) December 2013.

- iii) Highway Improvements
 - i) Widening of Greenbank Road to provide a new footway (into the site),
 - ii) Traffic calming on Greenbank Road (including any necessary Traffic Regulation Orders), and
 - iii) Junction improvements at Greenbank Road/Holyguest Road.
 - iv) Implementation and Management of an appropriate Travel Plan including a financial contribution toward the Travel Plan of £375 per dwelling.
 - v) Financial contribution of £13,000 towards upgrading of one bus stop on Hanham High Street and one bus stop on Mount Hill with 'Real Time Information' equipment.
- 7.2 That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.
- 7.3 Should the agreement not be completed within 6 months of the date of the committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

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

Reason

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

This information is required prior to the commencement of the development in order to avoid unnecessary remediation works.

3. Construction Environmental Management Plan

Prior to the commencement of the development hereby approved, a fully detailed construction management plan shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt the Construction Management Plan shall include the following;

i) Environmental Issues

A fully detailed Dust Management Plan

A fully detailed working practice/protocol to minimise noise during construction

A fully detailed phasing plan showing the locations of site office/construction compound

ii) Transportation Issues

Parking of vehicle for site operatives and visitors during the construction phase

Routes for construction traffic

Method of prevention of mud being carried onto highway

Pedestrian and cyclist protection

Proposed temporary traffic restrictions

Arrangements for turning construction and delivery vehicles within the site

Thereafter the development shall proceed in accordance with the agreed details.

Reason

In the interest of environmental amenity and residential amenity to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP8 and PSP21 of the South Gloucestershire Policies, Sites and Places Plan (adopted November 2017).

This information is required prior to the commencement of the development in order to avoid unnecessary remediation works.

4. Hours of Working During Construction

The hours of working on site during the period of construction shall be restricted to:

Monday - Friday.....07:30 to 18:00

Saturday.....08:00 to 13:00

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

In the interest of environmental amenity and residential amenity and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP8 and PSP21 of the South Gloucestershire Policies, Sites and Places Plan (adopted November 2017)

5. Landscaping

The landscaping of the site shall be provided strictly in accordance with the details provided in drawing number 10639/P11 Rev M (Sheets 1 to 4 inclusive) as received by the Local Planning Authority on 7th February 2018 in the next available planting season following the completion of the development.

Thereafter the development shall be retained as such.

Reason

In the interests of the character and visual amenity of the site and the surrounding location and to accord with Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted December 2013; and Policy PSP1 and PSP2 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

6. Landscape Management Scheme

The development hereby approved shall not be occupied until a fully detailed Landscape Management Plan (LMP) relating to the hard and soft landscaping as referred to in condition 5 of this planning permission, has been submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the LMP shall include details of the following;

- i) the time and method of planting within the next available planting season following completion of the residential dwellings,
- iii) maintenance regime for all shared hard and soft landscaping areas (including replacement of plants which die, become diseased or are otherwise removed) within the site (with the exception of adopted highway)

Thereafter the development shall be retained as such.

Reason

In the interests of the character and visual amenity of the site and the surrounding location and to accord with Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted December 2013; and Policy PSP1 and PSP2 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

7. Arboricultural Method Statement (AMS)

The development hereby approved shall be implemented strictly in accordance with the Arboricultural Method Statement (number 10639_R03c_JJ_AL) as received by the Local Planning Authority on 22nd January 2018.

Reason

In the interests of trees to be retained on site the character and visual amenity of the site and the surrounding location and to accord with Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted December 2013; and Policy PSP2 and PSP3 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

8. External Lighting

No external lighting shall be installed on the site unless details of which have been provided to and agreed in writing by the Local Planning Authority. For the avoidance of doubt the details should demonstrate the method for the provision of a dark corridor along the boundaries of the site (excluding the Greenbank Road frontage). Thereafter the development shall be implemented in accordance with the agreed details and retained as such.

Reason

In the interests of the ecological value of the site and the surrounding locality and to accord with Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013; and policy PSP19 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017

9. Bird and Bat Boxes

The development shall not be occupied until details of the type, number and locations of bird and bat boxes to be installed within the site has been provided to and agreed in writing by the Local Planning Authority. Thereafter the bird and bat boxes shall be installed within the site in accordance with the agreed details and shall be retained as such.

Reason

In the interests of the ecological value of the site and the surrounding locality and to accord with Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013; and policy PSP19 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017

10. Street Furniture

Prior to the first occupation of the development hereby approved, a programme for the installation of new street furniture to be installed on the site shall be submitted to and agreed in writing by the Local Planning Authority. The street furniture shall be fully installed in accordance with the agreed details and thereafter shall be retained as such.

Reason

In the interests of the character, distinctiveness and visual amenity of the site and the surrounding location and to accord with Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted December 2013; and Policy PSP1 and PSP2 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017

11. Public Art

Prior to the first occupation of the development hereby approved, a programme of public art shall to be installed within the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the public art shall be installed in accordance with the programme of public art and retained as such.

Reason

In the interests of the character, distinctiveness and visual amenity of the site and the surrounding location and to accord with Policy CS1 and CS23 of the South Gloucestershire Local Plan, Core Strategy (adopted December 2013; and Policy PSP1 and PSP2 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017

12. Link to Play Area
The link pathway access towards the Children's Play Area to the South from the site, as shown on drawing number 0606-102 Rev E (as received by the Local Planning Authority on 7th February 2018) shall not be implemented until full details of the method of construction and exact route and position have been provided to and agreed in writing by the Local Planning Authority. Thereafter the development shall proceed strictly in accordance with the agreed details.

Reason

In the interest of public safety.

13. Provide Parking (Including Cycle Storage)
Individual dwelling house or dwelling flat plots shall not be occupied until individual car-parking spaces and cycle storage relating to the plots have been provided in accordance with drawing number 0606-102 Rev E (Planning Layout) as received by the Local Planning Authority on 7th February 2018. Thereafter the development shall be retained as such.

Reason 1

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.

Reason 2

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

14. Travel Plan
The development shall be implemented in accordance with the parameters of the Framework Travel Plan and provided within the submitted Transport Assessment (prepared by Awcock Ward Partnership (AWP) and received by the Local Planning Authority on 26th September 2017

Reason

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

15. Meet Part M4(2) (Building Regulations)
The Affordable Housing Units located on plots 5-10 and 68 & 69 (ground floor flats only) and plots 7,18,24,25,29,30,37,16,19,20,26,31,38,21,68,69,70,71,39,40 and 41 shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2) as detailed in 0606-HTB (House type Booklet Issue 5) and 0606-102 Rev E (Planning Layout) as received by the Local Planning Authority on 7th February 2018.

Reason

To ensure inclusive design access for all in accordance with Policy PSP37 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan.

16. Plans List

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

0606-102 Rev E (Planning Layout)
0606-104-1 Rev E (External Work Layout)
0606-104-2 Rev E (External Works Layout)
0606-105 Rev H (Vehicle Tracking Layout)
0606-107 Rev G (Adoption Plan)
0606-108 Rev E (Materials Layout)
0606-111 Rev F (Site Sections)
0606-113 D (Waste Collection and Storage Plan)
0606-231 Rev B (Plot 37 Wheelchair Unit)
0606-HTB (House Type Booklet - Issue 6)
10639_P11 Rev M (Soft Landscape Plan Sheet 1)
10639_P11 Rev M (Soft Landscape Plan Sheet 2)
10639_P11 Rev M (Soft Landscape Plan Sheet 3)
10639_P11 Rev M (Soft Landscape Plan Sheet 4)

as received by the Local Planning Authority on 7th February 2018

0561-PHL-02 Rev E (Preliminary Access & Highway Improvements)

as received by the Local Planning Authority on 15th January 2018

0606-101 (Site Location Plan)
0606-109 (Garages and Car Port)
0606-110 (Cycle Store)

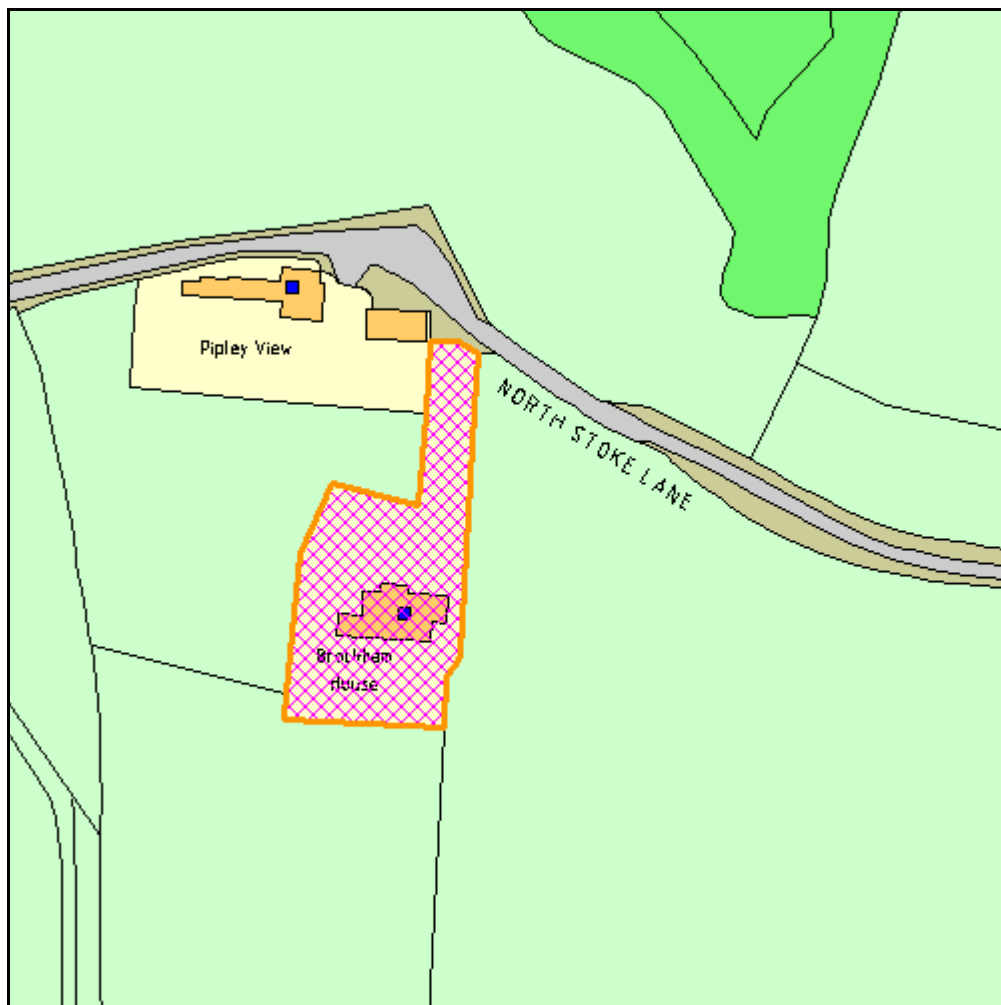
as received on 3rd August 2017

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 06/18 – 9 FEBURARY 2018

| | | | |
|----------------------------------|--|-------------------------|--------------------------|
| App No.: | PK17/5217/F | Applicant: | Mr S Fowler |
| Site: | Brockham House North Stoke Lane Upton Cheyney South Gloucestershire BS30 6NG | Date Reg: | 12th December 2017 |
| Proposal: | Erection of two storey side extension to form additional living accommodation and installation of rear dormer. | Parish: | Bitton Parish Council |
| Map Ref: | 369619 169682 | Ward: | Bitton |
| Application Category: | Householder | Target Date: | 5th February 2018 |



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PK17/5217/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 two storey side extension and a rear dormer to provide additional living accommodation at Brockham House, Upton Cheyney.
- 1.2 The application site consists of a large detached property set within a large plot. The dwellinghouse is situated on the north slope of the Piple Valley and within the open countryside of the Cotswolds AONB and Green Belt land to the south-east of Upton Cheyney. Vehicular access is via a long driveway sloping down from North Stoke Lane to a parking/turning area to the front of the house. The garden area lies mainly to the south and west of the house; there is a paddock to the west, with dense tree and shrub planting around the boundary. To the south and east are open grass fields, with a hedge on the eastern boundary and a retaining wall to the south.
- 1.3 The dwelling comprises 2no. two-storey elements, one higher than the other, with single-storey lean-to's and is traditional in appearance, with clay tiled roofs and natural rubble stone walls. Both this property and the adjacent 'Piple View' were created in 1999/2000 from the conversion of the former offices and storage sheds belonging to Upton Nursery.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

| | |
|------|--|
| CS1 | High Quality Design |
| CS4A | Presumption in Favour of Sustainable Development |
| CS5 | Location of Development |
| CS8 | Improving Accessibility |
| CS9 | Managing the Environment and Heritage |
| 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 |
| PSP38 | Development within Existing Residential Curtilages, Including Extensions and New Dwellings |

- 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 **PK09/5436/F**

Erection of two storey side extension to form additional living accommodation.

Approved: 06.11.2009

3.2 **P98/4384**

Demolition of existing glasshouses and residential conversion of remaining 2 buildings

Approved: 01.09.1998

3.3 **P98/4073**

Demolition of existing glasshouses. Conversion of existing buildings to 2no. dwellings

Refused: 09.07.1998

4. **CONSULTATION RESPONSES**

4.1 Bitton Parish Council

Objection - the dwelling was allowed originally as it did not exceed the footprint of the permanent building that was there previously, given that the site occupies a sensitive location in the Green Belt and Cotswolds Area of Outstanding Natural Beauty. It is noted that one extension has already been erected at the opposite end of the dwelling from this proposal. The additional extension now applied for is excessive in size given its location and no compelling circumstances have been put forward for its need.

4.2 Other Consultees

Sustainable Transport

No objection subject to confirmation of parking provision.

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of a two storey side extension and the installation of a rear dormer. Extension and alterations to existing properties is managed through policy PSP38 of the Policies, Sites and Places Plan. This policy is generally supportive subject to an assessment of design, amenity, transport, and trees/vegetation. However, the site is located within the Green Belt and any development must accord with the principles of Green Belt policy to be acceptable.

5.2 Green Belt

Policy CS5 and CS34 of the Core Strategy and policy PSP7 of the Policies, Sites and Places Plan support the protection of the Green Belt from inappropriate development. The NPPF also attaches great importance to the Green Belt – with development in the Green Belt generally being considered inappropriate. However, there are limited categories of development within the Green Belt that are not considered to be inappropriate. One of the exception categories is the extension of a building provided that it does not result in a disproportionate addition over and above the original size of the building, as is set out in Paragraph 89 of the NPPF.

- 5.3 A disproportionate test (outlined in Policy PSP7 of the Policies, Sites and Places Plan and the South Gloucestershire Supplementary Planning Document: Development in the Green Belt (Adopted) 2007) is used as a means of assessing whether or not an addition to a dwelling can be considered proportionate to the original dwelling. Generally, additions resulting in a volume increase of less than 30% above the volume of the original building are likely to be considered acceptable. Those resulting in a volume increase of 30%-50% are to be carefully assessed against further criteria. Those resulting in a volume increase of more than 50% are likely to be considered in excess of any reasonable definition of 'limited extension'; and therefore may be disproportionate in nature.

