



**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. 41/18

Date to Members: 12/10/2018

Member's Deadline: 18/10/2018 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

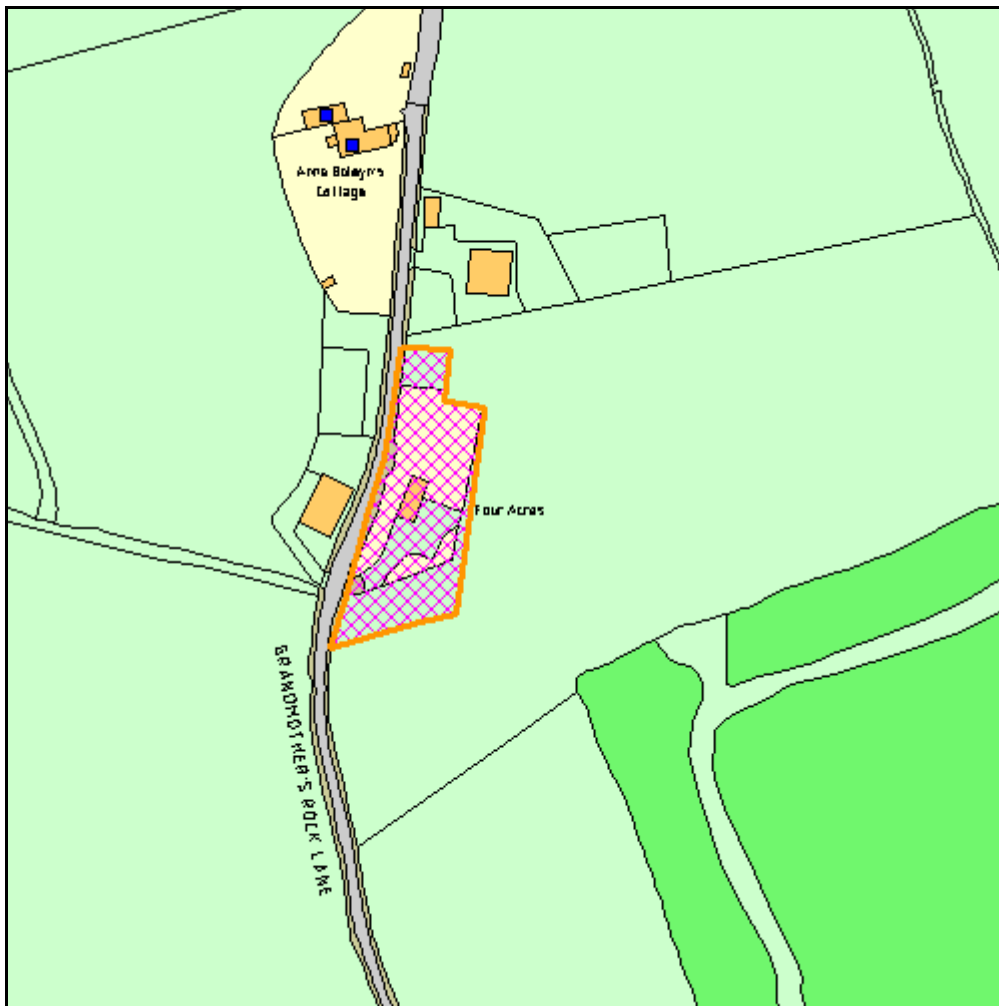
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

CIRCULATED SCHEDULE - 12 October 2018

| ITEM NO. | APPLICATION NO. | RECOMMENDATION | LOCATION | WARD | PARISH |
|----------|-----------------|-------------------------|--|-----------------|--|
| 1 | PK18/2363/F | Approve with Conditions | Grandmothers Rock Lane Beach Lane Bitton South Gloucestershire BS30 6NP | Bitton | Bitton Parish Council |
| 2 | PK18/2493/F | Approve with Conditions | 72 Magpie Bottom Lane Kingswood South Gloucestershire BS15 8HD | Hanham | None |
| 3 | PK18/3104/F | Approve with Conditions | Rock View Engine Common Lane Yate South Gloucestershire BS37 7PX | Ladden Brook | Iron Acton Parish Council |
| 4 | PK18/3236/F | Approve with Conditions | 17 Lodge Walk Downend South Gloucestershire BS16 5UQ | Downend | Downend And Bromley Heath Parish Council |
| 5 | PK18/3305/F | Approve with Conditions | 29 Oakdale Road Downend South Gloucestershire BS16 6DP | Downend | Downend And Bromley Heath Parish Council |
| 6 | PK18/3350/F | Approve with Conditions | 49 Horse Street Chipping Sodbury South Gloucestershire BS37 6DA | Chipping | Sodbury Town Council |
| 7 | PK18/3792/F | Approve with Conditions | Chelston House 258 North Road Yate South Gloucestershire BS37 7LQ | Ladden Brook | Iron Acton Parish Council |
| 8 | PK18/3814/CLP | Approve with Conditions | 66 Southfield Avenue Kingswood South Gloucestershire BS15 4BQ | Kings Chase | None |
| 9 | PK18/3846/CLP | Refusal | 4 Ross Close Chipping Sodbury South Gloucestershire BS37 6RS | Chipping | Sodbury Town Council |
| 10 | PK18/3950/CLP | Approve with Conditions | 273 Station Road Kingswood South Gloucestershire BS15 4XP | Staple Hill | None |
| 11 | PK18/3958/CLP | Approve with Conditions | 26 Downend Road Kingswood South Gloucestershire BS15 1SE | Kings Chase | None |
| 12 | PK18/4053/ADV | Approve | Unit 9 Pucklechurch Trading Estate Pucklechurch South Gloucestershire BS16 9QH | Boyd Valley | Pucklechurch Parish Council |
| 13 | PT17/4476/F | Approve with Conditions | New Gates Farm Equestrian Centre Hill Lane Oldbury On Severn South Gloucestershire BS35 1RT | Severn | Oldbury-on-Severn Parish Council |
| 14 | PT18/3074/F | Approve | 16 - 18 St Marys Way Thornbury South Gloucestershire BS35 2BH | Thornbury North | Thornbury Town Council |
| 15 | PT18/3174/F | Approve with Conditions | Stone Barn At Little Whitfield Farm Gloucester Road Whitfield Wotton Under Edge South Gloucestershire GL12 8DU | Charfield | Falfield Parish Council |
| 16 | PT18/3255/F | Approve with Conditions | 2 Gable Cottages Elberton Road Olveston South Gloucestershire BS35 4AB | Severn | Aust Parish Council |
| 17 | PT18/3308/CLE | Approve with Conditions | Stoneleaze Farm Shepperdine Road Oldbury On Severn South Gloucestershire BS35 1RL | Severn | Oldbury-on-Severn Parish Council |
| 18 | PT18/4029/CLP | Refusal | 100 Kenmore Crescent Filton South Gloucestershire BS7 0TR | Filton | Filton Town Council |

CIRCULATED SCHEDULE NO. 41/18 – 12 OCTOBER 2018

| | | | |
|------------------------------|--|---------------------|---|
| App No.: | PK18/2363/F | Applicant: | Small Strides (Equine Assisted Learning) CIC |
| Site: | Grandmothers Rock Lane Beach Lane Bitton South Gloucestershire BS30 6NP | Date Reg: | 4th June 2018 |
| Proposal: | Erection of stable block. Change of use of land from equestrian to a mixed use of equestrian and therapeutic education centre (sui generis) as defined in the Town and Country Planning (use classes) Order 1987 (as amended) (retrospective). | Parish: | Bitton Parish Council |
| Map Ref: | 370877 170910 | Ward: | Bitton |
| Application Category: | Minor | Target Date: | 26th July 2018 |



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 100023410, 2008. **N.T.S.** **PK18/2363/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of objecting letters from residents and the Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the change of use of land used for equestrian purposes to the mixed use of land for equestrian purposes and the operation of a therapeutic horsemanship educational centre (Sui-generis) and the erection of small stable block (retrospective) just off Grandmothers Rock Lane, Upton Cheyney.
- 1.2 It is noted that this application was submitted following the enforcement investigation regarding the use of the site. The Council Enforcement Team was satisfied that the site had been used for equestrian purposes for a period of longer than 10 years, therefore the equestrian use has been immune from planning enforcement action. Therefore the description of the proposal reflects the existing lawful of the site.
- 1.3 The site is situated within the Cotswold Area of Outstanding Beauty and the Bristol / Bath Green Belt. A Public Right of Way runs through the application site.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Practice Guidance

2.2 Development Plans

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

| | |
|-------|--|
| PSP1 | Local Distinctiveness |
| PSP2 | Landscape |
| PSP7 | Development in Green Belt |
| PSP8 | Residential Amenity |
| PSP10 | Active Travel Routes |
| PSP11 | Transport Impact Assessments |
| PSP16 | Parking Standards |
| PSP19 | Wider Biodiversity |
| PSP20 | Flood Risk, Surface Water and Watercourse Management |
| PSP21 | Environmental Pollution and Impacts |
| PSP30 | Horse Related Development |

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

| | |
|------|---------------------------------------|
| CS1 | High Quality Design |
| CS5 | Location of Development |
| CS9 | Managing the environment and heritage |
| CS34 | Rural Areas |

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)
Landscape Character Assessment Area
South Gloucestershire Biodiversity Action Plan

3. **RELEVANT PLANNING HISTORY**

- 3.1 K7759/1 Erection of stable block. Alteration of existing access to highway. Provision of 3 no. passing bays in Grandmothers Rock Lane. Refused 03.04.95
- 3.2 PK02/2718/F Erection of stable block with hay store with associated hardstanding and access track and change of use of agricultural land to land for the keeping of horses. Appeal dismissed 02.05.2003
- 3.3 PK03/2226/PNA Prior notification of intention to erect a field shelter and hay store for agricultural purposes. Objection. 27.08.2003

4. **CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council:
Councillors object strongly to this application.

The site lies in a sensitive area designated as Green Belt and part of the Cotswolds Area of Outstanding Natural Beauty. Whilst many of the fields around Beach and Upton Cheyney have changed from agriculture to equestrian use, these are for private use, controlled by condition attached to planning permissions granted. This application represents a departure from this in that it is on a more commercial basis, so leading to more frequent and intensive use. The reasons for their objections are:

1. Poor access from Grandmothers Rock Lane. This narrow lane, of barely one car width, offers no turning or passing places. Any increase in traffic would be to the detriment of other regular users in terms of safety and inconvenience.
2. There is no indication on the plans of sufficient allocated parking area for the enterprise. A turning area is also required in order to enter and leave the site in a vehicle in forward gear. Councillors were also concerned that there appears to be no restriction on site as to where vehicles can go, which could put clients at risk
3. The application refers to a therapeutic education centre but no indication is given as to what this involves or what facilities are required.
4. The plans do not refer to toilet or washing facilities which should be available for a commercial enterprise. If it is aimed at disabled children then special or particular facilities may well be required.
5. Councillors oppose any further development of the site due to its sensitive location.

4.2 Other Consultees

Drainage & Flood Risk Management Team - No objection

Sustainable Transport - No objection, subject to conditions restricting the number of horses, the use of the existing vehicular access and the use of the site.

Public Rights of Way - No objection, advised that a public right of way runs through the site.