- 5.4 It is recognised that the subject property has previously been extended, and that at the time of its construction, the footprint of the dwelling did not exceed the footprint of the building that was there previously. Volume calculations indicate that as a result of the proposed development and the previously approved extension, the volume of the original building would increase by 35%. As such, in order to establish the acceptability of the proposal in Green Belt terms, the proposal is to be assessed against further criteria. The main area of assessment is whether the proposal successfully integrates in to the host dwelling, and whether the proposal would, by virtue of its scale, massing and siting, appear as a proportionate addition to the host.

- 5.5 The proposed extension would largely in-fill an area at the north-western corner of the property. The extension would follow the same ridge line as the host, and follow the same building line at its front elevation. Furthermore, the detailed design of the extension would match that of the host. On balance, it is considered that the proposed extension would integrate successfully in to the host, and would not appear as an incongruous or overly prominent addition.
- 5.6 For the reasons outlined above, it is not considered that the proposal would appear as a disproportionate addition to the original building. The proposal therefore falls in to the predefined exception category outlined above, and would not constitute inappropriate development in the Green Belt.
- 5.7 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.
- 5.8 The proposed extension would match the host dwelling in terms of its detailed design and external finish. Furthermore, the proposed dormer window would match existing dormers present at the rear elevation. Overall, it is considered that the proposed extension sufficiently respects the proportions and appearance of the host dwelling.
- 5.9 Due to its siting, it is not considered that the proposed extension would form an overly prominent feature. Furthermore, given the degree of separation between the host dwelling and public areas, it is not considered that the proposal would have a significant impact on the character or distinctiveness of the immediate locality. On balance, it is considered that an acceptable standard of design has been achieved, and that the proposal therefore complies with policy CS1 of the Core Strategy and PSP38 of the Policies, Sites and Places Plan.
- 5.10 Landscape
The application site can be considered as forming part of a distinctly rural landscape. Policy CS34 of the Core Strategy and PSP2 of the Policies Sites and Places Plan seek to ensure that development proposals protect, conserve and enhance rural landscapes.
- 5.11 Open fields are located immediately to the south, with the land falling away providing views on to the Piple Valley. It is acknowledged that given the siting of the host dwelling and its prominent position within the immediate landscape, any extension should sufficiently respect the host dwelling in terms of its scale, massing, siting and finish.
- 5.12 In terms of its scale and massing, it is considered that the proposed extension is of an appropriate size, and would reflect the scale and massing of the host. In terms of its siting, the proposed extension would hold a fairly inconspicuous position, and would be largely set behind an existing two-storey element (when viewed from the valley to the south). In terms of its external finish, the materials

- used in the external finish of the extension would match those used for the main dwelling, which is considered the most appropriate approach in this case. However for the avoidance of doubt, a condition will be attached to any decision, ensuring that any proposed materials match the existing.
- 5.13 For the reasons outlined above, it is not considered that the proposal would adversely affect the character or appearance of the immediate rural landscape. As such, the proposal is considered to accord with policy CS34 of the Core Strategy and PSP2 of the Policies, Sites and Places Plan.
- 5.14 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.
- 5.15 The subject property is set approximately 55 metres to the south of the nearest neighbouring property at Piple View. Given the significant degree of separation, it is not considered that the erection of the proposed extension would have any significant overbearing, overshadowing or overlooking impacts on the neighbour. It is also not considered that the occupation or construction of the extension would cause an unacceptable degree of disturbance to the neighbour. On balance, it is not considered that the proposal would have any significant impacts on the residential amenity of neighbouring residents.
- 5.16 Whilst the erection of the extension would result in the loss of some outdoor private amenity space, it is considered that sufficient space would be retained on-site following the implementation of the development. For the reasons outlined above, the proposal is considered to accord with policies PSP8 and PSP38 of the Policies, Sites and Places Plan.
- 5.17 Transport
In terms of on-site parking provision, the number of parking spaces that should be provided for a residential dwelling is based on the number of bedrooms contained within the dwelling. The minimum requirement for parking spaces is set out in policy PSP16 of the Policies, Sites and Places Plan.
- 5.18 It is noted that as a result of the proposal, the number of bedrooms provided within the dwelling would increase from a total of 4 to 5. Policy PSP16 outlines that a minimum of two parking spaces be provided for 3 and 4-bed properties, with a minimum of three parking spaces provided for properties with 5 or more bedrooms.
- 5.19 During a site visit, it was noted that an area to the front of the main dwelling currently provides parking space for a number of vehicles. The applicant has indicated that the existing parking arrangements would not be affected by the proposal. On this basis, the proposed parking arrangements are considered

acceptable. In addition to this, it is not considered that the proposal would have any material impact on highway safety.

5.20 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.

5.21 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.

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

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

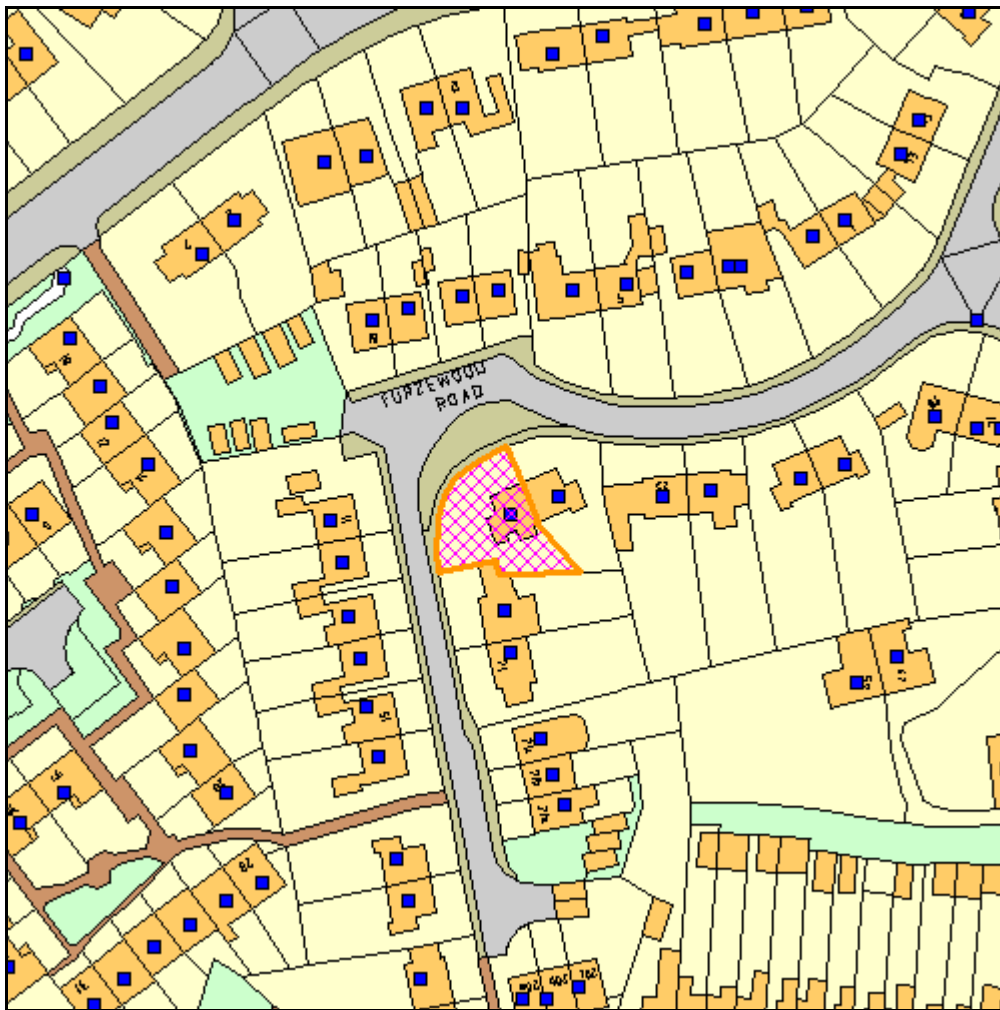
2. The materials to be used in the construction of the external surfaces of the extension and dormer window hereby permitted shall match those used in the existing building.

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.

CIRCULATED SCHEDULE NO. 06/18 – 9 FEBRUARY 2018

| | | | |
|------------------------------|--|---------------------|--------------------|
| App No.: | PK17/5658/F | Applicant: | Mr Troy Love |
| Site: | 23 Furzewood Road Kingswood Bristol South Gloucestershire BS15 4HH | Date Reg: | 28th December 2017 |
| Proposal: | Erection of 1 no. semi-detached dwelling with new access and associated works. | Parish: | None |
| Map Ref: | 365665 173938 | Ward: | Kings Chase |
| Application Category: | Minor | Target Date: | 9th February 2018 |



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PK17/5658/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 is for the erection of 1no. attached dwelling with access and associated works at 23 Furzewood Road, Kingswood.
- 1.2 The host property is a two storey dwelling located in the built up residential area of Kingswood. The new attached dwelling is proposed to be a two storey, two bed dwelling built on the western side of 23 Furzewood Road, on the large garden to the side of the host dwelling. The site sits within a high risk coal mining area; otherwise, there are no statutory designations to consider.

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 Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities of the East Fringe of Bristol Urban Area

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP8 Residential Amenity
PSP16 Parking Standards
PSP37 Internal Space and Accessibility Standards for dwellings
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) August 2007
Residential Parking Standard SPD (Adopted) December 2013
Waste Collection: Guidance for New Development SPD (Adopted) January 2015
Community Infrastructure Levy and Section 106 Planning Obligations Guide (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

3.1 No planning history

4. CONSULTATION RESPONSES

4.1 Transport officer

Original Plans

Asked for updated plan showing levels

Updated Plans Provided

No objection subject to conditions.

4.2 Coal Authority

Object due to lack of Coal Mining Risk Assessment

4.3 Highway Structures

No comment

4.4 Lead Local Flood Authority

Queried the location of the soakaway and requested a clearly labelled drainage layout plan showing the exact location of any soakaways.

Other Representations

4.5 Local Residents

One comments received, with concerns relating to:

- Devaluation of property
- Parking problems
- Removal of grass verge, which is a historic characteristic of the road and has been since the 50s
- Pointed out errors in application form
- Feels that concrete boundary markers should be preserved.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is located within the established urban area and is within the defined settlement boundary. This application stands to be assessed against the policies listed in paragraph 2 above, and in the light of all material considerations. In principle, the proposed development is considered to be acceptable as the site lies within the defined urban area. All issues relating to the design, impact on residential amenity, highway safety, drainage and other matters will be assessed below.

5.2 Paragraph 14 of the NPPF states a presumption in favour of sustainable Development and indicates that proposals that accord with the development plan should be approved without delay.

5.3 Housing Contribution

The proposal will have one tangible and clear benefit, this would be the modest contribution of 1no. new residential dwelling towards the Council's 5 year housing land supply.

5.4 Design and Visual Amenity

The application site relates to the side garden of a semi-detached two-storey dwellinghouse situated within Kingswood. It is set amongst a mix of semi-detached and terraced properties, which make up the bulk of the immediate street scene. The application site is positioned within Furzewood Road, on a corner plot.

5.5 The existing dwelling is of a simple design with modest proportions.

The design of the new dwelling largely mimics the design of the existing dwelling, with the entrance way to the front, a gabled roof to the side and similar windows in style and placement.

5.6 The materials used would match those present on the original dwellinghouse and nearby properties.

5.7 It is noted that a neighbour has commented with concerns relating to the removal part of the existing grass verge, and the original concrete posts. A large portion of the grass verge would remain. While it is somewhat regrettable that a portion of the verge would be lost, the impact on visual amenity is not considered severe enough to be considered materially significant.

5.8 The design is considered to accord with the principles set out in Policy CS1 which states that, among other things, design should respect the character and distinctiveness of the site and area in its siting, form, scale, height and massing. In addition, the overall layout should be well integrated with the existing adjacent development. It is considered that the proposed structure would accord with these overarching principles.

5.9 The proposal is therefore considered to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013; Policy PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) November 2017; and the National Planning Policy Framework.

5.10 Residential Amenity

PSP38 of the South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan 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.

5.11 Although it is accepted that this is a residential area, careful consideration still needs to be given to the impact of the proposal both on existing neighbouring occupiers and also the intended future residents.

- 5.12 The proposed new dwelling will be attached to the side of an existing dwelling with windows looking directly to the front and rear. These windows would result in no more of an impact on residential amenity than the existing windows on the host dwelling. As such, the existing level of overlooking for neighbouring dwellings will not be exacerbated, and privacy would not be impacted by the proposed new dwelling.
- 5.13 The two dwellings would have private outdoor amenity space to the rear, attached directly to the dwellings. The available amenity space would be considered acceptable, and would offer sufficient space for future occupiers of the properties.
- 5.14 The proposal would not appear overbearing or such that it would prejudice existing levels of outlook or light afforded to neighbouring occupiers. Additionally, privacy would not be affected. Therefore, the proposed development is not considered to be detrimental to residential amenity; and is deemed to comply with PSP38 of the Policies, Sites and Places Plan (adopted November 2017).
- 5.15 Transport
The proposed dwelling would have two bedrooms. One parking space is proposed. The existing dwelling also has two bedrooms; no off-street parking is currently provided for the existing dwelling. The dwelling would have one parking space as a result of the development. This is considered acceptable.
- 5.16 The proposed visibility and manoeuvring is considered acceptable. The transport officer has no objections, subject to conditions requiring the parking is provided prior to occupation of the new dwelling and for electric charging points to be provided. Whilst electric charging points are certainly desirable it is not considered that at this scale of proposal this would justify a condition. However, the provision of the parking spaces will be conditioned.
- 5.17 Coal Mining Risk
The property is located within a high risk coal mining area. A coal mining risk assessment was not provided as part of this application. Consideration was given to whether this in itself should amount to a refusal or whether a condition requiring this to be done would suffice. In concluding that a condition would be appropriate in these circumstances the officer is mindful that the site is already within a C3 residential planning unit and has a small side extension already on it; in addition the area is surrounded by residential development. Accordingly it is concluded that in these circumstances the likelihood is the risks arising from coal mining are unlikely to be such that development should be prevented in principle, and that a condition will ensure that the risk of coal mining has been adequately considered and mitigated.
- 5.17 Drainage
The lead local flood authority officer commented, asking for the location of the soakaway and requested a clearly labelled drainage layout plan showing the exact location of any soakaways. The agent asked, in the interests of efficiency, that this could be added as a condition. This was discussed with the drainage and flood risk management officer, who confirmed that this was

acceptable. Therefore, subject to the imposition of a condition, there are no objections in relation to drainage.

5.18 Other Matters

A neighbour has objected to the development due to worries regarding the value of their property. This is not considered to be a material planning consideration and is not given weight.

5.19 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.

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

6. **CONCLUSION**

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (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 Condition(s) on the decision notice.

Contact Officer: **Owen Hoare**
Tel. No. **01454 864245**

CONDITIONS

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

Reason

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

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

Reason

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

3. Prior to the commencement of development, a clearly labelled drainage layout plan showing the exact location of any soakaways shall be submitted to and agreed in writing by the Local Planning Authority. The location of any proposed SUDS must be indicated within these details. The development shall then proceed in accordance with the agreed details.