The Landscape Officer - Advised to impose planning condition seeking a hard and soft landscaping scheme

Highway Structures - No comment.

The Ecology Officer - No objection.

Other Representations

4.3 Local Residents

One letter of objection has been received and the following concerns are raised:

The lane is very narrow and only one vehicle can access at a time, along with it being the entrance to a local popular bridleway. There are very often tractors on the lane again which would cause access issues to the site. There is no parking available on the lane. The site over the last few years has gradually become busier and increased traffic has already caused issues. There is a house at the bottom of the lane too which will require 24 hour access again a reason for no further increased traffic. The lane is a no through road for the very reason as to stop traffic entering.

The area is green belt and an area of outstanding natural beauty and is not a site for the activities proposed. The type of business being proposed needs to be located in an area which has easy access, definitely not the site that is being proposed.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or 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 within the NPPF taken as a whole. This site is located in the open countryside and Green Belt. The presumption in favour of development stands to be tested further in relation to the policies of the local plan and Core Strategy.

5.2 Planning policy PSP30 advises that proposals for horse related development will be permitted outside of the defined settlement boundaries and urban areas provided that:

- 1) New buildings, shelters or arenas are located, where possible, near to existing farmsteads or groups of buildings; and

- 2) There are no existing suitable underused buildings available or capable of conversion, located near to existing farmsteads or groups of buildings; and
- 3) The design of buildings, and the size of the site and the number of horses to be accommodated, has proper regard to the safety and comfort of horses and to the preservation and enhancement of the landscape; and
- 4) Where necessary, safe and convenient access to bridleways and riding routes are available to riders; and
- 5) Adequate provision is made for vehicular access, parking and manoeuvring and the development would not give rise to traffic conditions to the detriment of highway safety; and
- 6) Any temporary structures, and vehicles associated with the proposed development, are located in appropriately designed storage on site, to avoid any harm or degradation to open countryside and rural landscapes.

Before considering the specific merits of the case Green Belt needs to be considered.

5.3 Green Belt

Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 145 states a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. One of Exceptions is that (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Also, Paragraph 146 (e) of the NPPF states that material changes in the use of land (such as changes of use for outdoor sport or recreation) is not inappropriate in the Green Belt.

- 5.4 Given the nature of the proposed change of use, officers are satisfied that it would fall within the above Exception. Regarding the openness of the green belt, this application also seeks a retrospective planning permission for an existing stable, which is located to the north eastern corner of the site. The stable is modest in scale and small in footprint. It is located to the proximity of another stable within the site. Officers consider that this stable, given its scale and location, would not cause an adverse impact upon the openness of the Green Belt. Officers therefore consider that the proposal would be an appropriate development in the Green Belt.

5.5 Design/ Visual Amenity / Landscaping Assessment

The application seeks full planning permission for the change of use of 0.1 hectares of land from equestrian to a mixed use of equestrian and therapeutic educational centres (Sui-generis) and for the erection of a stable building (retrospective). The stable would measure 8.5 metres by 3.38 metres and 2.5metres to its ridge. The building would be finished with timber boarding cladding and corrugated metal roofing. There is another stable within the site and the proposed stable subject to this application would be situated to the proximity of the existing building.

- 5.6 The design of the stable is considered broadly acceptable. Given that the proposed stable is not large in scale and it is located within the proximity to the existing larger stable, as such, the impact upon the general rural character of the locality or the openness of the Green Belt would not be so significant. However, the application site is situated within the Cotswold Area of Outstanding Natural Beauty, great weight will be given to the conservation and enhance of the natural and scenic beauty of the landscape whilst taking account of the biodiversity interest and historic and cultural heritage. Whilst the proposed stable may not be visible from Grandmother's Rock Lane, the building will be very visible from the adjacent footpath running across the site. For these reasons, subject to a condition seeking an appropriate landscaping scheme to conserve and enhance the landscape character of the site, there is no design or landscaping objection to the proposal.
- 5.7 Residential Amenity
There are no immediate residential dwellings. The nearest residential property would be Anne Boleyn's Cottage, which is approximately 70 metres away from the vehicular access of the application site. Given its location and its modest size of the stable, there would not be any significant harm, in terms of overlooking or overbearing impact, caused upon the neighbouring properties.
- 5.8 Highway Safety
Concerns relating to public highway safety have been noted. This planning application seeks retrospective permission to change the land on Grandmothers Rock Lane, Bitton from equestrian uses to a mixed use of equestrian and therapeutic education centre (Sui Generis) This application also seeks retrospective permission to erect a building to accommodate the horses and related uses.
- 5.9 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.10 It is noted that this facility will be used by a charity which provides one-to-one horse familiarisation experiences to disadvantaged children, officers are mindful that the use of facility would have very little differences from other commercial / business use, from highway perspective. The applicant confirmed that she currently runs the business on Tuesday and Friday from 9.30 – 16.00 and 10.00 to 12.00 Saturday. Given the scale of the proposed stable and the total number of horses, i.e. 4 horses, being kept on site, officers consider it is unlikely that this proposal will possess significant travel demand, as such, it would not cause a severe impact to warrant a refusal of this applicant on highway grounds. Regarding parking and turning facilities, there is an existing hard-standing area within the site and such area would be large enough to accommodate this. However, given the nature of the scheme and the rural location of the site, Officers consider that it would be necessary and reasonable to impose conditions restricting the number of horses, securing the use of the vehicular access, restricting no other commercial uses or business activities on this site, such as, general riding school or livery activities, in order to safeguard the public highway safety.

5.11 Horse Welfare

Guidelines laid down by the British Horse Society advises that a stable building should be large enough for a horse to comfortably stand up in and turn around. Therefore, depending on the size of the horse, a stable should measure between 3 x 3.7 and 3.7m x 3.7m. Further, the British Horse Society recommends that at least 0.4- 0.6Ha of grazing land should be available for each horse with additional exercising areas of 0.25Ha per horse. Based on the available information, the applicant can use the adjacent land, which is approximately 1.7Ha for grazing horses. Although the land would be slightly smaller than the recommended size. (4 x 0.4Ha = 1.6Ha plus one Ha for exercise), officers are mindful that those horses can also be taken outside the site for exercising. Provided that a planning condition is imposed to restrict the number of horses to four, there is no objection from the horse welfare perspective.

5.12 Drainage and flood risk

The site is not subject to any high risk of flooding, therefore, there is no drainage objection to the proposal.

5.13 Public Rights of Way

A public right of way runs through the application site. Due to the nature of the proposed uses and the location of the stable building, there is no objection from the public rights of way perspective. However, the applicant is advised of the limitations of the site due to the proximity to the existing public right of way.

5.14 Other matters

Regarding other concerns raised, it would be the applicant's responsibility to provide adequate facilities for the users of the enterprise and this would not be planning material consideration to warrant a refusal of the application.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the conditions listed below.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. Restricted Use

There shall be no other commercial uses or business activities except the proposed development hereby approved on this site. In avoidance of doubt, there shall be no riding school or livery activities operating within the site.

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.

2. Use of Existing Access

No other vehicular access shall be created from Grandmothers Rock Lane to the application site. In the avoidance of doubt, the existing vehicular access shall be utilised by the proposed development hereby approved.

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.

3. Details of Landscaping Scheme

Within 3 months from the date of the decision, a scheme of soft landscape to be submitted for approval that shall include the proposed planting including plant density and times of planting. Also specification notes covering topsoil depths, cultivation, planting, irrigation, and landscape maintenance covering a 5 year establishment period to help ensure the planting thrives. Development shall be carried out in accordance with the agreed details.

Reason

To conserve and enhance the landscape character of the Cotswolds Area of Outstanding Natural Beauty and the and to accord with Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of National Planning Policy Framework July 2018.

4. Restricted Number of horses

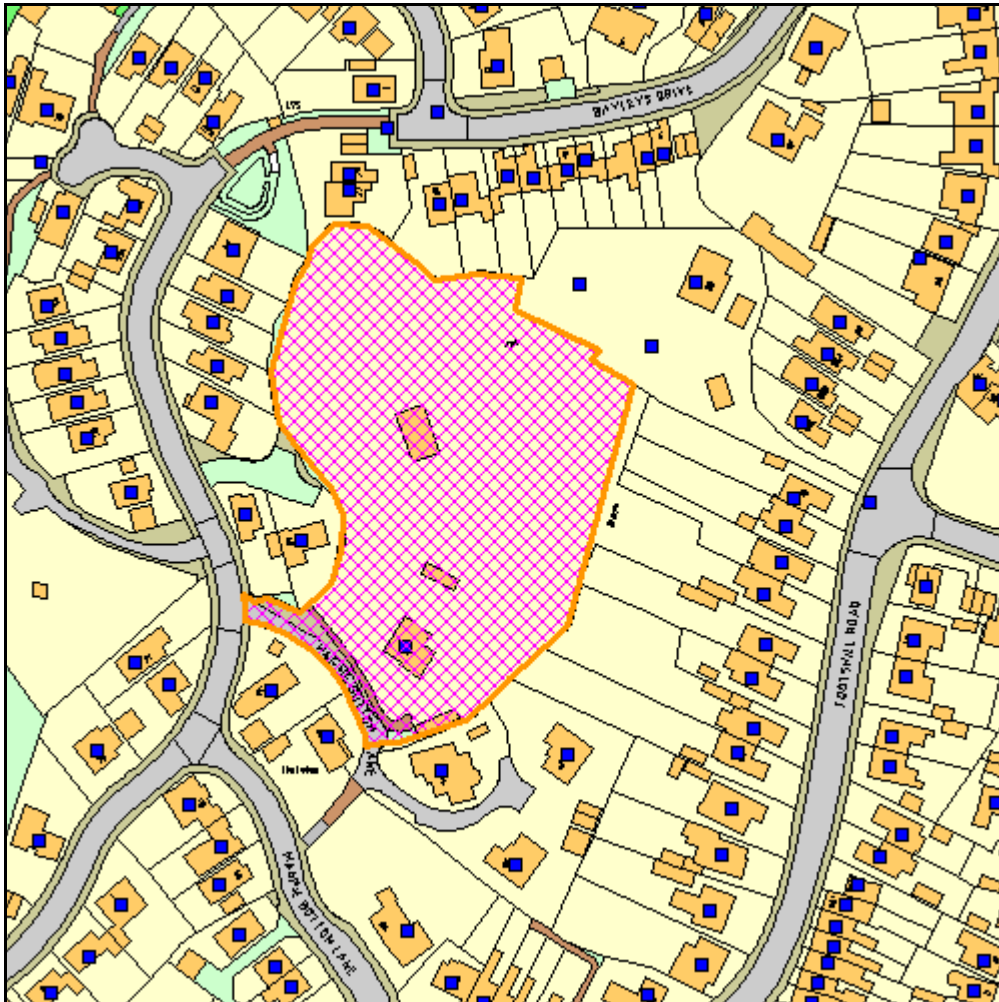
The total number of horses or ponies kept on the site edged in red on the approved plans shall not exceed 4 (four).