Reason

To minimise the effect of any flooding which may occur and to comply with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework. This is required prior to the commencement of development as it relates to the initial groundworks that will be necessary in order to properly drain the site.

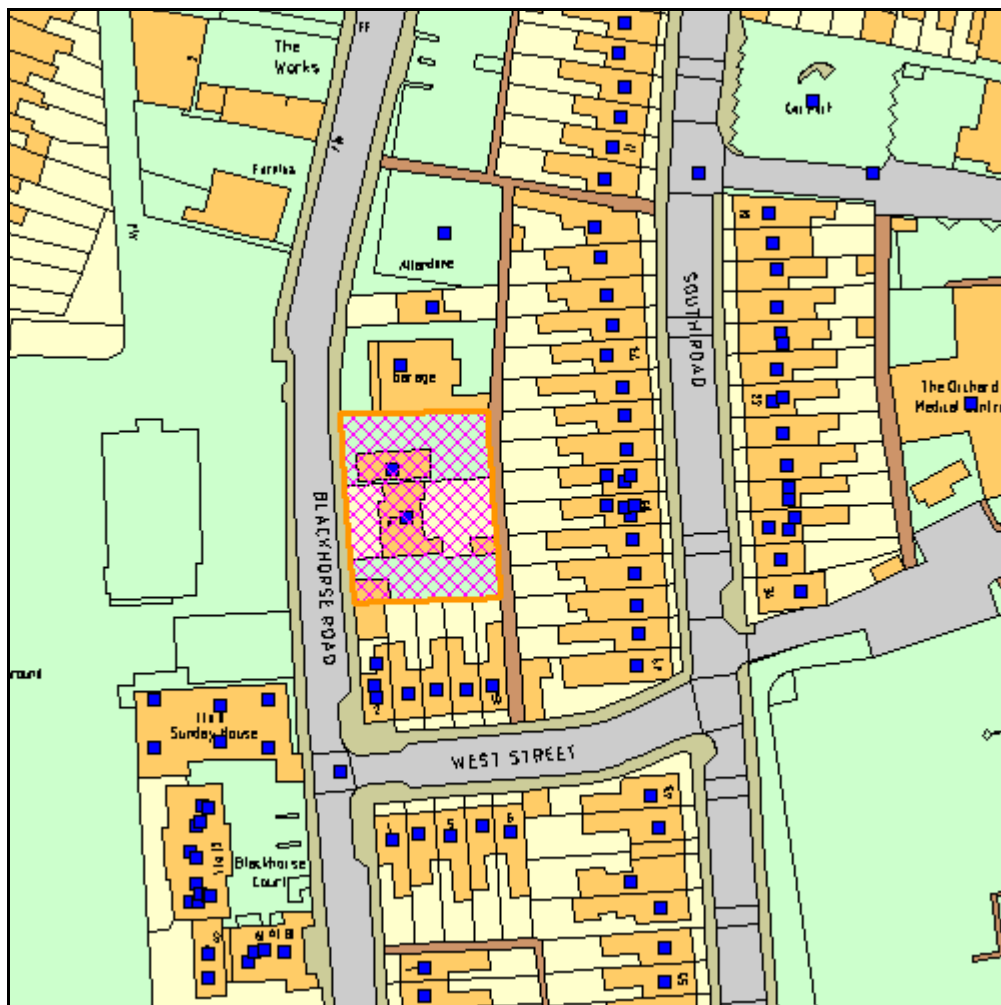
4. No development shall take place until a Coal Mining Risk Assessment has been submitted to and been approved in writing by the Local Planning Authority. Any mitigation measures agreed shall be implemented prior to the commencement of development and be permanently retained thereafter.

Reason

To accord with policy PSP22 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework. These details are required prior to the commencement of development as they relate to the stability of the site, and potential mitigation works. These, if necessary, will need to be the first part of construction works undertaken.

CIRCULATED SCHEDULE NO. 06/18 – 9 FEBRUARY 2018

| | | | |
|------------------------------|---|---------------------|-----------------------|
| App No.: | PK17/5710/O | Applicant: | BKT Properties Ltd |
| Site: | 1A & 39A Blackhorse Road Kingswood Bristol South Gloucestershire BS15 8DZ | Date Reg: | 14th December 2017 |
| Proposal: | Demolition of existing bungalow (1A) and hand car wash (39A) and erection of 5no attached dwellings (Outline) with access and scale to be determined. All other matters reserved. (re-submission of PK17/3209/O). | Parish: | None |
| Map Ref: | 364527 173784 | Ward: | Woodstock |
| Application Category: | Minor | Target Date: | 5th February 2018 |



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N.T.S.

PK17/5710/O

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks outline planning permission for the Demolition of an existing bungalow and hand car wash and the erection of 5no. attached dwellings with access and scale to be determined. All other matters of siting, landscape and appearance to be reserved matters. The application site relates to 1A (the bungalow) and 39A (the car wash) on Blackhorse Road, Kingswood. The site is therefore within an established settlement boundary. It is located directly opposite the grade II listed Methodist Church on Blackhorse Road.
- 1.2 This application follows a scheme for 7no. houses on the same site which was withdrawn following Officer concerns regarding the amount of development on the site, the implications for residential amenity and adverse impact on highway. The proximity to the heritage asset was also noted. On the basis the application was withdrawn Officers agreed to provide some advice on a revised scheme for a terrace of 6 which the applicant suggested. This advice included the consultee comments from appropriate professionals regarding heritage assets and highways. The advice concluded that a scheme of even 6 houses on the site would be overly ambitious for this constrained site.
- 1.3 It is noted that this application differs from the previously submitted application in that the number of houses has reduced from 7 to 5 and also the orientation has now changed so that the end terrace is side onto Blackhorse Road, rather than the terrace facing out onto this main road.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
Planning Policy Guidance Planning
Planning (Listed Buildings and Conservation Areas) Act
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)

- 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 |
| CS13 | Non-Safeguarded Economic Development Sites |
| CS14 | Town Centres and Retailing |
| CS15 | Distribution of Housing |
| CS16 | Housing Density |
| CS17 | Housing Diversity |

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

| | |
|-------|--|
| PSP1 | Local Distinctiveness |
| PSP8 | Residential Amenity |
| PSP9 | Health Impact Assessments |
| PSP11 | Transport Impact Management |
| PSP16 | Parking Standards |
| PSP17 | Heritage Assets and the Historic Environment |
| PSP21 | Environmental Pollution and Impacts |
| PSP31 | Town Centre Uses |
| PSP32 | Local Centres |
| PSP37 | Internal Space Standards |
| PSP38 | Development within Existing Residential Curtilages |
| PSP43 | Private Amenity Space Standards |

2.3 Supplementary Planning Guidance

SPD: Design (Adopted) 2007

SPD: Residential Parking Standards (Adopted) 2013

SPD: Waste Collection Standards (Adopted) 2015

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|---|----------|
| 3.1 | Pre app advice attached to PK17/3209/O | 21.9.17 |
| 3.2 | PK17/3209/O Demolition of existing bungalow (1A) and hand car wash (39A) and erection of 7no. attached dwellings (Outline) with access and scale to be determined. All other matters reserved. Withdrawn | 30.8.17 |
| 3.3 | PK16/6507/F Change of use from industrial (Class B2) to hand car wash (sui generis) (retrospective) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) Approved | 17.5.17 |
| 3.4 | PK12/3430/F Demolition of existing garage and erection of 1No. detached dwelling with associated works. Resubmission of PK12/2056/F. Approved | 7.12.12 |
| 3.5 | PK12/2056/F Demolition of existing garage and erection of 2no. semi detached dwellings with associated works. Refused | 9.8.12 |
| 3.6 | PK10/2419/EXT Demolition of existing dwelling and erection of 6 no. flats with 6 no. car parking spaces, amenity space and associated works. Construction of new vehicular access from Blackhorse Road. (Consent to extend time limit implementation for PK07/2113/F) Approved | 26.10.10 |

- | | | | | |
|---|---------------|--|--------------|----------|
| 3.7 | PK10/1575/NMA | Non-material amendment to PK07/2113/F to raise floor levels within flats 1 and 4 and shape roof over window to match approved detail to flat 6 | No objection | 22.7.10 |
| 3.8 | PK08/0085/F | Conversion of existing dwelling to form 2no. self contained flats | Approved | 15.2.08 |
| 3.9 | PK07/2113/F | Demolition of existing dwelling and erection of 6 no. flats with 6 no. car parking spaces, amenity space and associated works. Construction of new vehicular access from Blackhorse Road. | Approved | 23.11.07 |
| 3.10 | PK06/2403/O | Erection of 6 no. flats with 3 no. parking spaces (Outline). All matters to be reserved. | Refused | 30.10.06 |
| 3.11 | PK04/0557/F | Change of use of garage building from car lot (sui generis) to general industrial (Class B2) as defined in the Town and Country Planning Use Classes Order 1987. | Approved | 5.4.04 |
| 3.12 | PK03/0028/F | Change of use from MOT Centre (B2) to car lot for the sale of cars (sui generis) as defined in the Town & Country Planning Use Classes Order 1987. Erection of 2.4m high railings. | Approved | 14.4.03 |
| 3.13 | PK02/3450/F | Erection of detached single storey annexe for use as self-contained accommodation for dependant relative | Approved | 16.1.03 |
| 3.14 | K7104 | 1 no. 3 bed detached dwelling | Refused | 24.1.92 |
| 3.15 | K1931/2 | Extension and internal alterations | Approved | 12.9.86 |
| 3.16 | K1931/1 | Change of use of premises from residential to offices | Approved | 19.9.78 |
| 3.17 | K1931 | Extension to existing garage building to provide a DOE vehicle testing station in connection with the main workshop and erect boundary fences/walls | Approved | 1.11.77 |
| Related to Wesleyan Chapel directly opposite the site: | | | | |
| 3.18 | PK15/4995/F | Change of use of former chapel from Ballet School (Class D2) to Residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to facilitate the conversion to 15no. | | |

self-contained flats with new access, parking landscaping and associated works. Erection of bin and cycle stores. Creation of a memorial garden.

Approved 4.5.16

- 3.19 PK15/4996/LB Internal and external alterations to facilitate the conversion of former chapel to 15no. self-contained flats.

Approved 4.5.16

- 3.20 PK17/2241/LB Internal and external alterations to facilitate the conversion of former chapel to 15no. self-contained flats (resubmission of PK15/4996/LB).

Approved 28.6.17

- 3.21 PK17/2203/RVC Variation of condition 2 attached to planning permission PK15/4995/F to substitute plans

Approved 24.7.17

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
The area is unparished

Internal Consultees

- 4.2 Drainage
No objection in principle subject to a SUDS condition and advice regarding the location of soakaways being 5 metres away from any structure including the public highway.

- 4.3 Highway Structures
No objection subject to an informative

- 4.4 Environmental Protection
No objection subject to a condition regarding construction site working

- 4.5 Public Open Space
The proposal falls below the required threshold

- 4.6 Conservation
No objection:
In principle subject to ensuring the amount of development and the design principles embedded within the DAS are secured (which should include a commitment to using natural stone as suggested above), then the setting of the Grade II listed Chapel would be preserved.

- 4.7 Sustainable Transport
No objection subject to conditions relating to the construction of new access, removal of existing access, parking area and an construction environmental management plan.

Other Representations

4.8 Local Residents

One local resident has raised the following points:

- Whilst the revised proposals are an improvement on the previous Application the end house is still too close to the South Road properties. Looking at the plan there is scope to move the terrace block away from this boundary and closer to Blackhorse Road.
- There should also be a Condition applied to prevent any windows at first floor level in the end terrace gable to avoid overlooking into South Road property gardens
- Council waste standards require bin storage should be at a maximum of 15 m from an adopted highway – this is nearly 25m and should be moved but may require a parking space to be substituted for bin storage. Storage should be next to the highway to provide most efficient collection and thus avoid delays to traffic on Blackhorse Road. Bin storage should be within an enclosure to avoid unsightly grouping.
- Planting should be reinstated along the rear of the courtyard to provide much needed greenery and to screen properties

5. ANALYSIS OF PROPOSAL

5.1 This is an outline planning application for the Demolition of an existing bungalow and hand car wash (sui generis) and the erection of 5no. attached dwellings with access and scale to be determined. All other matters of siting, landscape and appearance to be reserved matters. Accordingly the scope of this application is limited primarily to matters of the principle, scale and access. Whilst design matters are considered in a broad sense, this assessment cannot consider detailed design matters as these would be reserved for the later stage.

5.2 Principle of Development

The application site is situated within the established settlement of Kingswood. It comprises in part an existing residential property, a single storey bungalow and its garden, parking area and garage, and also immediately adjacent, a car wash business comprising a single storey building which it is possible to drive through and associated areas to the rear and side. In terms of the redevelopment of the residential curtilage the principle of development within a sustainable location such as this is supported by both local and national planning policy. Indeed the more efficient use of this brownfield site weighs in favour of the proposal. Further weight is given in favour when one considers the current inability of the Council to demonstrate a five year housing land supply. This would contribute positively, if modestly to that.

The car wash is not on an area set aside for safeguarded economic development. Policy CS13 suggests that a sequential approach should be followed before a non-safeguarded site in an “economic development” site is permitted to go to a residential only use. In this case the employment benefits arising from the existing car wash operation are considered limited. As an economic development site the site has few assets, it is mainly open, with the built form being in fairly poor repair and appearance. It is small in scale and is in close proximity to residential buildings and a Grade II listed building.

An alternative economic use is likely to require considerable investment that the scale and constraints of the site is unlikely to generate. This sequential approach is not seen in national policy.

National planning policy states that sustainable development should be supported unless it can be found that there would be harm to certain types of development and this includes heritage assets. It is acknowledged that South Gloucestershire Council does not have a five year land supply of housing and when this situation arises, the NPPF states that decision takers should approve development proposals that accord with the development plan without delay; where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

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

5.3 The impact to heritage assets is considered below, and concludes that there would be no harm caused to the setting of the listed Methodist church opposite. Indeed, the redevelopment of this site is likely to improve the setting. It is considered that greater weight should be given to the paragraph 14 test rather than policy CS13. Accordingly, considerable weight is given in terms of the presumption of boosting the housing supply in a sustainable location; and this outweighs the limited harm from the loss of employment opportunities from the car wash use. The principle is therefore considered to be acceptable subject to there being no adverse impacts that would significant and demonstrably outweigh the benefits of additional housing in this area.

5.4 Character of the area and Heritage assets

The pre-application advice gave an assessment on the existing character of the immediate area and indicated that: *the streets surrounding the application site comprise two-storey terrace properties built late 19th early 20th century. Most exhibit one if not two front bay windows and many retain their original rough rubble stone frontages. Modern development in the immediate area includes the single storey detached bungalow on the application site and the associated car wash. Adjacent to the car wash is an established business The Car Clinic, for servicing and MOTs and beyond this a two storey detached dwelling. Notwithstanding its double fronted appearance, this property and the application site appear incongruous with the overall pattern of development here. In between this two storey house and the main road, Two Mile Hill Road is a large area of car parking and the modern red brick two storey building, Cam House, on the corner of Blackhorse Road and Two Mile Hill Road*

5.5 Of particular relevance is the redevelopment of the former Wesleyan Chapel into flats. The regeneration of this site was initially approved under planning application PK15/4995/F and extensive negotiations have resulted in a scheme which is intended to raise the profile of this neglected site and make a positive contribution to the street scene of this part of Kingswood. The opportunity to

revitalise and reinvigorate this part of Kingswood by high quality design and conversion was welcomed by local residents and the LPA alike.