Reason

In the interests of highway safety and the welfare for the horse, and to accord with Policy PSP11 and PSP30 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2018), and Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 41/18 – 12 OCTOBER 2018

| | | | |
|----------------------------------|--|-------------------------|--------------------------------------|
| App No.: | PK18/2493/F | Applicant: | Mr And Mrs Geoff And Carolyn Hall |
| Site: | 72 Magpie Bottom Lane Kingswood Bristol South Gloucestershire BS15 8HD | Date Reg: | 4th June 2018 |
| Proposal: | Erection of 9 no. dwellings, extension and alterations to existing bungalow to form 1 no. dwelling with garage under. Alteration of access to Magpie Bottom Lane (Resubmission of planning application PK17/5253/F) | Parish: | None |
| Map Ref: | 364202 172816 | Ward: | Hanham |
| Application Category: | Minor | Target Date: | 20th July 2018 |



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 100023410, 2008. **N.T.S.** **PK18/2493/F**

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from local residents; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application site consists of a bungalow (no. 72 Magpie Bottom Lane, Kingswood) and an adjacent former smallholding and associated outbuildings/sheds. The smallholding has in recent times, fallen into disuse and is now maintained as an informal extension of the bungalow's garden, being mowed/ploughed to control the underlying scrub. The application site is therefore considered to be in-part brownfield and in-part greenfield land.
- 1.2 The site lies within a suburban location within the East Fringe of Bristol and is surrounded by relatively low-density housing along Harolds Way to the West, Bayleys Drive to the North-West, Footshill Drive to the North and East, and Magpie Bottom Lane to the South. The site surroundings undulate with topography that rises to the North, East and West creating a hollow area in which the application site sits. The site is for most part enclosed by a large number of trees, some of which are protected by Tree Preservation Order (TPO).
- 1.3 The site is accessed via no.72 which sits on the Southern edge of the site and within the cul-de-sac of Magpie Bottom Lane, which in turn is accessed off Harolds Way to the west.
- 1.4 The proposal is to erect 9no. new detached dwellings i.e. 4 x 4 bed, 3 x 3 bed and 2 x 2 bed bungalows, within the site; it is also proposed to refurbish and extend the existing bungalow to create a house. It is also proposed to carry out works to widen Magpie Bottom Lane to 5.7m.
- 1.5 The application is supported by the following documents:
 - Design and Access Statement including Community Consultation Response.
 - Transport Statement by Campbell Reith May 2018
 - Arboricultural Impact Assessment & Method Statement by Treecall Consulting Ltd. 17 May 2018
 - Archaeological Desk Based Assessment by Avon Archaeology Ltd. May 2017
 - Coal Mining Risk Assessment by gcp Chartered Architects Jan 2018
 - Ecological Assessment by ecology solutions Ltd. Oct 2017
 - Flood Risk Assessment by Cambell Reith Oct. 2017

2. POLICY CONTEXT

- 2.1 Primary Legislation
Town and Country Planning Act 1990

2.2 National Guidance

National Planning Policy Framework July 2018
National Planning Practice Guidance 2014

2.3 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

| | |
|------|--|
| CS1 | High Quality Design |
| CS2 | Green Infrastructure |
| CS4A | Presumption in Favour of Sustainable Development |
| CS5 | Location of Development |
| CS6 | Infrastructure and Developer Contributions |
| CS8 | Improving Accessibility |
| CS9 | Managing the Environment and Heritage |
| CS15 | Distribution of Housing |
| CS16 | Housing Density |
| CS17 | Housing Diversity |
| CS18 | Affordable Housing |
| CS24 | Green Infrastructure, Sport and Recreation Standards |

South Gloucestershire Local Plan : 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 |
| PSP6 | Onsite Renewable and Low Carbon Energy |
| PSP8 | Residential Amenity |
| PSP10 | Active Travel Routes |
| PSP11 | Transport Impact Management |
| PSP16 | Parking Standards |
| PSP19 | Wider Biodiversity |
| PSP20 | Flood Risk, Surface Water, and Watercourse Management |
| PSP21 | Environmental Pollution and Impacts |
| PSP22 | Unstable Land |
| PSP37 | Internal Space Standards |
| PSP38 | Development within Existing Residential Curtilages, including Extensions and New Dwellings |
| PSP42 | Self-Build and Custom Housebuilding |
| PSP43 | Private Amenity Space Standards |

2.4 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007
Residential Parking Standard SPD (Adopted) December 2013
Affordable Housing and Extra Care SPD (Adopted) May 2014
Renewables SPD (Adopted) November 2014
Landscape Character Assessment SPD (Adopted) November 2014
CIL and S106 SPD (Adopted) March 2015
Waste Collection SPD (Adopted) January 2015 (updated March 2017)
Trees On Development Sites SPG Adopted Nov. 2005

3. RELEVANT PLANNING HISTORY

- 3.1 PK17/5253/F - Erection of 9no. dwellings, two-storey rear extension and alterations to existing bungalow to form 1 no. dwelling with garage under. Alteration of access to Magpie Bottom Lane.
Withdrawn 26 Feb. 2018

This application was withdrawn to enable a review of the scheme viability and proposed housing mix. The applicants have also decided to continue occupying their existing dwelling.

- 3.2 PK14/2550/F - Demolition of existing bungalow and erection of 22no. dwellings with associated roads and infrastructure. Widening of Magpie Bottom Lane to 4.1m to create new vehicular access.
Withdrawn 13 Oct. 2014

This application was withdrawn following concerns raised about the proposed access arrangements into the site along Magpie Bottom Lane, and lack of agreement on the provision of social housing.

- 3.3 PK14/028/SCR - Demolition of existing bungalow and erection of 22no. dwellings with associated roads and infrastructure. Widening of Magpie Bottom Lane to 4.1m to create new vehicular access.
EIA not required.

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Not a parished area

- 4.2 Other Consultees

Transportation D.C.

No objection subject to a condition to secure the following:

1. Widen existing road (Magpie Bottom Lane) to minimum of 5.7m wide together with minimum of 1m grass verge along the access road as shown in principle on 'Magpie Bottom Lane Road Widening General Arrangement' plan (i.e. drawing no. 001 rev P4) together with all associated works.
2. Construct a retaining wall (with all details/calculations to be submitted for written approval) on Magpie Bottom Lane along the section of widened road together with all associated works.

And also subject to the following condition:

"No building hereby permitted shall be occupied until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development."

Wessex Water

No objections

Highway Structures

No comment

Avon Fire and Rescue

No response

Police Community Safety Officer

No response

Arts and Development

No comment

Lead Local Flood Authority

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

Waste Engineer

No response

Environmental Policy Team

No response

New Communities

No comment, the proposal is below the threshold for contributions towards POS.

Housing Enabling Officer

No objection

Self-Build Officer

No objection

NHS

No response

Children and Young People

No response

Strategic Environment and Climate Change Team

No response

Landscape Officer

There are significant landscape concerns that the proposed layout fails to respond to landform and results in the unnecessary loss of trees that constitute a natural landscape buffer to the development. Because of this, approval is not recommended.

In the event of consent being felt to be acceptable a landscape scheme would be expected to comply with the relevant SGC planning policies related to landscape and the landscape strategy for the Kingswood landscape character area [LCA 14 of the South Gloucestershire Landscape Character Assessment (adopted Nov 2014)].

Tree Officer

Provided that all works are in accordance with the submitted Arboricultural report there are no objections to this application.

Ecology Officer

No objection subject to standard conditions regarding lighting and badgers.

Avon Wildlife Trust

No response

Archaeology Officer

No objection subject to a condition to secure a programme of archaeological work and if necessary mitigation procedures.

Urban Design Officer

No response

Environmental Protection (noise)

No objection subject to standard condition relating to construction sites.

Environmental Protection

No objection subject to a standard condition relating to possible contamination and mitigation if required.

The Environment Agency

No response

The Coal Authority

No objection subject to a condition to secure intrusive site investigations and remedial measures if coal workings are found.

Other Representations

4.3 Local Residents

24no. letters of objection have been received from local residents; the concerns raised are summarised as follows:

- 3-storey dwellings will result in loss of daylight to existing properties and gardens.
- Loss of privacy for neighbouring occupiers.
- The trees on the boundary should be cut back.
- Disturbance (noise, dust, mud) during construction phase.
- Increased traffic on narrow roads.
- Narrow access – danger to pedestrians and cyclists.
- Poor access for delivery and emergency vehicles.

- Footshill Rd. – Magpie Bottom Rd. junction is dangerous.
- Increased on-street parking.
- Harm to wildlife.
- Loss of and harm to TPO'd trees.
- 3-storey town houses not in-keeping with character of the area.
- Loss of wildlife habitat.
- Lack of parking provision.
- Encroachment onto neighbouring property.
- Loss of privacy to 14 Bayleys Drive due to loss of vegetation.
- Overbearing impact due to height and proximity of proposed houses to those existing.
- Increased noise and light pollution.
- Trees T3g and T4 (to be felled) lie inside the boundary of 48 Harolds Way.
- The Sheltered Housing scheme at Magpie Court has yet to be completed – cumulative impact on highway safety.
- Who will be responsible for maintenance of the remaining trees?

5. **ANALYSIS OF PROPOSAL**

Principle of Development

- 5.1 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.
- 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). The Policies, Sites & Places Plan was adopted in Nov. 2017 and now forms part of the Development Plan.
- 5.3 In accordance with para.38 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. 38 states that Local Planning Authorities should approach decisions on proposed development in a positive and creative way. Decision makers at every level should seek to approve applications for sustainable development where possible. Policy CS17 of the Core Strategy sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities.
- 5.4 The locational strategy for the District is set out in policy CS5. Under this policy, new residential development is directed to the strategic housing allocations, existing urban areas, and defined rural settlements as shown on the proposals maps, with most new development being on the North and East Fringes of Bristol. This application proposes development within the designated Urban Area on the East Fringe and as such is acceptable in principle.

- 5.5 At present the Local Planning Authority cannot demonstrate a 5-year supply of deliverable housing land. The latest Authority Monitoring Report, published in December 2017, indicates a deficit of 719 dwellings to be able to report a five year supply. On that basis, the current supply in the district is 4.66 years.
- 5.6 As a result, national planning guidance indicates that the policies in the Development Plan which act to restrict housing should be considered out-of-date and applications for residential development should be considered against the presumption in favour of sustainable development. This is an important material consideration of significant weight.
- 5.7 The presumption in favour of sustainable development is now set out in paragraph 11 of the NPPF. In relation to decision-taking, where the Development Plan is out-of-date, planning permission should be granted unless:-
- i. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.
- 5.8 The second limb is referred to as the 'tilted' balance. When this is applied, the planning balance is tilted heavily in favour of planning permission being granted as the 'test' is whether the harm of development would *significantly and demonstrably* outweigh the benefit. The first limb is the more traditional approach to decision-taking where the impacts of development are balanced against the provisions of planning policy. Proposals would have to demonstrate that specific guidance in the NPPF, or indeed extant policies in the Development Plan, did not imply that planning permission should be refused before they could benefit from the tilted balance.
- 5.9 Therefore, although this application is in accordance with the locational strategy of the Development Plan, the proposed development should be considered against constraint-specific policies and determined by balancing the benefits of the proposal against any resulting harm.
- 5.10 This application is being considered as if delivered within a 5 year period and thus would contribute towards reducing the deficit in housing provision identified in paragraph 5.5. It is considered likely that the proposed development would begin to contribute towards housing supply in the district within a period of 5 years and should therefore be considered in light of the current housing undersupply. However, this development alone would not provide the Council with a 5-year housing land supply and 9no. dwellings would only make a modest contribution to that goal.
- 5.11 The remainder of this report will therefore conduct the exercise of applying national guidance and policies in the Development Plan to the proposed development. The relevant 'tests' be they statutory, in the NPPF, or the Development Plan, must be considered and the resulting weight applied to the various factors as part of the decision taking exercise.

Density, Scale and Design

- 5.12 NPPF para. 122 seeks to ensure that development makes the most efficient use of land taking into account:
- a) The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - b) Local market conditions and viability;
 - c) The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvements and the scope to promote sustainable travel modes that limit future car use;
 - d) The desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
 - e) The importance of securing well-designed, attractive and healthy places.
- 5.13 NPPF para. 123 goes on to say that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances *inter alia* the NPPF requires the optimal use of land for housing development. LPA's should refuse applications which they consider fail to make efficient use of land, taking into account the policies within the Framework.
- 5.14 This accords with Core Strategy Policy CS16 which states that:
- The density of new development should be informed by the character of the local area and contribute to:
1. The high quality design objectives set out in Policy CS1
 2. Improving the mix of housing types in the locality; and
 3. Providing adequate levels of public open space, semi-private communal open space and private outdoor space.
- 5.15 Furthermore both the NPPF and Core Strategy Policy CS1 require that the highest possible standards of design and site planning are achieved with information being proportionate to the scale, significance and impact of the proposal. Policy CS1 includes a requirement that proposals are informed by, and respect and enhance the character, distinctiveness and amenity of the site and its context.
- 5.16 Local Plan policy PSP1 is concerned with local distinctiveness and requires an understanding of and constructive response to the buildings and characteristics that make a positive contribution to the distinctiveness of the area or locality.
- 5.17 The application site is to all intents and purposes an oasis of green space within an urban environment. Notwithstanding the existing bungalow no.72, the site appears to be a remnant of a former and wider semi-rural area. The site is bowl shaped and now surrounded by built development and well enclosed by peripheral vegetation. The impact of the scheme on the landscape is discussed at length in the relevant paragraphs below.

- 5.18 It is noted that in terms of density alone, the scheme now before the Council is for a significantly reduced number of dwellings to that proposed in 2014 i.e. now 9 as opposed to previously 22. This reduction follows pre-application advice from the council and a better understanding of the numerous constraints on the development of this site, which can be summarised as follows:
- Presence of protected trees around the site periphery.
 - Site topography.
 - Presence of a Badger Sett in the South-West corner of the site with an outlier sett along the eastern boundary.
 - Access limitations.
 - Two main sewers cross the site that each require a 3m easement either side which can't be built over.
 - Applicant's desire to retain no.72.
- 5.19 Taking these constraints into consideration, as well as to some extent a desire to retain the semi-rural character of the area, a notional 'developable area' is proposed, as shown on the submitted site plan and officers consider this to be a logical and reasonable approach.
- 5.20 Concerns have been raised by local residents as to the appearance and scale of development not being sufficiently in-keeping with the character of the area. The applicant has included within his D&A Statement an analysis of the site and local context affecting the proposed development.
- 5.21 The existing bungalow no.72 was built in 1963 and is atypical of the other dwellings enclosing the site, which comprise low-density, modern 1980's and 1990's housing. These houses are mainly constructed of red brick or reconstituted stone with pantile and concrete tile roofs. The houses are mostly two-storey detached or semi-detached, being generally set back from the street with parking spaces to the front of garages.
- 5.22 Officers consider that whilst there is to some extent a uniformity of character within the immediate built-up area, this does not exhibit a particularly high quality of design and appearance that needs to be slavishly replicated within the development site. The mix of housing proposed is supported by a statement prepared by Connell's Estate Agents which highlights the demand for smaller and medium sized family housing and bungalows for the aging population, which is reflected in the scheme design. Given the topography of the site and the level of mature vegetation that would continue to screen the site, the proposed dwellings would not be seen as part of the existing street scenes, so some departure in design terms from the existing character is considered acceptable.
- 5.23 The layout of the site is dictated by the site constraints and the position of the access road, which sweeps along the eastern boundary before turning to follow the line of the existing sewer heading North-West. The individual houses would lie on both sides of the new road. Each house is designed with split level ground floors, enabling level access onto front and rear gardens so that site levels are maintained across the site.

- 5.24 The proposed development is designed with traditional materials, used to create modern dwellings but with a rural feel. The walls would be constructed of a mixture of re-constituted stone and render and a mixture of tiled roofs. The existing bungalow no.72 would be refurbished and extended to create a house more commensurate with the size of the plot it occupies and to be more in-keeping with the neighbouring dwellings.
- 5.25 The overall layout proposed retains a good deal of the existing green open space and provides for adequate parking and garden areas. The orientation and spacing of the houses would allow adequate sunlight to the gardens and the South-West facing roofs provide the option for passive solar energy production.
- 5.26 Officers conclude that given the constraints on the development of this site and the preference to maintain the semi-rural character of the site, the proposed density of development is acceptable. The scheme provides a mix of dwelling type for which there is an acknowledged need and demand in the area. The quality of the materials to be used in construction would help to create more traditional detailing.
- 5.27 The development achieves satisfactory standards in relation to dwelling size, garden size, parking, access and amenity. Whilst the 3-storey nature of some of the dwellings is alien to the established two-storey character of the surrounding street scenes, the harmful impacts are limited given that the proposed dwellings would not contribute directly to these street scenes, the site being so enclosed and lying within a bowl shaped area of land.
- 5.28 Overall, officers find that the proposals would not significantly harm the character and appearance of the area. Whether or not the development meets the highest possible standards of design set out in Core Strategy Policy CS1 and the NPPF is a matter of subjective judgement; the scheme is not however a poor design that would justify refusal.

Landscape and Tree Issues

- 5.29 Much of the site comprises a former small-holding and as such is a 'green oasis' within an otherwise built-up suburban area. The site contains a good number of mature trees around its periphery, several of which are protected by TPO. The site is an Undesignated Open Space within the Urban Area and as such the proposal should be considered against Policy PSP5 of the PSP. The Policy states that the development of such sites will only be acceptable where it does not adversely affect the quality, character, biodiversity, sustainable water management, recreation opportunities, heritage value, amenity or distinctiveness of the locality.
- 5.30 The Council's Landscape Architect has expressed concern that the proposed layout fails to respond to the landform and results in the unnecessary loss of trees that constitute a natural landscape buffer to the development.

5.31 However, an Arboricultural Impact Assessment and Method Statement has been submitted and this is supported by a Tree Survey & Method Statement; all to the Council Tree Officer's satisfaction. The Impact Assessment para. 5.3.4 states that:

"Overall, the layout does not compromise any important trees within or adjacent to the site. The layout respects the needs for space of the existing trees and there are no special methods of work needed to construct this scheme. As such there are no identified reasons for the LPA to refuse planning permission on arboricultural grounds."

5.32 The report concludes at para. 6.1:

"The proposed development will result in the removal of about 17% of trees on the site. However, these trees are the ones in poorest condition or that are of low quality or small size. Their loss will not have a detrimental impact on public amenity. New tree and hedge planting will, over time, enhance public amenity and increase the numbers of trees on the site and the diversity of species in the area."

5.33 All significant trees and TPO'd trees are to be retained. The trees which fall within the development site but outside the proposed dwelling curtilages would be the responsibility of the new Management Company. New tree and hedge planting can be secured by a condition. In line with the recommendations of the arboricultural survey, all new structures would be outside the line identified on the tree constraints plan. This line allows for at least 2m of additional growth from the existing tree canopy line.

5.34 Policy PSP2 seeks to conserve and where appropriate enhance the quality, amenity, distinctiveness and special character of the landscape (defined by the Landscape Character Assessment). The site lies within Area LCA14 of the South Gloucestershire Landscape Character Assessment (adopted Nov 2014) the landscape strategy for which includes *inter alia*:

- Where key to the character of the locality, ensure that the critical balance between the existing urban built form and green open space and/or planting is maintained and enhanced, and distinctive local character is retained and enhanced. This includes consideration of the role that private open space places in the urban environment.
- Ensure that new development incorporates an adequate landscape framework and open space network to provide relief to the urban environment, wildlife habitat and wherever possible connectivity of habitat.
- Ensure that open space areas within new development are of adequate size to be useable and effective, and that sufficient space is incorporated around retained landscape features and wildlife habitats, to facilitate their effective protection and management into the future.

- Within the tight urban environment of this character area careful planning of new developments is vital to ensure that proposed levels, service runs etc. do not damage existing retained trees or compromise proposed new landscape schemes. Also ensure that lighting schemes particularly at the urban edge do not disturb wildlife.
- 5.35 Whilst it is acknowledged that the site makes a positive contribution to landscape character, it is not readily visible from the public realm. It is not publically accessible and neither is it a designated local green space for the purposes of the NPPF and Policy PSP4. Indeed the site has no special landscape designation.
- 5.36 The existing landform would be retained, as would most of the existing vegetation. A good deal of open space would be incorporated within the scheme, including a wildlife corridor and two large areas of natural open space. These areas are to the East and Western boundaries as indicated on the proposed site plan. They are to be owned by a management group belonging to the new properties and they would be planted to enable use as informal recreation and natural open space. It is proposed that planting would include species to create rich scrub and wild flower meadows.
- 5.37 Given the above, officers are satisfied that on balance the scheme is acceptable in landscape terms.

Transportaion Issues

- 5.38 The key material considerations for this application fall broadly into two areas, firstly whether the development can be considered sustainable from a transport perspective, and secondly whether the proposal will have an adverse impact upon the surrounding highway network. Should the application be considered to be sustainable, then an objection on traffic impact would have to trigger the severity test of NPPF paragraph 32.

Location

- 5.39 The site is within an established residential area. Hanham High Street with its various shops and services is within a 500m walk of the site, and the off-road footpath/cyclepath through Magpie Bottom gives access to Kingswood and other facilities, including secondary education. Primary education is available at several schools within a 10-15 minute walk of the site. There are a number employment opportunities in the area. Bus stops are available on Hanham High Street and Lower Hanham Road.
- 5.40 It is noted that some local residents are objecting to this application raising concerns over the issue of access, increased traffic and parking. In this context the Council's Transportation Officer has commented as follows:

Site access

- 5.41 The submitted plan shows the access to be from Magpie Bottom Lane. The existing access lane leading to the site is single width and it has restricted turning area for service vehicles. The plan submitted with this application shows that the access road would be widened to a total width of 5.7m and would be used as a shared-surfaced road. The widening would include a 30 metre long

retaining wall along the road separated from the carriageway by a 1 metre verge. With improvement as proposed, the access road would be acceptable in terms of vehicular traffic as well as for those people on foot or cycling. Due to the existing contours the new access road would be installed at a 1:12 gradient. This is considered to be acceptable given that the only access to it is via Magpie Bottom Lane which has a 1:8 gradient.

- 5.42 The proposed road widening would take place within the area of land that is already part of the adopted highway - as such, a suitable condition would be imposed to secure all highway works.
- 5.43 The plan submitted with this application includes a 'Swept path analysis' for the proposed access - this shows that the widened access would be adequate for all types of vehicular traffic that are likely to be generated by the development. A suitable turning area would be created within the site boundary to ensure that refuse/delivery and service vehicles would be able to access and egress the site in forward gear safely. Therefore, the transportation officer concludes that, the access with the proposed improvement is acceptable for use by traffic from the existing houses as well as the proposed new development.