- 5.6 The application site holds the closest position of any other built form to the Wesleyan Chapel and therefore a scheme to complement the approved redevelopment of this heritage asset is considered an essential element in the success of any scheme.
- 5.7 Due to the proximity of the application site to the Wesleyan Chapel it is considered to form part of the setting of this grade II listed structure, and the associated grade II listed Wesleyan Sunday School building further to the south. This information was given to the applicant in written advice which also stipulated that *the proposals would be assessed in accordance with policies and guidance which seek to protect the significance of designated assets and their settings.*
- 5.8 At that time it was acknowledged that *“The existing character and appearance of the application does not make a positive contribution to the setting of the adjacent listed buildings that are situated directly to the west of the application site on the other side of Blackhorse Road. The redevelopment of the site therefore present an opportunity to provide for a degree of much needed enhancement.”*
- 5.9 It was furthermore felt that the initial proposal had sought to maximise the development on the site in terms of the number of units with no thought to the aesthetics or functionality of the site and its surroundings. The Conservation officer concluded in his comments that the intensity of the development (7 houses at that time) was too great for the site and appeared cramped and contrived and would be harmful to the setting of the listed buildings. Comment went further stating that the condition of the existing site was noted but that poorly related modern infill would simply reinforce the negative characteristics that prevail in the context. It followed that the level of harm would be such that it would neither preserve nor enhance the existing setting of the designated heritage assets. As a consequence a reduction in the number of units was suggested and also it was suggested that by developing the design proposals a far more sympathetic and functional development could be achieved, one that could make even a positive contribution to the character and identity of the locality.
- 5.10 This submission has reduced the number of units on the site to 5no. and also changed the orientation of the dwellings. In regards to scale and layout, the proposed amended scheme represents a significant improvement in the quality of the design, and in principle at least the concerns regarding the previous scheme and the impact on the setting of the listed building can be considered to have largely been addressed.
- 5.11 The updated Design and Access Statement specifies the amount of development with the floor area for the units clearly noted and spread over two floors. The scale of the buildings has been indicated and as such the impact on the setting of the listed building of two storey dwellings is acceptable but if this were to increase to 2.5 or even 3 storeys the resultant scale and massing of the block

would be more significant and the concern about visual competition would be triggered. Consequently, following on from previous detailed advice the scale of development proposed, at two-storey, would be appropriate and in-keeping with the area and on this basis it would be reasonable and necessary for it to be a condition of the development.

- 5.12 The indicative designs reflect the modest terrace of miners' cottages that are a feature of the locality. The roadside elevation also demonstrates a clear intention to provide a dual aspect unit which is also a key requirement. The Conservation Officer has concluded that subject to the design principles of Design and Access Statement (and materials) being followed, then the setting of the Listed Building will be preserved; that is to say there will not be any harm. These details will be considered at the reserved matters stage, but a condition is proposed to ensure that the submitted reserved matters should accord with those design principles.

5.13 Scale

The submitted Design and Access Statement along with the submitted plans indicate the scale of the proposed development. The 5 no. houses would be in a terrace formation, perpendicular to the main road. The properties would be two-storey, each with two bedrooms and the eaves and ridge heights would be 5.1 metres and 7 metres respectfully. Given the sensitive location of the site, directly opposite the grade II listed buildings it is reasonable and necessary that the scale of the development in terms of heights be set by condition.

5.14 Access

There is currently direct pedestrian and vehicle access off Blackhorse Road which is part of a one way system that operates in this part of Kingswood. The proposed scheme creates a single and central vehicle access point. From a safety point of view, acceptable visibility can be achieved from the site access onto the public highway and as such, the access is considered suitable.

- 5.15 The illustrative plans show a total of 9no. car parking spaces can be accommodated on the site to serve the 5no. two bed properties plus provide some visitor parking. This meets the Council's adopted parking standards. The plans indicate that there would be sufficient room to manoeuvre and turn within the site to enable vehicles to enter and leave in forward gear. A condition is proposed in relation to ensuring the layout to be submitted as a reserved matter adheres to the parking SPD.

- 5.16 Cycle parking provision could be achieved within the rear gardens, although is not shown on any of the submitted plans. This can be dealt with more appropriately through the reserved matters stage as layout is not currently before the LPA.

- 5.17 Comments from a local resident are noted with regards to the position of the communal refuse area. However, given that the proposed design would ensure that 9no. car parking spaces could be achieved on site the location of the refuse area to the eastern corner of the parking area is considered acceptable in principle in this urban area where parking, highway safety and traffic flow are

important considerations. In an ideal situation, the refuse area could be closer to the highway but at a distance of 25 metres this would not cause such problems sufficient to warrant the loss of a parking space or the refusal of the scheme. However, again this would be something that should be secured at the reserved matters stage, and a condition is proposed to require those details as part of the layout.

5.18 Residential Amenity

Adopted planning policy dictates the amount of private residential amenity space for new dwellings. Two bed properties should have 40 sq metres of private usable amenity space. The illustrative plans indicate the residential amenity space for 4 of the houses would be around 36 square metres and the other house, closest to the road side would have about 54 square metres of garden, with the assumption that a similar area to that provided for the other houses could be made private by boundary treatment. The method of enclosing this garden would be important given its proximity to the grade II listed building. However, the town location of the site is recognised where it can be difficult to achieve amenity space standards whilst redeveloping brown field sites. On this basis, and taking the individual constraints and merits of the site into account, the level of provision is, on balance, considered acceptable but again this would be addressed in detail at the reserved matters stage. The point here being is that any deficit when compared to the suggested minimum is not likely to be so fundamental that it would amount to a significant or demonstrable harm.

5.19 With regards to the potential impact the development would have on neighbours the appearance and layout of the dwellings are reserved, so a detailed assessment is not yet possible. However one of the design principles in the suggested condition is that first floor windows facing towards the properties in South Road should be avoided. The frontages on the illustrative plans would be opposite the rear gardens of properties along West Road. The overall distance between the two-storey elements of the new properties and this older terrace would be around 22 metres. Single storey additions would be closer at around 18 metres but in both cases the houses would be separated by the proposed car parking area, the entrance driveway to the site and existing boundary treatments. The illustrative plans indicate that it will be possible to maintain acceptable relationships with other residential properties.

5.20 Of more concern is the potential for overlooking of the proposed rear gardens by the existing neighbouring business, The Car Clinic; and indeed the general impact of this business on the proposed residences is something to be considered. The illustrative plans show this boundary would adjoin the rear gardens of the proposed units. This Car Clinic building has a series of ground floor windows in the southern elevation hard onto the boundary and it is noted that the land slopes up from the south to the north. Accordingly this boundary will be an important consideration in terms of the detailed layout and landscaping. Whilst it is possible that a boundary could be erected within the site, this would in effect block those windows. It is considered that a planting screen combined with some physical boundary would be more appropriate. The illustrative layout demonstrates that the physical form would be located a

reasonable distance away such that the residential amenity of the proposed units would be safeguarded to a reasonable extent.

5.21 Layout

The 5no. dwellings are shown on the illustrative plan arranged as a terrace, perpendicular to the main road and therefore also at right angles to the houses behind the site on South Road. The constraints of the site are noted and although it may have been preferable for properties to face onto the highway, limitations in terms of highway safety and potential overlooking for neighbours must be acknowledged. This scheme would therefore create a small cul-de-sac/mews of houses, that would not present their frontages to the main road but given the circumstances, and the benefit of developing the site, the proposed scheme is considered an acceptable alternative.

5.22 Impact on Equalities

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

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

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

5.25 Planning Balance

The proposal follows extensive pre-application advice which has been reflected in the submitted scheme. The proposal to re-develop this brownfield site would add 5no. properties (4 net) to the housing supply and this is given weight in favour. The scale of the scheme would be respectful of the setting of the listed building and would not be harmful to its setting. The employment opportunities generated by the current car wash (sui generis) use are not considered to be a significant and demonstrable harm that would outweigh the additional housing to be provided in this sustainable location. Sufficient on-site parking and appropriate manoeuvring areas can be achieved and it is considered that issues regarding possible impact on amenity can be satisfactorily addressed by means of appropriate boundary treatment in appropriate soft landscape detailing. Given the above the scheme can be recommended for approval.

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 It is recommended that the application be **APPROVED** subject to the conditions set out below.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

5. The reserved matters required by condition 1, in relation to the appearance of the buildings, shall conform with the design principles as indicated on the Indicative Street Scene (plan reference: 2007-036-A) and the Design, Access Statement received 4th January 2018 and the Heritage Statement (reference: A1/2007/26092017/RevA) received 28 November 2017. For the avoidance of doubt this shall include the use of natural stone as indicated; it shall also avoid first floor windows in elevations facing eastwards towards South Road).

Reason

To ensure a satisfactory standard of external appearance, visual and residential amenity and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1, PSP8 and PSP17 of the South Gloucestershire Local Plan: Policies Sites and Places (adopted) 2017 and the National Planning Policy Framework.

6. The reserved matters, as required by condition 1, shall not bring forward development that exceeds a ridge height of 7 metres, as shown on plan 2007-035-B and detailed in the Design and Access Statement received 4th January 2018.

Reason

To ensure a satisfactory standard of external appearance, to protect the character of the area and respect the grade II listed building and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

7. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. Land set aside for this use is required as part of this submission.

The method of surface water disposal is to soakaway. Soakaways must be located 5 Metres from any structure including the Public Highway.

Evidence is required to confirm that the ground is suitable for soakaways. Percolation tests as described in Building Regs H - Drainage and Waste Disposal and/or BRE Digest 365 Soakaway Design need to be carried out.

The development shall be carried out in accordance with the agreed details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action in future and to ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

8. The hours of working on site during the period of construction shall be restricted to
Monday - Friday.....7:30am - 6:00pm
Saturday.....8:00am - 1:00pm
No working shall take place on Sundays or Public Holidays.

The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

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

9. No building hereby permitted shall be occupied until the means of vehicular access (pedestrian crossover access) has been constructed and completed in accordance with the approved plans Proposed Site Layout Plan B11954 41 Rev B received on 4th January 2018 and the said means of vehicular access shall thereafter be retained for access purposes only.

Reason

In the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

10. No building hereby permitted shall be occupied until the existing [redundant] accesses to the development site have been permanently stopped up and the footway reinstated in accordance with the approved plans Proposed Site Layout Plan B11954 41 Rev B.

Reason

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

11. The layout details to be submitted as part of condition 1 shall include the following information:
 - a) The proposed car parking spaces per residential unit in accordance with the standards in the South Gloucestershire Residential Parking SPD (adopted)
 - b) The proposed cycle parking provision
 - c) The proposed bin/refuse storage areas

Thereafter the approved car/vehicle parking areas, cycle storage and bin storage shall be provided prior to the first occupation of any dwelling; and thereafter retained for those respective purposes.

Reason

To ensure the satisfactory provision of bin storage and car and cycle parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS1 and CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

12. A site specific 'Construction Environmental Management Plan' (CEMP), shall be agreed in writing with the Local Planning Authority prior to commencement of work. The CEMP as approved by the Council shall be fully complied with at all times. The CEMP shall address the following matters:

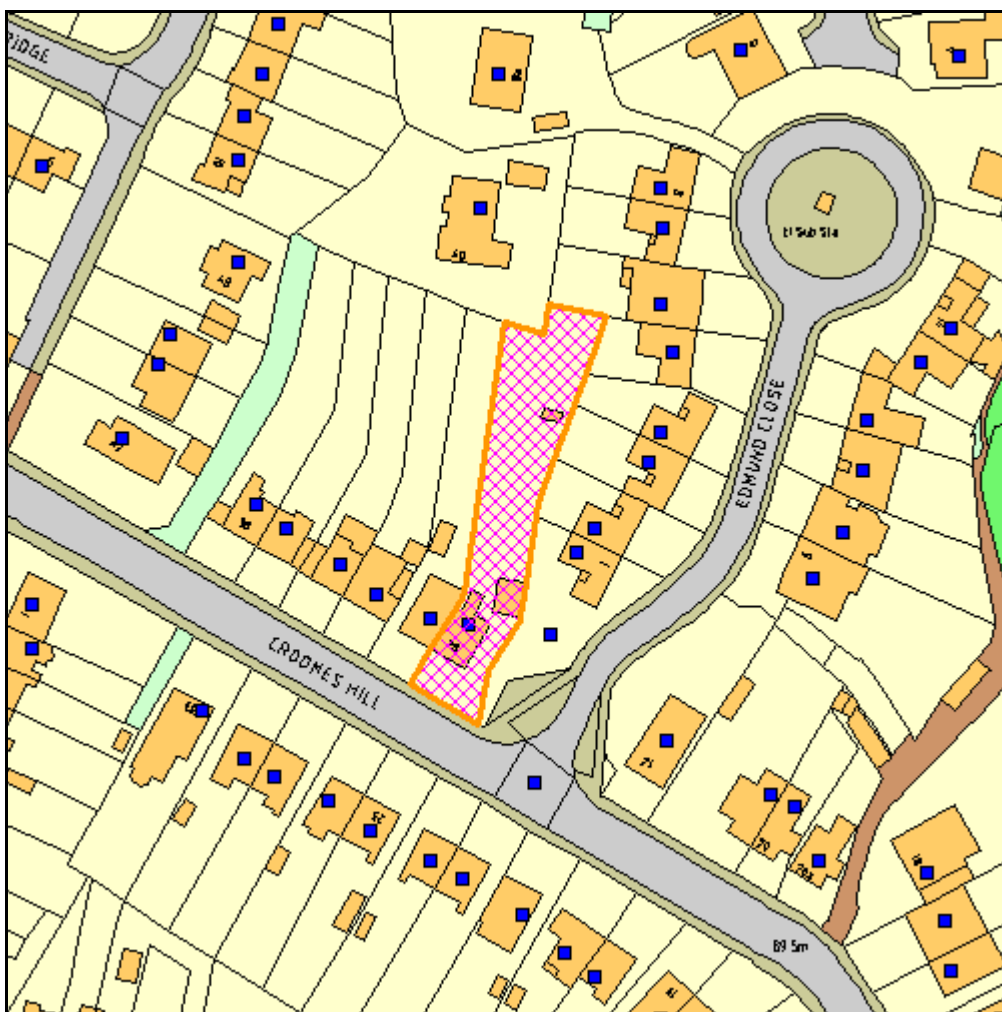
- (i) Measures to control dust from the demolition and construction works approved.
- (ii) Adequate provision for the delivery and storage of materials and provision of suitable contractor's parking on site.
- (iii) Measures to control the safe movement of construction traffic on Blackhorse Road that provides access to the site.
- (iv) Deliveries shall only take place Monday to Friday between the hours of 09:30 to 15:00 (school term time) and 09:00 to 16:00 (outside of school term time) and 09:00 to 12:00 Saturday. No deliveries on a Sunday.
- (v) Details of how construction work is to be managed to ensure that the existing highway road is not obstructed.
- (vi) Details of how residents of the access road and adjacent properties will be kept informed about the programme of works including the timing of large vehicle deliveries.
- (vii) Contact details for the Site Manager.