Traffic

- 5.44 Given the urban location of the site, the transportation officer anticipates the daily traffic associated with each house to be in the order of 5 or 6 movements each day - during the busiest period on the highway networks, the impact of the new development is estimated to be about 6 trips in the AM peak and a similar number in reverse during the PM peak hour from the new development. Such a level of traffic is not considered to be significant and this would not adversely impact on the safe operation of the local highway network and given the mitigating measures (in respect of road widening) then, the scheme would actually provide an improvement over the existing situation. As such, the transportation officer considers that additional traffic to result from the proposal could not be used as a reason to refuse this application and it is unlikely that such a refusal reason could be substantiated in an appeal situation.

Travel sustainability

- 5.45 It must be further stressed that the site is situated within an acceptable walking distance of bus stops on the A431 High Street and Lower Hamman Road. There is a regular service to and from Bristol City Centre with buses available every 20 minutes during weekdays, which ensure good connectivity to and from the application site. The improved access road would cater for all users including the additional traffic resulting from the development. Good and easy access is available between the site, areas of employment and local facilities and to High Street Hanham. Overall, the officer considers the site to be in a sustainable location.

Parking

- 5.46 Levelled accesses are proposed for all the properties from the road to the parking areas. The PROPOSED SITE PLAN OPTION 1 – Drawing no. 16046-010 Rev C shows 2no. parking spaces for each house and this meets the South Gloucestershire parking standards – and the existing bungalow would be provided with 4no. parking spaces two spaces of which are garages.

Additional to this, the proposal also includes a total of 6no. visitor spaces and this is more than adequate for the scale of development proposed. Overall, there would be an acceptable level of parking on the site and hence there are no highway grounds to refuse this application.

Natural Environment

- 5.47 Whilst tree and landscape considerations have been discussed, natural environment also includes consideration of: ecology and biodiversity; drainage and water management; and environmental effects, including requirements for renewable and low-carbon energy generation.

Ecology and Biodiversity

- 5.48 Given that this development would be partly on a 'greenfield' site there is potential for an impact on ecology and biodiversity. An ecological appraisal has been submitted to support this application. The Council's ecologist has considered the appraisal and concluded that there is no ecological objection to this application subject to appropriate conditions relating to badgers and lighting. The scheme has been designed in such a way as to protect and enhance the ecological potential of the site. The badger setts would be protected during the works and remain in situ thereafter in areas of the site that are not being developed.

Drainage and Water Management

- 5.49 Drainage of the site following development is a technical matter. In terms of planning considerations, it must be demonstrated that the site can be adequately drained and would not lead to an increased risk of flooding elsewhere. A flood risk assessment has been submitted with the application. The application site lies within Flood Zone 1 and is therefore not at risk of flooding itself.
- 5.50 Given the scale of development, a SUDS scheme could be achieved. The Lead Local Flood Authority consider a SUDS scheme to be appropriate. Subject to a satisfactory SUDS scheme being presented to the authority at a later date, drainage and water management are not a constraint to development.

Environmental Effects

- 5.51 The proposal itself would not pose any undesirable environmental impact; it would not lead to industrial processes or emissions. However, the undertaking of the development may have the potential to effect the environment. There would appear to be limited potential sources for contamination and this should not act as a constraint to development. An appropriate condition could be imposed to ascertain the presence or otherwise of contaminants and measures in mitigation should any be found. Similarly, a condition to secure intrusive ground investigations to ascertain the presence or otherwise of shallow coal workings and measures of mitigation, could also be imposed.

- 5.52 Construction work can have an impact on amenity. The development should be subject to a condition on construction hours to protect both the environment and the amenity of nearby residents.

On-site Renewable and Low-Carbon Energy

- 5.53 Under policy PSP6, all development proposals will be expected to minimise end-user energy requirements over and above those required by the current building regulations through energy reduction and efficiency measures.
- 5.54 The site layout optimises solar orientation, with living rooms facing south. Windows are placed and sized to optimise glazing on the south side and achieve good natural lighting in all the rooms. PV panels or solar thermal would be installed on some units.
- 5.55 The project is also designed to address other sustainability criteria including the following issues:
- Reduction of water use through specification of low water-use fittings
 - Reduction of waste through efficient construction practices
 - Provision of adequate storage for waste and recycling
 - Sustainable surface water drainage system

Social Considerations

- 5.56 Social considerations have a relatively wide scope. This section will consider: affordable housing provision; public open space provision; and residential amenity and living conditions.

Affordable Housing

- 5.57 Policy CS18 requires the provision of affordable housing on developments of a certain scale. The proposal falls just below the threshold for an affordable housing contribution both in terms of numbers of dwellings and floor area. Should the overall site be developed further at a later stage, this may trigger the need for an affordable housing contribution; any approval would carry an informative to this effect.

Public Open Space

- 5.58 The number of dwellings falls below the threshold for contributions towards and/or provision of public open space.

Residential Amenity and Living Conditions

- 5.59 Development should not be permitted that has a prejudicial impact on the residential amenities of nearby occupiers or which provides less than acceptable living conditions for future occupiers of the proposal. Some concerns have been raised by local residents' about possible overbearing impact, loss of daylight and loss of privacy, most notably for the occupants of no.14 Bayleys Drive.

- 5.60 Officers are however satisfied that the scheme provides adequate separation distances between the existing and proposed dwellings and adequate setbacks from the site boundaries. It is inevitable that there will be some degree of overlooking of neighbouring gardens in densely populated urban areas, especially where schemes are expected to make the most efficient use of land, as is the case here. Appropriate boundary treatments and additional screen planting can be secured by condition.
- 5.61 While some existing occupiers may have their existing views obscured, there would not be a loss of outlook from these dwellings and as a result it would not be prejudicial to the amenity of these dwellings. Planning does not provide protection of a view but does seek to ensure that there is not a prejudicial loss of outlook.
- 5.62 The proposal makes adequate provision for the living conditions of the future occupiers of the development. In accordance with Policy PSP43 the new dwellings would be provided with sufficient private amenity space and the layout provides few opportunities for inter-visibility between the proposed homes.
- 5.63 Should this development proceed there would not be a significant adverse impact on residential amenity or the quality of living conditions and therefore this should not be considered a constraint to development.

Sustainable Development

- 5.64 The NPPF, when taken as a whole, is the government's written statement of what constitutes sustainable development in planning terms. The government recognises that there are three strands to sustainable development: economic, environmental, and social.

Economic

- 5.65 The development would have economic benefit in providing housing to support a higher population. It would lead to the direct provision of construction jobs (although these are temporary in nature and therefore can be afforded limited weight). It would also enable greater economic spending in the region through additional population growth. A greater population would also help support local goods, services and facilities. Therefore, the economic benefit of development attracts substantial weight in favour of granting planning permission.

Environmental

- 5.66 There would be some benefit to biodiversity through landscape planting and specific mitigation measures. However, while there is some benefit, it can only be considered limited as it seeks to minimise any impact of the development itself through loss of trees and habitat. In terms of weight attribution, this factor is considered neutral.

Social

- 5.67 The development would result in some significant benefit by the provision of a mix of market housing for which there is an identified need. This is a factor of importance and weighs in favour of granting planning permission

Overall Planning Balance

- 5.68 Applying the specific tests under the second limb of paragraph 11 of the NPPF it is considered that the provision of 9 new dwellings, with a mix of dwelling type in a highly sustainable location, is considered to be in the public interest. Whilst there would be some harm to landscape character and some adverse impact on residential amenity, the cumulative impact would not be so great as to outweigh the wider public benefits of the scheme.
- 5.69 It therefore follows that planning permission should be GRANTED.

Equalities

- 5.70 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.
- 5.71 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.

CIL

- 5.72 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 would be subject to CIL.

Other Matters

A local resident has suggested that some of the trees to be felled lie within land not under the applicant's control. The Council do not resolve disputes of land ownership as these are civil matters. The applicant has submitted the appropriate land ownership certificate B with the application.

6. CONCLUSION

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

6.2 The recommendation to grant 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 development hereby approved shall be carried out in accordance with the following approved plans:

Location Plan Drawing No. 000 Rev A

Bungalow Existing Plans Drawing No. 16046/005 Rev A

Bungalow Existing Elevations Drawing No. 16046/006 Rev A

Proposed Site Sections Plots 7-9 Drawing No. 011 Rev B

Proposed Site Sections Plots 3-5 Drawing No. 012 Rev B

Proposed Site Elevations Drawing No. 13 Rev B

Typical 3 Bed House Plans Drawing No. 16046/020 Rev B

Typical 4 Bed House Plans Drawing No. 16046/020 Rev B

Typical 3 Bed House Elevations Drawing No. 16046/021 Rev B

Typical 4 Bed House Elevations Drawing No. 16046/021 Rev B

Typical 2 Bed Bungalow Plans Drawing No. 16046/026 Rev B

Typical 2 Bed Bungalow Elevations Drawing No. 16046/027 Rev B

Proposed Garage Level Drawing No. 16046/030 Rev A

Bungalow Proposed Ground & First Floors drawing No. 16046/031 Rev B

Bungalow Proposed Elevations Drawing No. 16046/032 Rev A

All received 24th May 2018

Proposed Site Plan Drawing No. 16046_010 Rev C received

Reason

For the avoidance of doubt.

3. The hours of working on site during the period of construction 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.

4. Upon completion of the building works or prior to the first occupation of any of the dwellings hereby approved, a scheme of landscaping, which shall include details of proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP2 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the National Planning Policy Framework.

5. The development hereby approved shall be carried out in strict accordance with the Arboricultural Method Statement included in plan TC1, Appendix B contained at para. 5.4 of the submitted Arboricultural Impact Assessment & Method Statement by Treecall Consulting Ltd. dated May 2017.

Reason

To protect the TPO'd Trees and character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP2 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the National Planning Policy Framework.

6. No building hereby permitted shall be occupied until the car/vehicle parking areas shown on the approved plans has been completed, and thereafter, the areas shall be kept free of obstruction and available for the parking of vehicles associated with the development.

Reason

To ensure the satisfactory provision of car 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 South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013.

7. A) Desk Study - Previous historic uses(s) of the site may have given rise to contamination. No development shall commence until an assessment of the risks posed by any contamination shall have been carried out and submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175 Investigation of potentially contaminated sites and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

B) Intrusive Investigation/Remediation Strategy - Where following the risk assessment referred to in (A), land affected by contamination is found which could pose unacceptable risks, no development shall take place until detailed site investigations of the areas affected have been carried out. The investigation shall include surveys/sampling and/or monitoring, to identify the extent, scale and nature of contamination. A report shall be submitted for the written approval of the local planning authority and include a conceptual model of the potential risks to human health; property/buildings and service pipes; adjoining land; ground waters and surface waters; and ecological systems.

Where unacceptable risks are identified, the report submitted shall include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the preferred remediation option(s). The programme of the works to be undertaken should be described in detail and the methodology that will be applied to verify the works have been satisfactorily completed.

The approved remediation scheme shall be carried out before the development (or relevant phase of development) is occupied.

C) Verification Strategy - Prior to first occupation, where works have been required to mitigate contaminants (under condition B) a report providing details of the verification demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

D) Any contamination found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found additional remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason

To ensure that adequate measures have been taken to mitigate against possible ground contamination and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 and Policy PSP21 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017. This is required prior to commencement in the interest of public health.

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

Reason

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

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

A detailed development layout showing surface water and SUDS proposals is required as part of this submission.

The following details should be submitted when discharging the above conditions:

- o A clearly labelled drainage layout plan showing the pipe networks, all attenuation features (tanks/crates, tanked permeable paving) and flow control devices.
- o MicroDrainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus 40% climate change storm event.
- o Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus 40% climate change storm event.
- o The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding. It must also show how any existing area of flooding/ponding of water are to be managed as part of the site development. Please note that any overland flood flow/exceedance flows must be contained within the confines of the site and should not be allowed to discharge onto the public highway or third party land.
- o The plan should also show any pipe node numbers referred to within the drainage calculations. It should also include a manhole / inspection chamber schedule to include cover and invert levels.
- o Ownership and/or responsibility details for the surface water system, along with details of the maintenance regime in relation to the Surface Water Network and any components such as the attenuation features and Flow Control Devices.
- o Confirmation that Wessex Water are in acceptance of connection to their system in order to dispose of surface water runoff and that there is adequate capacity to accommodate the proposed discharge rate of 1.7l/s.

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.

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

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

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

11. Prior to any part of development affecting badgers (including any demolition, ground works, site clearance), a method statement shall be submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason

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

12. 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

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. 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.

13. Prior to the commencement of development, the details of construction for the new retaining wall as well as the highway works (i.e. road and junction widening as shown in principle on 'Campbell Reith' plan titled 'MAGPIE BOTTOM LANE ROAD WIDENING GENERAL ARRANGMENT' plan (i.e. drawing no. 001 rev P4) shall be submitted to the Local Planning Authority and approved in writing. The proposal shall be carried out strictly in accordance with the approved details prior to the occupation of the building.

Reason

In the interest of highway safety and the amenity of the area, and to accord with Policy PSP11 of the South Gloucestershire Local Plan 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 information is required as a pre-commencement condition because it is necessary to agree on the details of the construction to ensure the proposed new retaining wall and the highway works are designed and constructed appropriately to address the needs of the proposed development.

CIRCULATED SCHEDULE NO. 41/18 – 12 OCTOBER 2018

| | | | |
|----------------------------------|---|-------------------------|------------------------------|
| App No.: | PK18/3104/F | Applicant: | Mr & Mrs Townsend |
| Site: | Rock View Engine Common Lane Yate South Gloucestershire BS37 7PX | Date Reg: | 10th July 2018 |
| Proposal: | Erection of 4no. detached houses with associated access, parking, hard/soft landscape works and drainage. | Parish: | Iron Acton Parish Council |
| Map Ref: | 370043 185017 | Ward: | Ladden Brook |
| Application Category: | Minor | Target Date: | 3rd September 2018 |



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 100023410, 2008. **N.T.S.** **PK18/3104/F**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of a letter of objection contrary to officers' recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of 4 no. detached dwelling at Rock View on Tanhouse Lane. The proposed development will be accessed via Tanhouse House Lane. It is noted that an outline planning permission, PK17/4492/O, has been recently granted for four residential properties. During the course of the application, the coal mining report has been submitted and reviewed by the Coal Authority. The applicant also agreed for the proposed pre-commencement conditions on the drainage strategy and the de-contamination strategy.
- 1.2 The application site comprises a mix of grass / landscaped area and a large hard-standing area, which was subject to some previous development for stationing of 15 touring caravans on temporary basis. There are a number of single storey structures and buildings, and mature trees and hedgerows surrounding the site. The host dwelling is two storey detached dwelling finished with stone work and clay tile, however it does not fall part of the application site.
- 1.3 The site is located outside of the defined settlement boundary of Engine Common the site is in the open countryside. The North Yate New Neighbourhood northern boundary is located approximately 650 metres to the east.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2018
National Planning Practice Guidance
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

| | |
|------|--|
| CS1 | High Quality Design |
| CS4a | Presumption in Favour of Sustainable Development |
| CS5 | Location of Development |
| CS6 | Infrastructure and Developer Contributions |
| CS8 | Improving Accessibility |
| CS9 | Managing the Environment and Heritage |
| CS15 | Distribution of Housing |
| CS16 | Housing Density |
| CS17 | Housing Diversity |
| CS18 | Affordable Housing |
| CS34 | Rural Areas |

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

| | |
|-------|--|
| PSP1 | Local Distinctiveness |
| PSP2 | Landscape |
| PSP3 | Trees and Woodland |
| PSP8 | Residential Amenity |
| PSP11 | Transport Impact Management |
| PSP16 | Parking Standards |
| PSP19 | Wider Biodiversity |
| PSP20 | Flood Risk, Surface Water and Watercourse Management |
| PSP40 | Residential Development in the Countryside |
| PSP43 | Private Amenity Space Standards |

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

Affordable Housing and Extracare SPD (Adopted) May 2014

Waste Collection SPD (Adopted) January 2015

CIL and S106 SPD (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

The site has been subject to a number of planning applications in the past. The latest planning application was submitted in 1994 for renewal of temporary consent for the stationing of 12 no. touring caravans, the application was approved on 15 August 1994.

PK11/2680/F was granted for the erection of 1 no. detached replacement dwelling with access and associated works (Resubmission of PK11/1384/F), dated 20 October 2011.

PK15/2944/F was refused for the change of Use of land from Agricultural to residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include mobile home to be used as annex ancillary to main dwelling (Retrospective) dated 26 October 2015.

PK17/4492/O was granted for the erection of up to 4no. dwellings (outline) with access and layout to be determined: all other matters reserved. Approved 25.05.2018.

PK18/3886/F for the creation of new vehicular access onto Engine Common Lane and installation of driveway. Erection of single storey side and front extension to form garage and additional living accommodation. Being considered.

It should also be worth to note that the following application was approved for a residential development at the land to the rear of Holmelea House Tanhouse Lane, which is located to the southwest of this application site.

PK17/1226/O Erection of 7 no. dwelling (outline) with access and layout to be determined. All other matters reserved. (re-submission of PK16/4890/O). Approved 17.10.2017

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
Objection, concerns over the traffic on a substandard lane and lack of any safe footpath access for children attending school.
- 4.2 The Coal Authority – No objection subject to the local planning authority ensuring that the precautionary measures contained in Section 6.2 of the reported are adopted during site works / incorporated into the development.
- 4.3 Sustainable Transport – No objection.
- 4.4 Drainage Engineer – No objection in principle, but advised that further details should be provided regarding the capacity of the existing ‘Mini Treatment Plant’.
- 4.5 The Archaeology Officer – No objection and no planning condition is required.
- 4.6 Enabling Team – Comments on the previous email still apply.
- 4.7 The Ecology Officer – No objection subject to the previous ecological conditions apply.
- 4.8 The Arboricultural Officer – No objection provided that the protective fencing and all works are carried out in accordance with the submitted report.
- 4.9 The Landscape Officer – Advised that a revised landscape scheme should be submitted to including the Ecology Assessment October 2017,
- 4.10 Highway Structure – advised of the responsibility for the maintenance of highway structures.

Other Representations

4.11 Local Residents

Two letters of objection has been received, and the local residents are concerning the sustainability of the site and the highway issues on the potential use of Engine Common Lane. (Full comments are available in the Council website).

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks full planning permission for the erection of 4 dwellings on land at Rock View. Para. 11 (c & d) of the NPPF states that decision takers should approve development proposals that accord with the development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- (i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
 - (ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.2 Firstly, it should be noted that the site is not situated within any land-use designations, such as Sites of Specific Scientific Interest, land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, designated heritage assess and locations at risk of flooding or coastal erosion. Therefore, there are no specific policies in the Framework indicate this development should be restricted. In addition, the Council's Annual Monitoring Review (AMR) 2017 still reveals that the Council cannot demonstrate a 5-year housing land supply and an outline planning permission has recently granted for the erection of 4 no. dwellings on this particular site. In this instance, there is no objection to the principle of this residential proposal.
- 5.3 Density
The proposal would result in an additional 4 units to the housing supply and this would equate to a density of approximately 11 houses per hectare. This is a low density development, and it is right to consider whether this represents the most appropriate approach to this site. As described above this site is surrounded by a group of residential properties with a reasonable sized garden. Furthermore, the site is subject to a number of constraints, including archaeological interests, coal mining history and the proximity of protected trees, therefore, any higher density development would likely cause an adverse impact upon the existing landscaping features and historic assets. Given the rural location of the site, it is accepted that this would be a reasonable design approach.
- 5.4 A further reason for questioning the appropriateness (or otherwise) of the density is in relation to whether there is an attempt to avoid affordable housing triggers. This is not the case here as will be seen from the section on affordable housing.
- 5.5 Affordable Housing
This application seeks planning permission for the erection of 4 houses. The adopted Core Strategy is still relevant to this proposal. Policy CS18 states that the threshold for providing affordable housing in rural areas is 5 or more dwellings or a residential site with a gross area of at least 0.20 ha, irrespective of the number of dwellings. This proposal relates to 4 units on land measuring 0.36 hectares.

- 5.6 The agent has confirmed that the total gross internal area for the proposed dwellings will still be less than 1,000 square metres, officers therefore consider that no Affordable Housing requirement should be sought for this scheme. A planning condition is however imposed to preclude any development coming forward with a gross internal floor area in excess 1,000 square metres.
- 5.7 Design and Visual Impact
The proposed access and layout would be very similar to the approved plan, the only difference would be the size of the new dwellings. The submitted layout plan shows a private drive will be formed off Tanhouse House and it will serve the new dwellings. Each of them would have its own garage and a reasonable private garden, the design and layout also reflects the rural character of the area. New dwellings at Unit 1 and 2 would be fronting Tanhouse Lane setting back from the existing boundary hedges. These dwellings would be finished with brick, rendering and reconstituted stone under grey / terracotta pantiles and slate tiles. Officers are generally satisfied with the proposed material. Officers consider the proposed development would be in harmony with the character of the area, therefore the scheme is acceptable from visual amenity perspective.
- 5.8 Landscaping Impact
A landscaping plan has been submitted, however, officers the submitted plan has not fully incorporated features for wildlife habitats. Subject to a revised landscaping scheme, there is no landscaping objection and a planning condition is imposed to secure this.
- 5.9 Residential Amenity
Development should not be permitted which has a prejudicial impact on residential amenity on the existing occupiers as well as the living conditions of future occupiers of the proposed development. The submitted details showing the location of the new dwellings. Given there would be a reasonable distance between the new dwellings and the neighbouring properties, including Rock View, it is considered that that privacy levels would be retained and there would not be an unreasonable adverse impact in terms of overbearing impacts of the loss of light.
- 5.10 It is noted that there is a vehicular access running along the western boundary of the site. The access currently links to an industrial building and a potential residential development, which was recently granted planning permission. It is noted that the future occupiers from this application site may experience some noise or disturbance of the traffic, it is considered that such impact would not be significant to be detrimental to the living condition of the future occupiers.
- 5.11 Highway Impacts
The Highway Officer raises concerns regarding the sustainability of the site and highway safety issues onto Tanhouse Lane and Engine Common Lane.
- 5.12 Regarding the sustainability issues, the officers has concluded that a residential development for 4 no. dwelling on this particular site has been established by the extant outline planning permission.