Reason

In the interests of highway safety and residential amenity, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places (Adopted) November 2017 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 06/18 – 9 FEBRUARY 2018

| | | | |
|----------------------------------|--|-------------------------|--|
| App No.: | PK17/5761/CLP | Applicant: | Mr M Jones |
| Site: | 28 Croomes Hill Downend Bristol South Gloucestershire BS16 5EH | Date Reg: | 3rd January 2018 |
| Proposal: | Application for a certificate of lawfulness for the proposed installation of 2no front rooflights and 1no rear and side dormer to facilitate loft conversion. | Parish: | Downend And Bromley Heath Parish Council |
| Map Ref: | 364646 176655 | Ward: | Downend |
| Application Category: | Certificate of Lawfulness | Target Date: | 8th February 2018 |



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PK17/5761/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 2no front roof lights and 1no rear and side dormer to facilitate loft conversion.to 28 Croomes Hill, Downend, would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.
- 1.3 During the course of this application revised plans were requested and received to address discrepancies in the site location and block plans.

2. POLICY CONTEXT

2.1 National Guidance

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

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 PK10/0494/F – Approved - 29.04.2010
Erection of single storey rear extension to form addition living accommodation (Amendments to previously approved scheme PK09/0212/F)
- PK09/1063/F – Approved - 24.06.2009
Alteration to roof including installation of rear dormer window to facilitate loft conversion.
- PK09/0212/F – Approved - 23.03.2009
Erection of single storey rear extension to form additional living accommodation.

4. CONSULTATION RESPONSES

4.1 Local Councillor

No comments received

Downend and Bromley Heath Parish Council

No objection

Other Representations

- 4.2 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Combined Plans
Site Location and Block Plans

(Received by Local Authority 12th January 2018)

Existing Plans

(Received by Local Authority 14th December 2017)

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 2no front roof lights and 1no rear and side 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 or Q of Part 3 of this Schedule (changes of use)**

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

- (b) 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 windows would not exceed the highest part of the roof, and therefore the proposed development meets this criterion.

- (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 and side 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. As such the proposal meets this criterion.

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

The property is a semi-detached house and the proposal would result in an additional volume of no more than 50 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 confirm materials of similar appearance.

- (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 rear dormers would be approximately 0.4 metres from the outside edge of the eaves of the original roof respectively. 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.

Plans show that side windows are to be obscure glazed and non opening.

- 6.4 The proposed roof lights on the existing dwelling would fall within the category of development permitted by Schedule 2, Part 1, Class C of the GPDO, which allows for any other alterations to the roof of a dwelling house provided it meets the criteria as detailed below:

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

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 use of the building as a dwellinghouse was not granted by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule.

The alteration would protrude more than 0.15 metres beyond the plane of the roof slope of the original roof when measured from the perpendicular with the external surface of the original roof;

The roof lights would not protrude more than 0.15 metres beyond the plane of the roof slope of the original roof.

It would result in the highest part of the alteration being higher than the highest part of the original roof, or;

The proposed roof lights would not be higher than the highest part of the original roof.

It would consist of or include –

(i) The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

Not applicable

(ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

Not applicable

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be-

(a) Obscure glazed; and

(b) 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 proposed roof lights would be on the principal elevation.

7. RECOMMENDATION

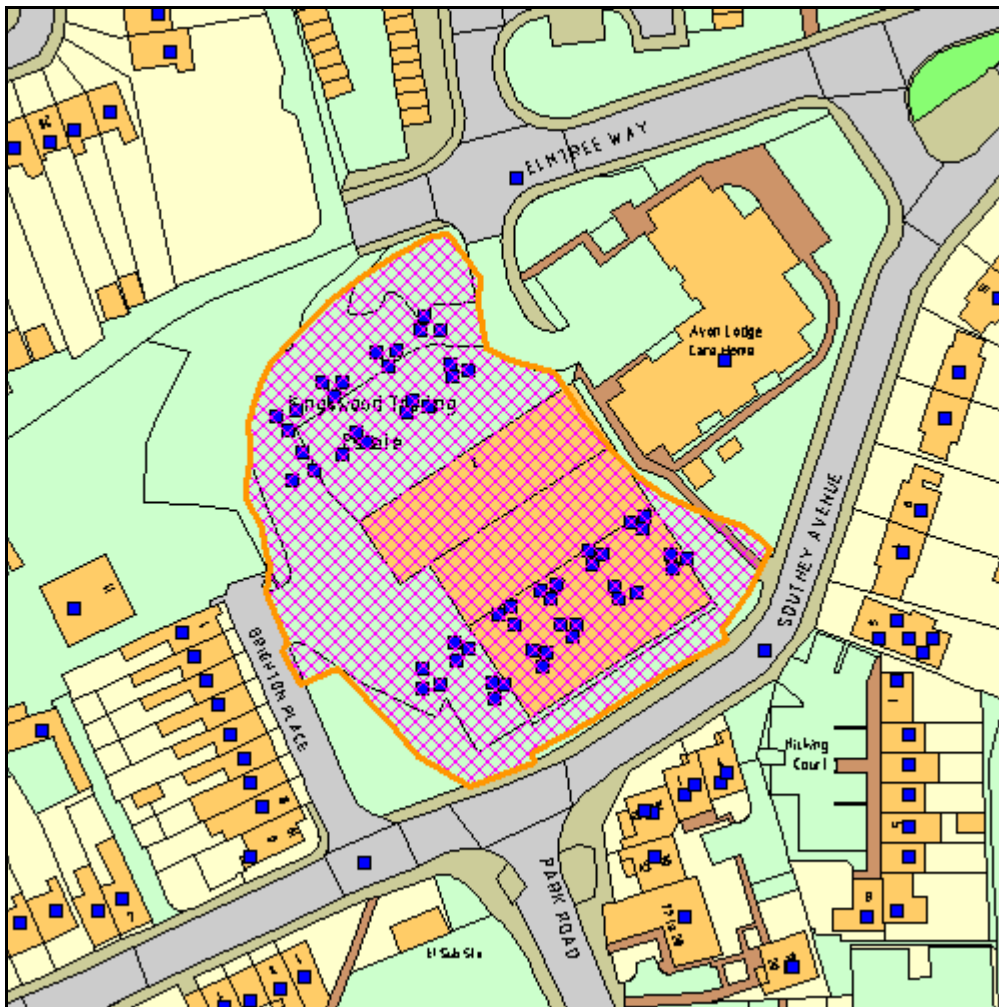
7.1 That a certificate of Lawfulness for Proposed Development is **granted for the reasons listed below:**

Evidence has been provided to demonstrate, on the balance of probabilities, that the proposed rooflights and dormer would fall within the permitted rights afforded to householders under Schedule 2; Part 1 of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Westley Little
Tel. No. 01454 867866

CIRCULATED SCHEDULE NO. 06/18 – 9 FEBRUARY 2018

| | | | |
|------------------------------|---|---------------------|--------------------------------|
| App No.: | PK17/5852/RVC | Applicant: | Paul Hollyman Strongvox Ltd |
| Site: | 1 Elmtree Way Kingswood Bristol South Gloucestershire BS15 1QS | Date Reg: | 12th January 2018 |
| Proposal: | Removal of condition no. 18 attached to planning permission PK08/1530/F in connection with parking facilities | Parish: | None |
| Map Ref: | 364899 174189 | Ward: | Kings Chase |
| Application Category: | Major | Target Date: | 9th April 2018 |



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PK17/5852/RVC

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application is for the removal of condition no. 18 attached to planning permission PK08/1530/F in connection with parking facilities.
- 1.2 Planning permission reference PK08/1530/F was for the demolition of existing warehouses to facilitate the erection of 57 no. one/two bedroom apartments in 2 no. three storey blocks with associated parking, cycle and bin stores, landscaping and associated works. The planning permission has been implemented and the relevant pre-commencement conditions discharged.
- 1.3 Condition 18 of that permission stated '*Prior to the first occupation of the buildings hereby approved, the applicant shall set up a Car Club Scheme for the site, the details of which shall be submitted to and approved in writing by the Local Planning Authority. Evidence shall be provided to confirm that the Car Club shall be operational for a minimum of 3 years.*

Reason: To mitigate for the under-provision of on-site car parking spaces and to reduce on-street parking, in the interests of highway safety and the amenity of the area, in accordance with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

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
CS8 Improving Accessibility

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

PSP11 Transport Impact Management
PSP16 Parking Standards

- 2.3 Supplementary Planning Guidance
South Gloucestershire Residential Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/1530/F - Demolition of existing warehouses to facilitate the erection of 57 no. one/two bedroom apartments in 2 no. three storey blocks with associated

parking, cycle and bin stores, landscaping and associated works. Approved 23.01.2009.

4. **CONSULTATION RESPONSES**

4.1 Parish/Town Council No Parish

4.2 Other Consultees

Sustainable Transportation

This application is seeking removal of 'Condition 18' as attached to planning application Pk08/1530/F - condition 18 relates to setting up a 'car-club' associated with the redevelopment of the site at 1 Elmtree Way – Kingswood.

I note that the planning consent to this development was approved in 2008 and the s106 legal agreement was signed on 23rd Jan 2009.

Condition 18 states:

18. 'Prior to the first occupation of the building hereby approved, the applicant shall set up a car club scheme for the site, the details of which shall be submitted to and approved in writing by the local planning authority. Evidence shall be provided to confirm that car club shall be operational for a minimum of 3 years'.

I note from this condition that there is no requirement upon the applicant to provide or maintain such car club after the initial 3 years of it being set up.

I have no information before me to confirm the date of completion of the development or the date of first occupation of the building. On assumption that this development was completed 2 or 3 years after the date of consent – this makes the date of completion to be 2011 or 2012 then, the time for setting up the car club has lapsed now.

Given the circumstances surrounding condition 18 and passage of the time relating to this, we may find it difficult to pursue the implementation of this condition (even though the car club facility was never implemented in the first place). More critically, given the fact that there is no requirement within the condition or upon the developer to provide/ maintain such car-club after the initial 3 years period after it set up then it is very unlikely that we can now insist on this now.

I take comfort from the fact that this site is in a sustainable location and close to Kingswood shopping centre and many amenities as well as close to employment area and there is good access to public transport and bus services within easy walking distance.

I further note that the applicant has submitted a plan showing details off street parking on site (see attached plan – drawing no KINGS))! Rev A) . On the application form itself, the applicant confirms that *'The scheme has now a parking provision of one car parking space to one plot. Each space is dedicated to a plot'*.

In view of all the above-mentioned therefore, I do not propose to raise any highway objection to removal of the condition 18 as proposed.

Other Representations

4.3 Local Residents

One letter of objection was received, as follows:

'We do not want a block of flats over looking our garden, this is our privacy taken away I know we need more housing my own son is being ripped off by paying a huge amount for a poor flat but we have struggled to pay for our own house and privacy and would be against this application unless there is a financial compensation so that we could at least try to do something to our garden to shield it'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of development has been established through the granting of the original consent. The development has been implemented. The only issue for consideration is the removal of the condition 18, relating to a car sharing scheme. The scope of this type of application is therefore narrower than a full planning application, but would if granted create a standalone decision. The main area to consider is the condition under question, and particularly the reasons for it. The proposal should be assessed against the development plan policy, and national guidance in force now; and take into account any other material changes.

5.2 Transportation

It is considered that the site is in a highly sustainable location. Parking for one space per flat is also illustrated. Further to this the development was implemented several years ago and the requirement for the car sharing scheme would by now have lapsed and there is no provision for its continuation beyond this point. On balance, given the above considerations, it would not be considered necessary or expedient to pursue the implementation of a car sharing club in this instance. On this basis there are no transportation objections to the removal of the condition.

5.3 Residential Amenity

Whilst the comments above are noted, this application is not for any new construction or additional of residential accommodation, this has been considered approved and implemented in accordance with the previous application. The impacts referred to therefore would not accrue from this proposal under consideration. Any impacts would be based upon the non implementation of a car sharing scheme, referred to above and as considered by the Council's Highway Officer.

5.4

As the original proposal had other conditions in force, these have been reviewed in addition to the specific condition mentioned in the application. These have in many cases been discharged. However, those that still apply (such as the retention of the parking and turning areas; and drainage conditions) have been reworded to acknowledge that the development has been implemented; and the reasons have been updated to reflect current planning policy.

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. Any remaining relevant conditions of the original consent will be carried forward.

7. RECOMMENDATION

- 7.1 That permission for the removal of the condition is granted, and the remaining conditions are varied to reflect the implementation of the proposal and update the policy references.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

- 1. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason

To prevent non-point source pollution and to accord with Policy PSP21 of the South Gloucestershire Policies, Sites and Places Plan.

2. Any oil or chemical storage tanks shall be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank and of a structural design approved in writing by the Local Planning Authority.

Reason

To prevent non-point source pollution and to accord with Policy PSP21 of the South Gloucestershire Policies, Sites and Places Plan.

3. The off-street car parking and manoeuvring facilities, and cycle parking facilities, shown on the plan hereby approved shall be retained as such and used only in conjunction with the occupation of the buildings purpose.

Reason

To ensure the satisfactory provision of cycle and car parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies PSP11 and PSP16 of the South Gloucestershire Policies, Sites and Places Plan.