- 5.13 Regarding the highway safety issues, Paragraph 109 of NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 5.14 Firstly, it should be noted that the access for the proposed development would be onto Tanhouse Lane, not Engine Common Lane, although it is noted that there are existing accesses onto Engine Common Lane. The proposed layout plan shows that there are some new hedges along the eastern boundary of the site dividing the site from the host dwelling, Rock View. To ensure that other vehicular movement, such as construction or delivery vehicles, from this application onto Tanhouse Lane, a planning condition is imposed to secure this.
- 5.15 The site already benefits from extant outline planning consent (PK17/4492/O) for 4 no. dwellings, which was granted in May 2018. This has established the development principles for the site, with the exception of detailed design and landscaping matters, which were reserved for future consideration. The extant outline approval represents the fall-back position in planning terms. This proposal presents a revised layout with larger properties, which would be five bedroom rather than four, and would still propose four dwellings. There is no change to the site access arrangements with the public highway which was put forward as part of the earlier application and therefore, the proposal would not change the access situation compared to that scheme the Council approved earlier. In terms of parking, it is noted that each proposed dwellings would each have 3 no. car parking spaces with two driveway spaces and two spaces inside a double garage and this meets the Council's parking standards. In view of all the above therefore, there is no highway objection subject to all the previous conditions still apply.
- 5.16 Ecological Issues
The site was located at the north end of Engine Common Lane, Yate. The site consists of hard standing and grassland with dilapidated sheds in the grounds of a residential property. The wider environment was made of residential and commercial properties and agricultural fields. The submitted plans show some of ecological features, for example, 4 no. bat boxes on the trees, bird boxes and bat tubes on the proposed dwellings. An appropriate Bat friendly lighting scheme has been submitted. Nevertheless, there are still some elements needs to be clarified and sought. For example, the new fence to the western boundary inside the hedge needs to palisade fencing and permeable to small mammals such as hedgehogs. In this instance, officers have no ecological objection to this application, subject to planning condition seeking a revised landscaping scheme incorporating wildlife friendly fencing and an implementation of the submitted details.
- 5.17 Arboricultural Issues
The site is covered by an area based tree preservation order. An arboricultural report has been submitted with the application. Officers have no objection to the proposal subject the protective fencing and works are carried out in accordance with the submitted arboricultural report. A planning condition is

therefore imposed to secure tree protection works will be carried out accordingly.

5.18 Drainage

The application form indicated the surface water would be disposed to sustainable drainage system, officers have no objection in principle to this part of proposal. It is noted that the foul sewage would be disposed to a mini treatment plant, and further details regarding its capacity for the proposed development. As such, a planning condition is imposed to secure the details of the proposed drainage method.

5.19 Archaeological Assets

The proposal lies in an area of archaeological sensitivity with traces that may relate to the Bitton - Berkley Roman Road in the immediate vicinity. This site has already been evaluated as part of a different planning application and this evaluation proved negative. Therefore no further work is required. There is no archaeological objection and it is not necessary to impose any condition.

5.20 Coal Mining History

The application site falls marginally within the defined Development High Risk Area, therefore within the application site and surrounding area there are coal mining features and hazards which needs to be considered in relation to the determination of this planning application. The Coal Authority's information indicates that a thick coal seam outcrops adjacent to the application site boundary and may be present at shallow depth beneath the very north eastern part of the application site. This seam may have been worked in the past. The Authority raised no objection to the previous proposal. It is noted that the applicant has submitted an Interpretative Ground Investigation Report (31 August 2018, prepared by Ground Investigation Limited) in support of their planning application. Based upon a review of appropriate sources of coal mining and geological information, including the content of the original Coal Mining Risk Assessment, the Ground Investigation Report advises that no significant shallow coal or evidence of mine workings has been encountered during site investigations undertaken to date, and the site is considered to be at low risk from unrecorded workings. It is noted that the recommended precautionary measures (site stripping and the adoption of reinforced foundations) contained in Section 6.2 of the report which are aimed at mitigating the risk posed by unrecorded shallow coal mining/features. In this instance, there is no objection to the application provided that a planning condition is imposed to secure the implementation of the precautionary measures contained in Section 6.2 of the report to be adopted during sites works / incorporated into the development.

5.21 Environmental Issues

A site investigation report has been submitted. On the basis of the results of gas monitoring undertaken at this site and the proposed gas protection measures to be installed within the development, further review will be required. Subject to planning condition seeking details of decontamination strategy, there is no environmental objection to the proposal.

5.22 Overall Planning Balance

The provision of 4 dwellings would make a modest contribution towards housing supply. Whilst the proposal is not situated within a highly sustainable location, it is considered that the potential harm caused would not be significant. It is considered that the benefit of provision of additional houses would clearly outweigh such harm. In addition, the proposal would also likely bring other social and economic benefits to the nearby communities in Engine Common. As such, officers consider the proposed development, on balance, can be supported.

5.23 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 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 planning permission be granted subject to the following conditions:

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

2. Restriction of Total Gross Internal Area

In the avoidance of doubt, the total gross internal floor area of the development shall not exceed 1,000 (one thousand) square metres.

Reason

In the interest of the provision of affordable housing and to accord with Policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of National Planning Policy Framework July 2018.

3. Coal Mining Investigation and Mitigation Measures

The precautionary measures for the proposed development hereby approved shall be adopted in accordance with Section 6.2 of the Ground Investigation Report (31 August 2018) prepared by Ground Investigation Limited, during the site works and incorporated into the development.

Reason

In the interest of the stability of the land and to accord with Policy PSP22 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

4. Contamination Mitigation Strategy (Pre-commencement Condition)

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

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

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

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

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

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

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework July 2018. This is a pre commencement condition in order to avoid any unnecessary remedial work in the future.

5. Details of Drainage Proposal (Pre-commencement Condition)

Prior to the commencement of the development, full details of foul drainage method and surface water drainage method including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection shall be submitted and approved in writing by the Local Planning Authority.

For the avoidance of doubt, a detailed development layout shall show the location of surface water proposals along with results of percolation tests and infiltration calculations to demonstrate that the proposal is suitable for this site. In addition, the following details shall be included as part of the submission:

- a. A clearly labelled drainage layout plan showing the exact location of any soakaways or other infiltration features,

- b. 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,
- c. Evidence that the soakaway is appropriately sized in accordance with BRE Digest 365 Soakaway Design, and
- d. Soakaways must be located 5 Metres from any structure including the Public Highway.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework July 2018. This is a pre-commencement condition to ensure that the drainage details have been agreed before the construction of the development and to avoid any unnecessary remedial action in the future.

6. Bat Friendly Lighting Scheme

The Lighting Strategy 0738-DFL-LS-001-A dated August 2018 prepared by Designs for Lighting shall be fully carried out prior to the first occupation of the proposed development hereby approved, and no other external illumination shall be installed within the site.

Reason

To protect and enhance biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provision of National Planning Policy Framework July 2018.

7. Bird and Bat boxes

The proposed four Schwegler 2F boxes and bat tubes and four house sparrow terraces shall be fully installed in accordance with the submitted elevations, Drawing No. 2952/201A, 2952/202A, 2952/203A, 2952/204A and the proposed site layout plan Drawing No. 2952/200A, prior to the first occupation of the approved development hereby approved.

Reason

To protect and enhance biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provision of National Planning Policy Framework July 2018.

8. Implementation of the Ecological Assessment Report

The development shall proceed in accordance with the recommendations made in Section 10 of the Ecological Assessment by Ethos Environmental Planning (October, 2017). This includes creating a bat friendly lighting scheme, avoiding disturbance and

harm to nesting birds, dormice and hedgehogs, new (native species) hedgerow planting, use of Emorsgate seeds EL1 on the proposed new lawns, enhancing the existing wet ditch for wildlife, planting species to enhance the site for bats, installing bird and bat boxes, creation of habitat piles and permeable fencing for wildlife.

Reason

To protect and enhance biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provision of National Planning Policy Framework July 2018.

9. Arboricultural Works

The development shall be carried out in accordance with the Arboricultural Method Statement and the Tree Protection Plan contained within the submitted Arboricultural Report dated September 2017.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the trees, and to accord with Policy PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework July 2018.

10. Hard and Soft Landscaping Scheme

Notwithstanding the submitted details, prior to the installation of any boundary fence, a hard and soft landscaping scheme, incorporating the Ecology Assessment October 2017, boundary fence with permeable feature, Federal Helix throughout the site and hard landscaping scheme with sustainable drainage system, together with an implementation programme, a landscaping management and maintenance plan covering five year establishment period, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To protect and enhance biodiversity and landscape character of the site, and to accord with Policy PSP2 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provision of National Planning Policy Framework July 2018.

11. Construction Hours and Access

The hours of working on site during the period of construction shall be restricted to 0730 to 1800 Monday to Friday, 0800 to 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.

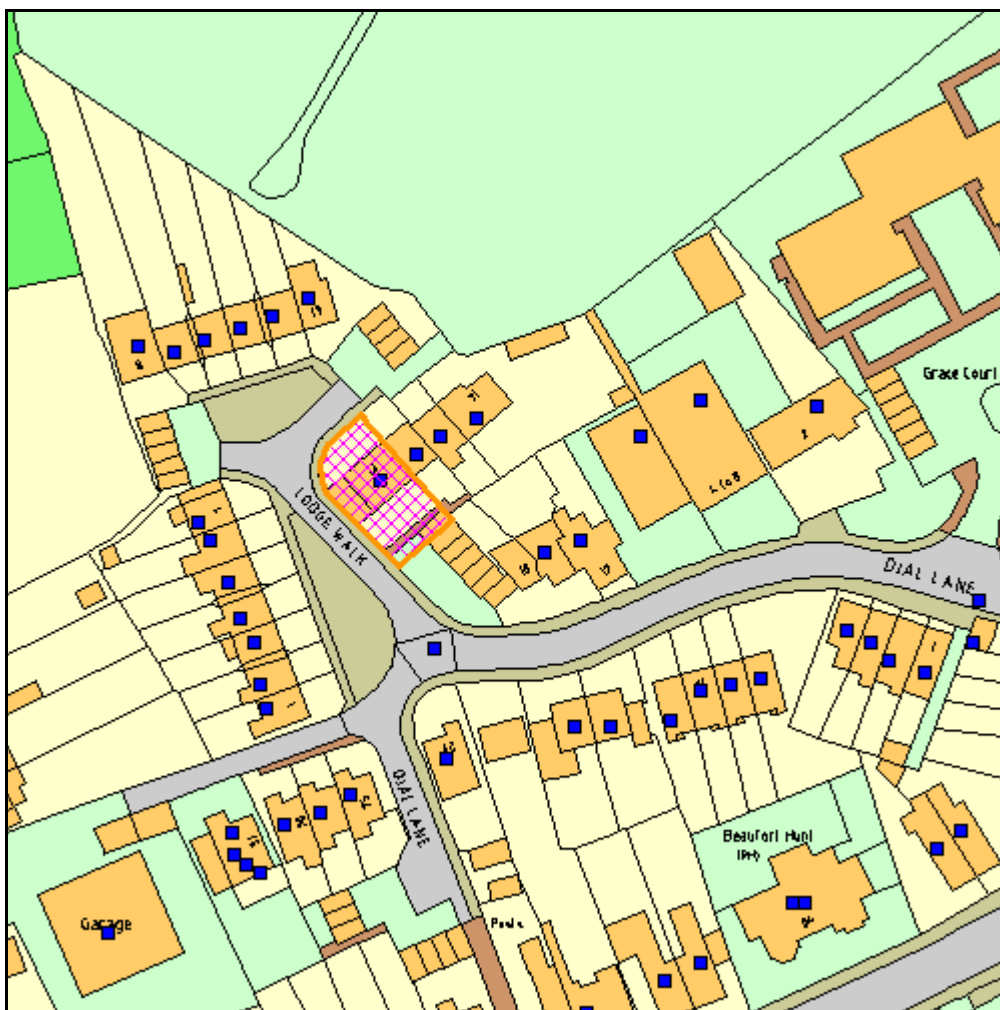
In addition, all construction or delivery vehicles shall only use the new access onto Tanhouse Lane, the existing accesses onto Engine Common Lane shall not be used for the proposed development hereby approved or during the construction of the approved development.