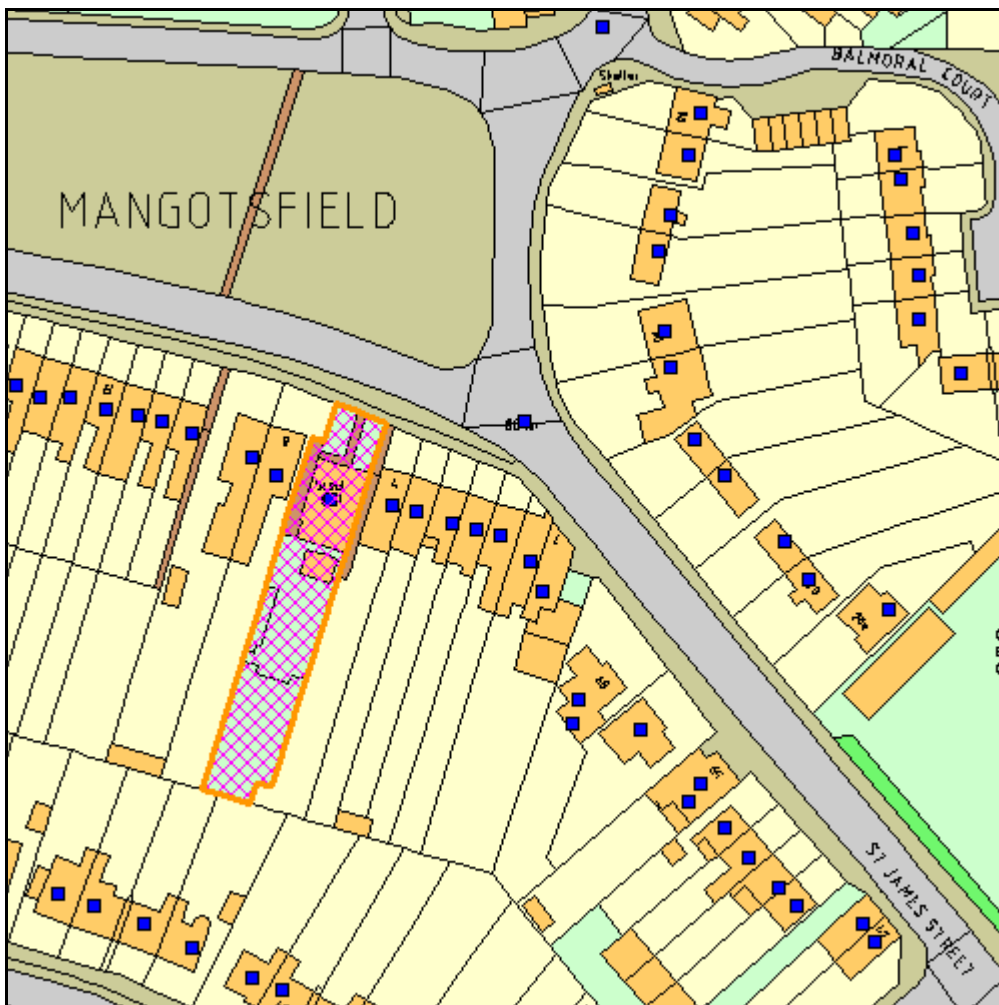
4. The parking and turning areas shown on the approved plans shall be surfaced with permeable bound materials and the parking spaces marked out with white lines.

Reason

To ensure the satisfactory provision of cycle and car parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies PSP11 and PSP16 of the South Gloucestershire Policies, Sites and Places Plan.

CIRCULATED SCHEDULE NO. 06/18 – 9 FEBRUARY 2018

| | | | |
|------------------------------|---|---------------------|-----------------------|
| App No.: | PK18/0165/F | Applicant: | 67th Kingswood Scouts |
| Site: | The Scout Hall Northcote Road Mangotsfield South Gloucestershire BS16 9HF | Date Reg: | 15th January 2018 |
| Proposal: | Demolition of existing garage and sheds and erection of single storey rear extension to form meeting room and store. (renewal of previously approved scheme PK14/4354/F). | Parish: | None |
| Map Ref: | 366230 176394 | Ward: | Rodway |
| Application Category: | Minor | Target Date: | 7th March 2018 |



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PK18/0165/F

INTRODUCTION

This application is referred to the Circulated Schedule in accordance with procedure as an objection has been received that is contrary to the Case Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks consent for a single storey rear extension (an existing garage and sheds will be removed to facilitate the proposal) to a Scout Hall to provide a meeting room and a store room... The extension will project from the existing rear elevation of the building by 5.8 metres with a width of 6.5 metres (set in from the boundaries) and height to the apex of the hipped roof of 4.8 metres. Similar materials are to be used.
- 1.2 The application site comprises a detached building situated on the southern side of Northcote Road
- 1.3 The application is a renewal of Planning Application PK14/4354/F which expired on 19th December 2014. The application form indicates that the Scouts are still raising funds for the works and that the three years stipulated by condition in which to implement this consent had expired.

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

CS23 Community Infrastructure and Cultural Activity

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

PSP1 Responding to Climate Change and High Quality Design

PSP8 Residential Amenity

PSP11 Transport Impact Management

- 2.3 Supplementary Planning Guidance

Design Checklist 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/4354/F Demolition of existing garage and sheds and erection of a single storey rear extension to form meeting room and store. (Approved 19th December 2014)
- 3.2 P98/4183 Erection of garage at rear for storage of camping equipment (approve)

4. CONSULTATION RESPONSES

4.1 Parish Council

The area is unparished

4.2 Other Consultees

Sustainable Transport

We note that this planning application seeks to extend the accommodation at The Scout Hall in Northcote Road, Mangotsfield which requires the demolition of an existing garage/sheds to allow this to be undertaken. We understand that this application is a resubmission of a previous one (refPK14/4354/F) and note that we raised no objection to that version. Our present review indicates that in highway and transportation terms, there is no difference between the two development proposals. As a consequence, we have no objections to the current application either.

Highway Drainage

No objection

Highway Structures

No objection

Archaeologist

No comment

Other Representations

4.3 Local Residents

One letter of objection has been received. The grounds of objection can be summarised as follows:

- The eastern elevation of the building will result in a substantial loss of light and overshadowing to the rear elevation and garden of the neighbour to the east. The proposal will result in the loss of light to a principal room (blocking evening sun) and is therefore contrary to PSP 8 of the South Gloucestershire Local Plan

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposed development represents a renewal (the proposal is identical in all respects) of a previous proposal for works to the Scout Hall used by 67th

Kingswood Scouts. This is considered to be a key material consideration in favour of the current proposal. Essentially the same criteria still apply.

The application site represents a community infrastructure asset. Policy CS23 supports additional, extended or enhanced community infrastructure and as such the proposal is supported in principle.

5.2 *Proposals are located on sites which are or will be highly accessible on foot and by bicycle*

The site is located at the heart of the community drawing members from the surrounding area. The site is in close proximity to bus routes and is accessible by foot and bicycle. Bikes can be stored at the site safely. This criteria is met

5.3 *Development would not unacceptably prejudice residential amenities*

One objection has been received from an adjoining occupier at No.7. Concern has been raised that the proposal will result in loss of daylight/sunlight given that the building is considered higher and extends further than the existing arrangement. Concern is also raised that it would appear overbearing. Notwithstanding that the proposal is identical to that previous consented and that the context has not changed in that time, an assessment is made below of the impact of the proposal in these terms.

The extension when viewed from the east (No.7) Northcote Road would appear larger than the current arrangement, which is largely hidden by the boundary wall. An assessment is therefore required as to whether the proposed scheme which appears above the wall and is attached to the rear elevation (not detached as the current structure would have a greater impact.

The proposed extension would be separated from the boundary by 1.1 metres with the eaves level appearing approx. 0.2 metres above the wall. The roof would appear 2 metres above the eaves. The roof is however hipped away from the boundary such that the apex is 4.5 metres (approx.) from that boundary. Even accounting for the attachment to the rear elevation not currently present it is not considered that the impact upon outlook would be so significant such as would justify the refusal of the application. With respect to loss of sunlight/daylight, the concern of the occupier of No.7 is noted however given that No.7 is to the east, any impact would be restricted to the late afternoon/evening only and to be behind the extension the sun would already be very low in the sky.

In summary it is acknowledged that the extension would extend further than the existing structures and would have a greater height appearing above the boundary however it is not considered that the impact would be so significant such as would justify the refusal of the application and sustain that decision upon appeal. With respect to 8 on the other side, it is not considered given its scale and location that the development would result in a significant material loss of amenity. Given that the proposal is single storey it is not considered that any loss of privacy to neighbouring occupiers would result from the development.

5.4 *Development would not have an unacceptable environmental or transportation effect*

In terms of environmental impact the development would have no material impact. The proposal makes no alteration to the existing access or parking arrangements. There is no parking provision on-site, the garage being used for storage and this will not change as a result of the proposal. No objection has been raised by the Sustainable Transport Team,

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 Planning permission be granted subject to the conditions on the decision set out below.

Contact Officer: David Stockdale
Tel. No. 01454 866622

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. This decision relates only to the plans identified below:

All received 11th January 2018

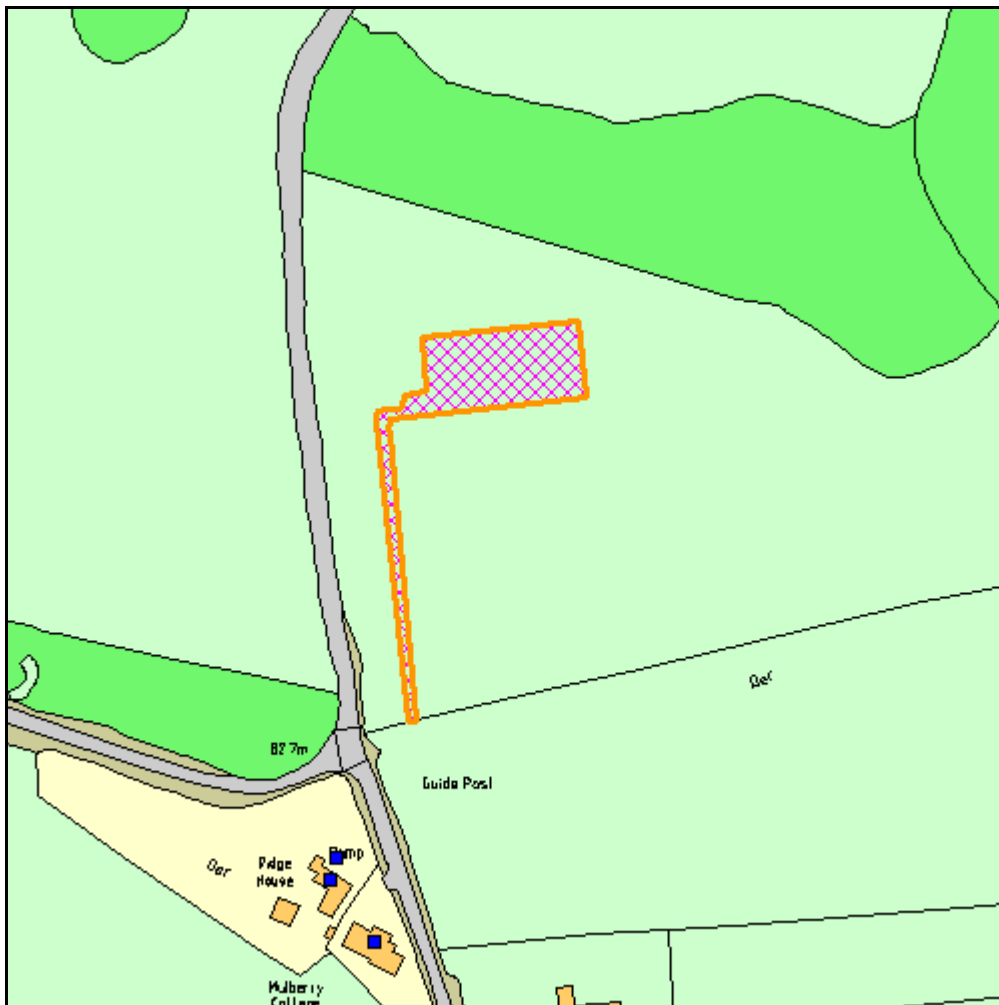
21014/P-100 Location Plan, P-200 Proposed Block Plan, (3 photo sheets P300, 400, 500), P600 - Existing Ground Floor Plan, P700 Existing Roof Plan, P1000 Proposed Ground Floor Plan, P1100 - Proposed Roof Plan, P800A - Existing Front (North) and Rear (South) Elevations, P1200A - Proposed Front (North) and Rear (South) Elevations, P1300A - Proposed Side (East and West) Elevations, P900 - Existing Side (east and West) Elevation

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 06/18 – 9 FEBRUARY 2018

| | | | |
|----------------------------------|---|-------------------------|---------------------------------|
| App No.: | PT17/2856/F | Applicant: | Mr A Lavis |
| Site: | Land Off Mumbleys Lane Mumbleys Lane Thornbury South Gloucestershire BS35 3JU | Date Reg: | 20th July 2017 |
| Proposal: | Erection of agricultural building and 2 no. poly tunnels. | Parish: | Thornbury Town Council |
| Map Ref: | 362193 188793 | Ward: | Thornbury South And Alveston |
| Application Category: | Minor | Target Date: | 11th September 2017 |



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PT17/2856/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 an agricultural building and 2no. polytunnels at Land off Mumbleys Lane, Thornbury.
- 1.2 The application site consists of land to the east of Mumbleys Lane, Thornbury. The land consists of permanent pasture and extends to approximately 1.95 hectares. The site slopes significantly downwards from south to north, and is bounded on its northern and eastern sides by areas of woodland, its southern side by a separate field, and its western side by Mumbleys Lane.
- 1.3 The site is located within the Bristol and Bath Green Belt. A public right of way, which forms part of the Jubilee Way (Major Recreational Route), runs to the south of the application site.
- 1.4 Revised plans were requested and received on 24th November 2017. The revisions involved the re-siting of the proposed agricultural building and polytunnels, as well as alterations to the proposed landscaping. The alterations were considered to materially affect the scope of the proposal, and as such a further round of consultation was undertaken. The further round of consultation ran from 24th November 2017 – 8th December 2017.
- 1.5 The application appeared on Circulated Schedule no. 05/18. However whilst the application was being circulated, it was brought to the attention of the case officer that the map shown at the top of the Circulated Report did not take account of the revised siting of the proposed agricultural building and polytunnels. The proposal has subsequently been re-plotted, with an up-to-date map now shown. The application has also been re-circulated, to appear on Circulated Schedule no. 06/18.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
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 |
| 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 |
| PSP28 | Rural Economy |
| PSP29 | Agricultural Development |

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

3. RELEVANT PLANNING HISTORY

3.1 PT16/6910/PNA

Prior notification of the intention to erect a steel portal framed agricultural building.

Withdrawn: 24.01.2017

3.2 PT01/0027/RVC

Amendments to access and erection of fencing.

Refused: 01.03.2001

3.3 PT00/2525/PDR

Erection of stock control fencing and new access.

Objection: 16.10.2000

3.4 PT00/1750/F

Change of use of land for the keeping of horses. Erection of stable block and store.

Approved: 29.08.2000

4. CONSULTATION RESPONSES

Following first round of consultation (original plans)

4.1 Thornbury Town Council

Objection – the size of the polytunnels appears excessively large to be associated with the size of the property.

Oldbury on Severn Parish Council

No comment

Aust Parish Council

No comments received

4.2 Other Consultees

Sustainable Transport

We note that this planning application seeks permission to construct an agricultural building for the storage of fodder and agricultural machinery and two polytunnels on land off Mumbleys Lane, Thornbury. After reviewing these proposals we do not consider that it will generate a significant number of trips to this site or have a severe impact on the adjoining highway network.

Moreover, although we note that access is via a track also serving as a public footpath, as we consider that the proposed uses are unlikely to generate many trips, we do not believe that we could sustain an objection to this in highways or transport terms, especially as the existing access arrangements are unchanged.

Consequently, we do not believe that this application raises any material highways or transportation issues and so we have no comment about this proposal.

Landscape Officer

Given the error on the proposal drawing (i.e. lack of existing hedge); the isolated, prominent location with negative impact on the landscape character and the amenity of neighbours; lack of landscape mitigation/compensation especially in regard to the Jubilee Way as well as neighbouring dwellings and concerns regarding the actual need for such a development, refusal should be considered.

Highway Structures

No comment

Lead Local Flood Authority

No objection

Bristol Water

Whilst Bristol Water (the "Company") has no objection in principle to the proposed construction of a new agricultural building and two poly-tunnels, we note that part of the access to the development (shaded green on the attached copy of plan 51395/02/101 rev A) crosses, or is close to 3 existing water mains and associated apparatus.

One affected main is a 90mm diameter distribution main. This is not a strategic pipe, but apparatus associated with it has been damaged on several occasions in the recent past by works affecting the access, causing inconvenience to water customers in the immediate vicinity.

The other 2 mains are 10" and 12" in diameter and are of strategic importance to the wider water network. If they, or associated apparatus, were damaged, then it is likely that major disruption, affecting many customers, would be caused to the supply of water in the area.

The Company is concerned that an intensification of the use of the access, (in terms of the number of traffic movements and the weight of vehicles) both during and after the construction of the proposed development, might damage 1 or all of the 3 mains and/or associated apparatus.

The Company would therefore ask that a planning consent be conditional on the developer agreeing (before any development takes place) reasonable measures or works to safeguard the Company's mains and apparatus. The Company would expect the developer to meet the cost of any agreed measures or works.

Other Representations

4.3 Local Residents

A total of 6 comments objecting to the proposed development were submitted by local residents in relation to the development as originally proposed. The main concerns raised are summarised below:

- Size of building is disproportionate to size of field.
- Building would have severely impair visual amenity and rural nature of location.
- No agricultural justification for the building has been made.
- Building would appear more industrial than agricultural.
- Building should be clad in timber to lessen visual impact.
- Trees and bushes planted are too few in number and are too close to footpath.
- Existing access is hazardous. Manoeuvring of vehicles would add more risk.
- Issues regarding water mains at site entrance.

Following second round of consultation (amended plans)

4.4 Thornbury Town Council

Objection – revised plans do not address Council's previous concerns.

Oldbury on Severn Parish Council

No comments received

Aust Parish Council

No comments received

4.5 Other Consultees

Sustainable Transport

No change to previous comments

Landscape Officer

The revised drawing would appear to be acceptable. A detailed landscape drawing is required to conform to policy PSP2 with particular reference to clause 3.28. Planting details are required and it is recommended that the proposed new hedgerows be mulched.

One concern is the topography in relation to the levelling of the site and what is proposed for the soil arisings. Ideally arisings should be removed from site but if retained on site how are they are to be properly incorporated in the design. This could be clarified on the drawing.

Highway Structures

No comment

Lead Local Flood Authority

No objection

Bristol Water

We confirm that we have 12"CI and 10"CI trunk mains and a 90mm main within or near to the site boundary which could be affected by the proposed development. We are not seeking to unnecessarily delay the planning process for the development by registering an objection but would ask that we be contacted by the applicant for pre-planning discussions on their proposals.

Other Representations

4.6 Local Residents

4 further comments objecting to the proposed development were submitted by local residents during the second round of consultation, and relate to the amended plans. The main concerns raised are summarised below:

- No farming need for such a large building on a relatively small plot of land.
- Revised proposal does not provide enough screening.
- Proposed polytunnels will almost certainly get ripped or blown away.
- Mumbleys Lane is a rat run for parents of local school children. Tractors and traffic already cause problems for residents.
- Longer track will require more site levelling. Any displaced soil should be kept on site.

5. **ANALYSIS OF PROPOSAL**

- 5.1 The proposal seeks permission for the erection of an agricultural building and 2no. polytunnels.
- 5.2 **Principle of Development**
It is noted that planning permission was granted in 2000 for the 'change of use of land for the keeping of horses. Erection of stable block and store', under application ref. PT00/1750/F. The application site for PT00/1750/F included the application site for the current proposal. As such, it is recognised that planning permission has previously been granted for the changing of the use of the site for the keeping of horses.
- 5.3 The application site for PT00/1750/F included both the field within which the proposed buildings would be located, and the field immediately to the south. Studying aerial photographs, it would appear that in 2000, there was no separation between the two fields with the whole area appearing as a single, larger field. However aerial photographs from 2005-2008 begin to show a pathway running through the middle of the field. This pathway follows the line of the Jubilee Way public right of way. By 2014, there is a much clearer distinction between the two fields. Having studied more recent aerial photographs and undertaken a site visit, it would appear that the fields are now more substantially separated. The public right of way runs between the two fields, and is bounded by fences and vegetation on both its southern and northern sides. As such, the two fields now appear distinctly separate from one another.
- 5.4 Historic aerial photographs also provide an indication that whilst the southern portion of the original field was used for the keeping of horses, with stables and associated buildings subsequently erected, the northern portion was not. Upon visiting the site, it is clear that the southern field is currently used for the keeping of horses, whereas the northern portion, which contains the application site, is pasture. As aerial photographs indicate that the site was not used for the keeping of horses, and the northern field is now distinctly separate from the southern field, the land can be considered to have retained its agricultural use.
- 5.5 Notwithstanding the above, the land containing the application site could be reverted back to an agricultural use without the need for planning permission.
- 5.6 As such, for the purposes of this assessment and on the balance of probabilities, it is concluded that the application site can reasonably be considered as being located on agricultural land.
- 5.7 The proposed building would be used to store vehicles and equipment associated with the maintenance of the land. As there is a clear association between the proposed building and the agricultural land upon which is sited, the building can be considered to form an agricultural building. The polytunnels would be used to grow fruit, vegetables and plants. The interpretation of "agriculture" as set out in Section 336 of the Town and Country Planning Act outlines that this also includes horticulture and fruit growing. As the polytunnels have clearly been designed for this use, with polythene sheeting allowing for

high levels of natural light, the polytunnels can also be considered to form agricultural buildings.

- 5.8 As such, the proposal would consist of the erection of agricultural buildings on agricultural land. Therefore, when assessing the principle of development, policy PSP29 of the Policies, Sites and Places Plan is applicable.
- 5.9 Policy PSP29 outlines that new agricultural buildings will be supported providing there are no existing suitable underused buildings available, and that the proposal is reasonably necessary for the purposes of the use and is clearly designed for that purpose. PSP29 moves on to outline that particular attention should be paid to siting, size, massing, form, materials and detailed design to minimise any adverse impacts on the character and diversity of the landscape and the general openness of the countryside.
- 5.10 Green Belt
The application site is located within the Bristol and Bath Green Belt. Development in the Green Belt is generally considered to be inappropriate unless it falls within a predefined exception category, as set out in paragraph 89 of the NPPF. One such exception category is the erection of buildings for agriculture and forestry.
- 5.11 As the proposed building would be used for agricultural storage, and the polytunnels would be used for the growing of fruit and vegetables as well as household plants and trees, they can be considered to form buildings for agriculture. On this basis, the proposal falls within the exception category for development in the Green Belt.
- 5.12 Existing Suitable Underused Buildings
The proposed agricultural building would be used to store grass, fodder and numerous agricultural vehicles and implements which require a dry and safe environment to be kept in. There are not considered to be any existing underused buildings at the site which are of sufficient size as to store the items outlined above. Furthermore, there are no existing underused buildings at the site that would be suitable for the growing of fruit, vegetables or plants.
- 5.13 Reasonably Necessary for Purposes of Use
The applicant has outlined that the main building will be used to store grass cut within the holding, as well as the storage of fodder from other land under the ownership of the applicant. The main building would also be used to securely store a number of agricultural vehicles and implements. It is considered that a secure space is required for the storage of the equipment outlined above. It is also considered that building has been designed to appear as a fairly typical agricultural outbuilding, with a fairly shallow pitched roof and a large metal roller shutter door.
- 5.14 With regard to the polytunnels, it is considered that the polytunnels are clearly designed for the purposes of the use. It is also considered that the fruit, vegetables and plants to be grown could most likely not be grown out in the open, and require a degree of warmth and protection; which would be provided by the polytunnels.

- 5.15 On balance, both the proposed agricultural building and polytunnels are considered to be necessary for the purposes of their use and are clearly designed for that purpose.
- 5.16 Design and Impacts on Landscape
As originally proposed, it was considered that the proposed central location of the buildings, on the edge of the higher ground, was unnecessarily visually prominent and would have a harmful impact on the landscape character of the locality. It was also considered that due to the proximity of the buildings to the public right of way, and an identified lack of screening, the impacts on visual amenity would be exacerbated.
- 5.17 Following negotiations between the landscape officer and the applicant, the proposed buildings were re-located towards the north-western corner of the field. The buildings are therefore proposed to be located on lower ground, and would be less visually prominent within the context of the site. The buildings would be located in close proximity to a wooded area to the north. It is considered that the setting of the buildings against this backdrop would also help to reduce their prominence.
- 5.18 In terms of their design and scale, it is considered that the proposed agricultural building and polytunnels would appear as fairly typical features of an agricultural field. Furthermore, it is not considered that the structures would appear disproportionately large in relation to the field they would be located within. However it is noted that if the polytunnels were to no longer be used and fall in to a state of disrepair, they would likely have an adverse impact on the immediate landscape. As such, a condition will be attached to any decision requiring the polytunnels to be removed should they no longer be required.
- 5.19 With regard to materials proposed in the external finish of the main building, the materials proposed are considered to be more or less appropriate for an agricultural building. However comments made by the landscape officer (in relation to a previously withdrawn application), regarding whether the use of timber cladding would reduce visual impact have been taken in to account. It is considered that the proposed materials require further consideration, and as such a condition will be attached to any decision, requiring materials to be agreed post-determination.
- 5.20 In terms of landscaping, submitted plans indicate that more substantial landscaping, largely in the form of mixed native hedgerows, will be introduced in order to lessen the impact of the development on visual amenity. Whilst the proposed landscaping measures are not considered unacceptable, they will be considered in more detail through the submission of a landscaping drawing post-determination, as per the recommendation of the landscape officer.
- 5.21 For the reasons outlined above and subject to agreement of particular details, it is not considered that the proposal would cause significant harm to the character and distinctiveness of the immediate landscape.

5.22 Amenities of Local Residents

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

5.23 The proposed agricultural building and polytunnels would be located a minimum of 60 metres from the nearest neighbouring residential properties. Additionally, the nearest properties are located on the western side of Mumbleys Lane, with the application site located on the eastern side. The two sides of the lane are separated by a substantial row of hedges and trees. As such, the proposed structures would be largely screened from view.

5.24 Whilst the proposed structures may be visible from the first floor of neighbouring properties, it is not considered that the presence of the structures would have any unacceptable overbearing, overshadowing or overlooking impacts on neighbouring residents.

5.25 In terms of disturbance, given the degree of separation between the proposed structures and neighbouring properties, it is not considered that the use of the agricultural building and polytunnels would cause an unacceptable degree of disturbance to neighbouring residents. Given the distance of separation, it is also not considered that the erection of the structures would cause significant disturbance during the construction period. However it is recognised that the parts of the proposed access track are in much closer proximity to neighbouring properties. As such, in order to protect the residential amenities of neighbouring residents, a condition will be attached to any decision, restricting the permitted hours of working during the construction period.

5.26 Subject to the aforementioned condition, it is not considered that the proposal would have any unacceptable impacts on the residential amenity of local residents. As such, the proposal is considered to accord with policy PSP8 of the Policies, Sites and Places Plan.

5.27 Highway Safety

In line with the comments of the transport officer, it is not considered that the proposed uses would generate significant levels of traffic. Furthermore the existing access would be utilised. As such it is not considered that the proposal would have a material impact on highway safety.

5.28 Water Mains

The concerns raised by both Bristol Water and local residents have been taken into account. The applicant has been made aware that appropriate measures to protect Bristol Water's main and apparatus will need to be implemented, and that they are required to discuss the appropriate protection measures with Bristol Water.

5.29 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.

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

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

2. Should the polytunnels hereby approved cease to be used for productive agricultural purposes for a period of 12 months they shall be removed from the site and the land, so far as is practicable, returned to its former condition.

Reason

In the interests of visual amenity and to safeguard the openness of the Green Belt, to accord with policies PSP2 and PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

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

Reason

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

4. Prior to the commencement of development a scheme of landscaping shall be submitted which shall include details of all existing trees and hedgerows on the land and details of any to be retained and removed, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hard surfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. The scheme should comply with SGC planning policy in relation to landscape (inc. CS1, CS9, PSP1, PSP2, PSP19) and the strategic landscape recommendations of the South Gloucestershire Landscape Character Assessment (LCA 18). The landscape scheme shall also include specification notes covering topsoil depths, cultivation, planting, irrigation, and landscape maintenance covering a 5 year establishment period to help ensure the planting thrives.

Reason

To protect the character and appearance of the area and to reduce any visual intrusion in to the countryside, to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework. This is required to be agreed prior to the commencement of development to avoid causing damage to existing trees and vegetation during any ground works and to avoid any unnecessary remedial action in the future.

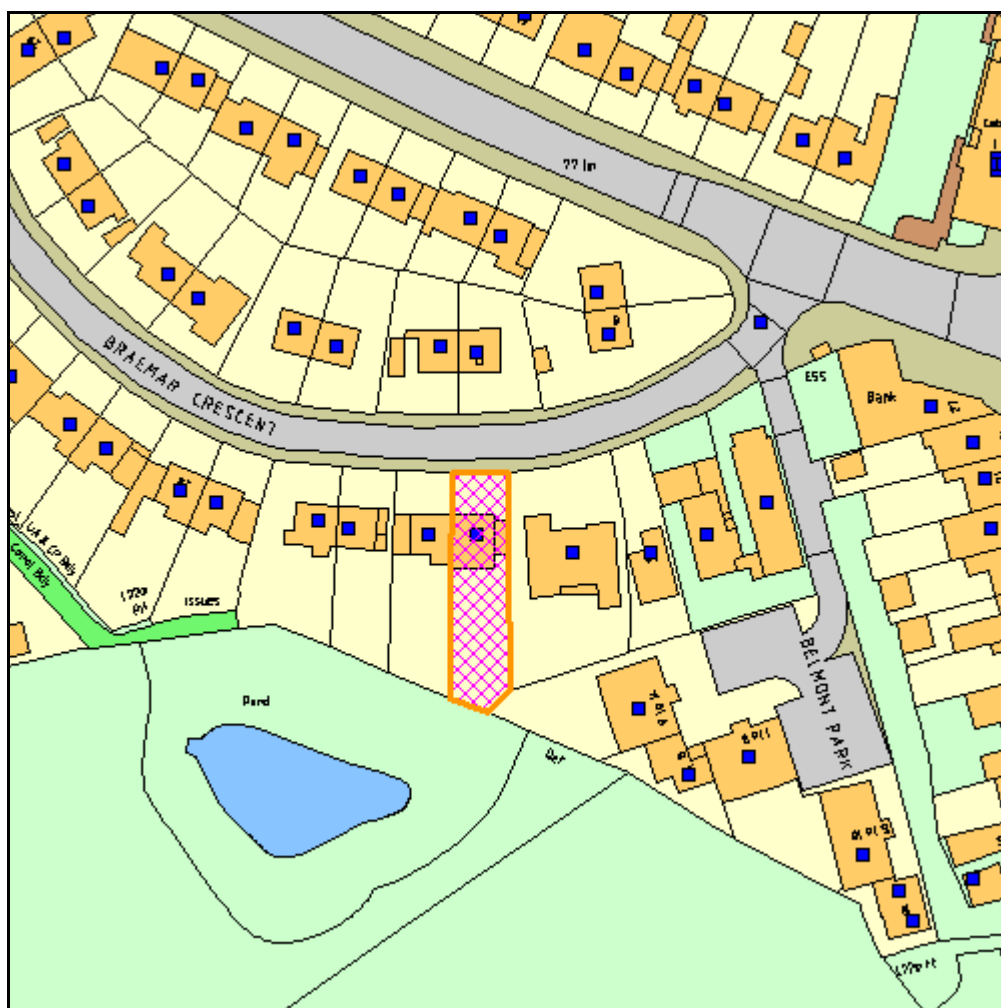
5. The hours of working on site during the period of construction shall be restricted to 0730 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: 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.

CIRCULATED SCHEDULE NO. 06/18 – 9 FEBRUARY 2018

| | | | |
|------------------------------|---|---------------------|------------------------|
| App No.: | PT17/5105/F | Applicant: | Mrs Vivien Kidd |
| Site: | 36 Braemar Crescent Filton Bristol South Gloucestershire BS7 0TD | Date Reg: | 8th November 2017 |
| Proposal: | Conversion of existing dwelling to form 2no. flats. | Parish: | Filton Town Council |
| Map Ref: | 359778 178202 | Ward: | Filton |
| Application Category: | Minor | Target Date: | 2nd January 2018 |



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PT17/5105/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to this report. Accordingly under the current scheme of delegation the application is required to be referred to circulated schedule.

1. THE PROPOSAL

- 1.1 The proposal seeks to subdivide the existing property to form 2no apartments.
- 1.2 The subject property is a mid-20th century semi-detached dwelling with rendered elevations and a pitched hipped roof. To the side is an attached garage. The loft has been converted with a side dormer and a number of rooflights.
- 1.3 The proposal would not include any significant changes externally except the loss of the front boundary to make way for parking provision.
- 1.4 The subject property is situated in the built up residential area of Filton.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS6 Infrastructure and Developer Contributions
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS23 Community Infrastructure

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP39 Residential Conversions and Subdivisions
PSP43 Private Amenity Space

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 No Recent Planning History

4. CONSULTATION RESPONSES

4.1 Filton Town Council

The council note concerns over the parking situation and it becoming over-intensive.

4.2 Other Consultees

Transport Officer

No objection but suggest a condition to secure parking. This is discussed in the transport section of the report.

Lead Local Flood Authority

No Objection

Highway Structures

No Comment

Archaeological Officer

No Objections

Other Representations

4.3 Local Residents

Extra accommodation in braemar crescent can only exacerbate the already ridiculous parking situation in this road. On many occasions it would be impossible for an ambulance or fire engine to get through now. In fact on one occasion I could not get through in my private car. Please do not allow an already difficult situation to become worse.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development.

- 5.2 PSP39 states sub-division of existing residential buildings into smaller units will be acceptable provided that they would not harm the character and amenity of the area; would not prejudice the residential amenity of neighbours; provide adequate amenity space; and the proposal would provide parking in line with the parking standards. The proposal is subject to the consideration below.

5.3 Design

The proposal seeks to subdivide the existing property in order to provide 2no independent dwellings. Very little is proposed in terms of external alterations however to the front the access will be widened in order to provide 3no parking spaces. The works would only involve the demolition of a small section of wall and the loss of a small patch of grass. This is not considered to harm the appearance of the site as a whole and therefore accords with the provision of policies CS1, PSP1 and PSP38.

- 5.4 Comments have been received from the Town Council concerned with the impact of the additional parking. It should however be noted that no planning permission would be required for the works and a semi-detached dwelling to this type often provides 5no bedrooms following extension or loft conversions and this level of parking would be required for a dwelling of this size. Nevertheless given the lack of the requirement for planning permission for the works this is not considered relevant to the assessment of the application.

5.5 Residential Amenity

Policy PSP39 of the adopted Policies Sites and Places DPD gives the Council's requirements for residential conversions and subdivisions. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers whilst providing adequate private amenity space.

- 5.6 The proposal would subdivide the dwelling and the scope of operational development is very limited. No additional built form is proposed and as a result the proposal is not considered to have any impact on the amenity of neighbouring occupiers.

- 5.7 The proposal would also subdivide the existing rear garden to provide an amount of private amenity space to each dwelling. Each with its own independent access. The new dwellings will be 1 and 3 bedrooms respectively. According to PSP43 new apartments should provide 5m² of private amenity space plus private shared communal space for 2+ bedroom apartments. The proposal would be well in excess of these requirements and no objection is raised with regard to this.

- 5.8 Given the above consideration the proposal considered to accord with the provision of PSP38, PSP43 and PSP39.

5.9 Transport

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

| Type | Spaces |
|----------------|-------------------|
| 1 Bed dwelling | 1 |
| 2 Bed dwelling | 1.5 ¹⁸ |
| 3 Bed dwelling | 2 |
| 4 Bed dwelling | 2 |
| 5+Bed dwelling | 3 |

- 5.10 The plans originally submitted showed the 2nd floor rooms that are currently bedrooms as study rooms. As no operational development would be required for the retention of the bedroom use, for the purpose of this assessment they have been counted as bedrooms. The most up to date site plan only shows the provision of 2no parking spaces to the front of the property and the development would result in the loss of the garage space for the parking of vehicles. Given the number of bedrooms following development 3no parking spaces would be required. 1 for the 1 bedroom and 2 for the 3 bedroom bringing the total to 3. During the site inspection it was noted that the access could be widened to accommodate at least 3no parking spaces. The transport officer requested that a revised plan is submitted. No such revised site plan has been requested, however given the information obtained from the site visit, the case officer is sure parking can be implemented and consequently a condition will be attached to secure this prior to the first occupation of both of the dwellings proposed.
- 5.11 Comments have been received in objection from both the Town Council and a local resident. The comments centre show concern over the impact on parking locally and it becoming 'over-intensive'. Whilst it is noted that there is a parking issue locally, as the proposal would be providing parking in accordance with the parking standard this is not seen to amount to any further harm and this issue would not substantiate a reason for refusal. It is also acknowledged that the widening of the dropped-kerb would potentially result in the loss of on-street parking, however this would be seen to benefit the road in general (particularly given the comments received from a local resident) by providing further passing space and off-street parking is preferable to on-street.
- 5.12 Given the above consideration and subject to the proposed condition the proposal has been found to accord with the provisions of PSP16 and the Residential Parking Standards SPD.
- 5.13 Consideration of likely impact on Equalities
The proposal would have a neutral impact on equalities.

6. **CONCLUSION**

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

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

7. RECOMMENDATION

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

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

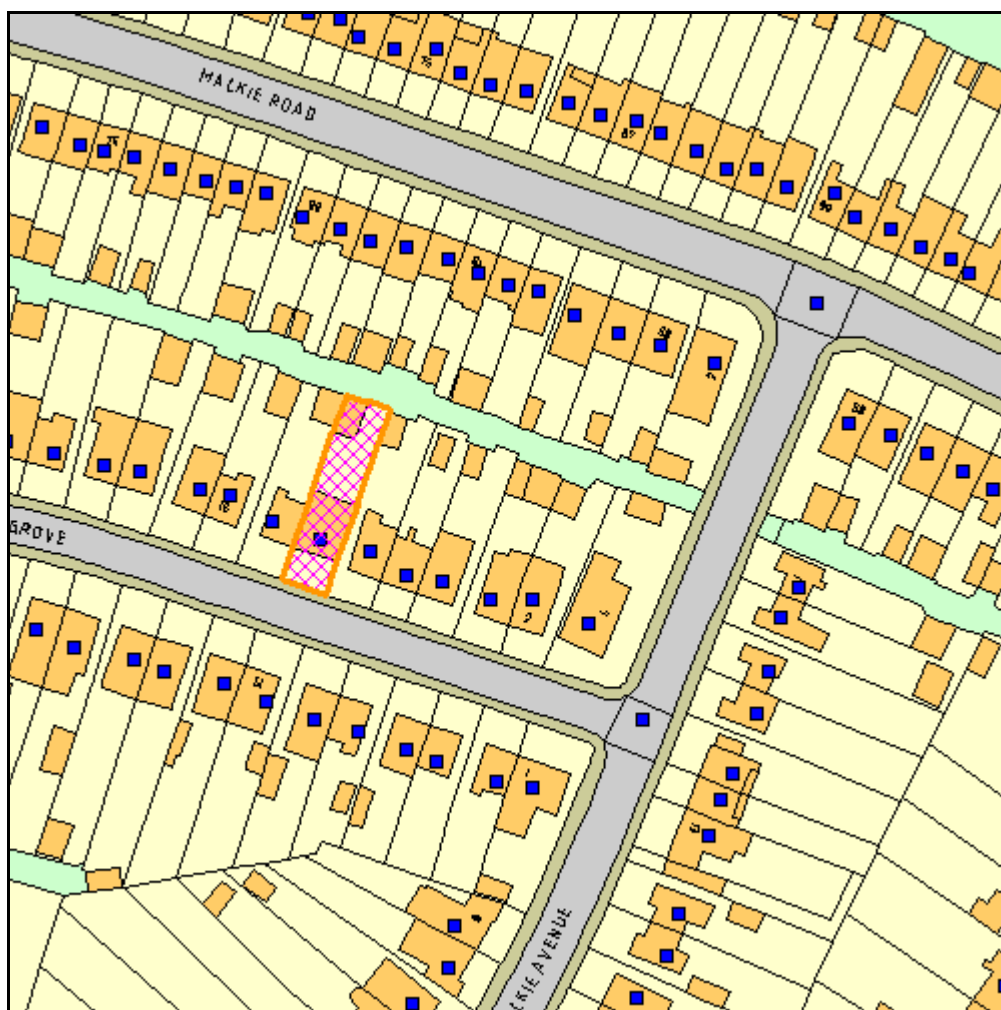
2. Both apartments hereby approved shall not be occupied until the required 3no vehicle parking spaces (measuring a minimum of 2.4 x 4.8 metres each), dropped-kerb and manoeuvring areas have been implemented. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.

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. 06/18 – 9 FEBRUARY 2018

| | | | |
|----------------------------------|---|-------------------------|------------------------|
| App No.: | PT17/5720/CLP | Applicant: | Mr Thomas Smith |
| Site: | 12 Mackie Grove Filton Bristol South Gloucestershire BS34 7NF | Date Reg: | 9th January 2018 |
| Proposal: | Proposed change of use from residential dwelling (Class C3) to 6no. bedroom HMO (Class C4). | Parish: | Filton Town Council |
| Map Ref: | 360724 178861 | Ward: | Filton |
| Application Category: | Certificate of Lawfulness | Target Date: | 22nd February 2018 |



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PT17/5720/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 use of an existing dwelling (C3) as a 6no. bed HMO (C4) at 12 Mackie Grove, 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.
- 1.3 The Town and Country Planning (Use Classes) Order 1987 states that under Class C4, the maximum inhabitants for a HMO would be six people. As the proposed HMO would have six beds, it is considered that the use could be defined as a HMO under Class C4.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class L.

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 Town Council
Objection due to no plans being available, no parking, overdevelopment of site, requests site visit.

Other Representations

- 4.2 Local Residents
Three objections received due to:
 - Lack of parking
 - Road Safety
 - Refuse Issues

- HMOs should not be encouraged
- HMOs in area have detrimental impact on home values
- Character of the street will no longer be family oriented
- Other HMOs are noisy and create disturbance.

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

5.1 Received 08 Jan 2018

6. **ANALYSIS OF PROPOSAL**

6.1 **Principle of Development**

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

6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class L.

6.3 The proposed development consists of the conversion of the property to a 6 bed HMO. This development would fall within Schedule 2, Part 3, Class L, which allows for the conversion of small HMOs to dwellinghouses and vice versa, provided it meets the criteria as detailed below:

L.1 Development is not permitted by Class L if it would result in the use—

- (a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or**

The works would not result in the use as two or more separate dwellinghouses falling within the C3 use class.

- (b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.**

The works would not result in the use as two or more separate dwellinghouses falling within the C4 use class.

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 the development falls within Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CIRCULATED SCHEDULE NO. 06/18 – 9 FEBRUARY 2018

| | | | |
|------------------------------|--|---------------------|-------------------------------|
| App No.: | PT17/5779/CLE | Applicant: | Mrs G Kaur |
| Site: | 1 Catbrain Lane Almondsbury South Gloucestershire BS10 7TQ | Date Reg: | 8th January 2018 |
| Proposal: | Application for Certificate of Lawfulness for existing use of building for 2 no. separate flats (Class 3). | Parish: | Almondsbury Parish Council |
| Map Ref: | 357564 180577 | Ward: | Patchway |
| Application Category: | Certificate of Lawfulness | Target Date: | 7th February 2018 |



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PT17/5779/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 use as 2no. residential flats 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 proposal would be lawful due to the passage of time.
- 1.2 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.
- 1.3 It is understood that 1 Catbrain Lane would have been one residential unit originally, and there is no record that the sub-division to 2no residential apartments obtained planning permission. There has previously been an enforcement case relating to the property; however, the conclusion reached was that it was immune from enforcement action due to the passage of time.

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 | COM/15/0233/OD Conversion of dwelling into ground floor flat | Case Closed |
|-----|---|-------------|

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No comments received

Sustainable Transport
No objection

- 4.2 Other Consultees
No Comments Received

Other Representations

- 4.3 Local Residents
No Comments 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 development can be implemented 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 proposed development 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 dwelling units (class C3) were created over 4 years prior to the application being made, and have been in continuous use since. On that basis the current 2no. units would be immune from any planning enforcement action.

- 5.4 The supporting evidence submitted to the Local Planning Authority consists of a Tenants List from 2003 to the present day. The application form also states that the use began more than 10 years prior to the date of the application, and that Council Tax has been paid regularly on both properties. A previous enforcement case (COM/15/0233/OD) found that Council Tax has been paid on both 1 and 1a Catbrain Lane since August 2008; the conclusion of the enforcement investigation was that the 2no. flats were most likely lawful due to the passage of time.

- 5.5 Having discussed the application with a Council Tax Officer, it was observed that council tax has been paid on 1a Catbrain Lane since 1st August 2008. Although this is not as early as is stated on the application form (which states that the dwelling has been separated into two flats since 2005), it is more than 4 years ago, and is therefore considered satisfactory. In addition, the council's electoral services department have confirmed that 1a Catbrain Lane has been on the electoral register since 2nd April 2014; although this is only 3 years and 10 months prior to this application, the electoral register is only updated once per year. This would lend credence to the flats having been in existence for four years. Accordingly on the balance of probabilities the flats in question appear to have been in situ for considerably longer than the requisite 4 years.

5.6 Consideration of likely impact on Equalities

The proposal would have a neutral impact on equalities.

6. **RECOMMENDATION**

- 6.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities, the 2 flats have been in situ for the requisite period of time prior to the submission of the application and are considered to fall within the provisions of Section 191 of the Town and Country Planning Act 1990 (as amended).

Contact Officer: Owen Hoare
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