Reason

To protect the amenities of the occupiers of nearby dwelling houses during construction, and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework July 2018.

CIRCULATED SCHEDULE NO. 41/18 – 12 OCTOBER 2018

| | | | |
|------------------------------|--|---------------------|--|
| App No.: | PK18/3236/F | Applicant: | Dr Af Oluwasanmi |
| Site: | 17 Lodge Walk Downend Bristol South Gloucestershire BS16 5UQ | Date Reg: | 20th July 2018 |
| Proposal: | Demolition of existing car port and erection of two storey side extension to form 1no. attached dwelling with new access and associated works. (resubmission of PK17/5147/F) | Parish: | Downend And Bromley Heath Parish Council |
| Map Ref: | 364801 176637 | Ward: | Downend |
| Application Category: | Minor | Target Date: | 12th September 2018 |



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 100023410, 2008. **N.T.S.** **PK18/3236/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 demolition of an existing car port and the erection of a two storey side extension to form 1no. attached dwelling with new access and associated works. The application relates to no. 17 Lodge Walk, Downend, and forms a resubmission of previously refused application PK17/5147/F.
- 1.2 The application site consists of an end of terrace property set centrally within a modestly sized corner plot. The site is located within the urban fringe area of Downend. The existing dwelling is of a fairly traditional design, and incorporates a gable roof with a brick/render finish. The surrounding area is made up of a mixture of properties. However Lodge Walk consists of three post-war terraces, making up a small cul-de-sac.
- 1.3 Revised plans were received by the Local Planning Authority on 8th October 2018. The revisions involve the provision of an additional on-site parking space, and the relocation of proposed bin stores to improve visibility.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

| | |
|------|--|
| CS1 | High Quality Design |
| CS4A | Presumption in Favour of Sustainable Development |
| CS5 | Location of Development |
| CS8 | Improving Accessibility |
| CS15 | Distribution of Housing |
| CS16 | Housing Density |
| CS17 | Housing Diversity |

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

| | |
|-------|--|
| PSP8 | Residential Amenity |
| PSP11 | Transport Impact Management |
| PSP16 | Parking Standards |
| PSP38 | Development within Existing Residential Curtilages, Including Extensions and New Dwellings |
| PSP43 | Private Amenity Space Standards |

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

3. RELEVANT PLANNING HISTORY

3.1 **PK17/5147/F**

Demolition of existing car port and erection of two storey side extension to form 1 no. attached dwelling with new access and associated works.

Refused: 22.01.2018

Refusal Reason

The development would result in the erection of an additional 3-bedroom property. The provision of an additional property is likely to give rise to increased competition for on-street parking in the locality. The existing competition for on-street parking in the locality has been observed to be high, and the proposed provision of off-street parking spaces is substandard by a total of 2 spaces. The proposal is therefore likely to exacerbate the existing situation. In terms of transportation issues, the proposal is therefore considered contrary to Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013, Policies PSP11 and PSP16 of the South Gloucestershire Local Plan; Policies, Sites and Places Plan (Adopted) November 2017, and the South Gloucestershire Residential Parking Standards Supplementary Planning Document (Adopted) December 2013.

3.2 **K4298**

ERECTION OF TWO STOREY SIDE EXTENSION (Previous ID: K4298)

Approved: 22.08.1983

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council

Objection – Inadequate drainage and sewage problems. Proposed dropped kerb would cause problems to disabled residents due to camber. Already parking issues which could restrict emergency vehicle access. Elevations could be different to adjoining property.

4.2 Other Consultees

Sustainable Transport

No objection subject to conditions – revised plans now submitted which show that an additional parking space can be provided on-site. Parking provision now complies with Council's minimum standards.

Lead Local Flood Authority

No objection in principle subject to clarification of proposed method of surface water disposal.

Highway Structures

No comment

Other Representations

4.3 Local Residents

12 letters of objection were received during the statutory consultation period. The main concerns raised are summarised below:

Transport

- Lodge Walk is a very narrow cul-de-sac. Parking pressures at best of times, and proposal will add to this. Additional parking may block access for emergency/refuse vehicles.
- Employees of nearby businesses park on street, which further aggravates parking issue.
- Current property has 4 parking spaces. Proposal only shows 4 spaces for what would not be 2 dwellings.
- Unsure how proposed parking spaces would be split between 2 properties.
- Front gardens are of limited depth. With cars parking on opposite side of road it will be difficult to manoeuvre in and out of spaces. Larger vehicles will overhang on to pavement. Spaces will be of limited use and residents are more likely to park on-street.
- Existing garage is unlikely to be used for parking – more likely to be used for storage as it currently is.
- Go ahead of development may lead to loss of life where emergency vehicles cannot access cul-de-sac.

Residential Amenity

- Increase in noise and disturbance during construction period.

Design

- Removal of front gardens will negatively impact character of area.
- Proposal changes symmetry of houses.

Other Matters

- Increased hardstanding will increase rainwater run-off in to road drains and soakaways.

- Foul sewer unable to cope at present. Erection of new dwelling will exacerbate this.
- Construction storage/vehicles could interfere with access to cul-de-sac. High number of elderly residents who are more likely to require access to emergency vehicles.
- Further dropping of kerb will make pavement difficult to walk on – especially for disabled residents.
- Individual making application is not a resident of the street.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that most new development in South Gloucestershire will take place within the communities of the north and east fringes of the Bristol urban area, and within defined settlement boundaries. The application site is located within the area defined as the east fringe of the Bristol urban area. As such, based solely on the location of the site, the development is acceptable in principle.

5.2 The erection of a dwelling at the site is acceptable in principle. It is also acknowledged that the contribution of a new dwellinghouse towards housing supply in South Gloucestershire would result in a modest socio-economic benefit. When considering the benefits of the proposal, regard has also been given to the Local Planning Authority's 5 Year Housing Land Supply position. However it is necessary to consider the development as a whole, and the nature of any environmental impacts, in order to identify any harm. Any identified harm will then be balanced against the benefits of the proposal.

5.3 Transport

Policy PSP11 of the Policies, Sites and Places Plan advises that development will be permitted provided that, in terms of transportation, new development provides; adequate, safe, convenient and attractive access, and; would not create, or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety.

5.4 Policy PSP16 sets out the Local Authority's residential parking standards. PSP16 stipulates that a minimum of two parking spaces, measuring a minimum of 2.4m x 4.8m, should be provided for both 3 and 4-bed properties. The standards also outline that in order to count as a space towards overall parking provision, a single garage must have minimum internal dimensions of 3m x 6m.

5.5 The existing property contains a total of 4 bedrooms. The existing parking arrangements consist of a car port to the south-west of the main dwelling, a single garage to the south-east of the rear garden, and an area of hardstanding to the front of the garage. The two external parking spaces meet the minimum

- size standards set out above. However measuring off the submitted block plan, the existing garage would appear to have external dimensions of approximately 2.6m x 5.6m. As such the internal dimensions would not meet the standards set out above, and the existing garage cannot be counted as a space towards parking provision. On this basis, the existing parking arrangements at the site provide two parking spaces for a 4-bed dwelling.
- 5.6 The previous application seeking to erect a dwelling at the site was refused on the basis that the proposed parking provision was unsatisfactory. The proposal sought to erect an additional 3-bed dwelling, with the total number of bedrooms contained within the existing property to be reduced to 3. Only two external parking spaces were to be provided for both the existing and proposed dwellings, with the overall provision substandard by a total of two spaces. The existing garage was intended to provide an additional space, however as previously noted, due to its limited dimensions, the garage cannot be counted as a parking space. Overall, it was considered that the substandard provision of parking spaces would likely result in increased on-street parking, and given the on-street parking situation in the area, it was concluded that this would result in a severe impact on highway safety.
- 5.7 As with the previous application, the competition for the on-street in the immediate area has been observed to be extremely high, and it is therefore of paramount importance that sufficient on-site parking is provided as to avoid aggravating the existing parking situation. In terms of the required number of spaces, the existing dwelling would retain 3 bedrooms, and as such two spaces should be provided. Submitted floor plans indicate that the proposed dwelling would only contain 2 bedrooms, with one room labelled as a study. However the Local Planning Authority would have little control over the future use of this room, and as such the property has been assessed as a 3-bed dwelling. As such, two parking spaces should be provided for the new dwelling, with a total of four spaces provided across the development as a whole.
- 5.8 Submitted plans now show a total of four external parking spaces being provided on-site. In terms of the existing dwelling, one parking space would be provided to the front of the property, with one provided to the rear of the site, to the front of the existing garage. In terms of the proposed dwelling, two parking spaces would be provided to the frontage of the property.
- 5.9 In terms of the provision of parking spaces, the development now accords with the Council's minimum parking standards as set out in policy PSP16 of the Policies, Sites and Places Plan. The concerns raised regarding the ability of future occupants to access the spaces have been taken in to account. However the transport officer has not raised this as an issue, and it is considered that even with vehicles parked on the opposite side of the adjacent highway, it would be possible for vehicles to manoeuvre in out of the parking spaces to the frontage of the site.
- 5.10 It is also considered that adequate visibility can be achieved, and given the relatively quiet residential nature of the Lodge Walk, it is unlikely that vehicles would be moving at high speeds. It is therefore not considered that the creation and use of additional parking spaces would cause a highway safety hazard.

- 5.11 The proposed provision of parking spaces now accords with the Council's minimum residential parking standards. Whilst local concerns have been given due consideration, as the proposal is now compliant with policy PSP16, it would be unreasonable to refuse the application on parking grounds. However for the avoidance of doubt, a condition will be attached to any decision ensuring that the proposed parking spaces are provided in accordance with approved plans.
- 5.12 When considering the transport implications of the development as a whole, it is not considered that proposal would have any severe impacts on highway safety, and the proposal is consistent with policy PSP11 of the Policies, Sites and Places Plan.
- 5.13 Residential Amenity
Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.14 No fundamental issues regarding the impact of the development on residential amenity were identified as part of the previous application. Due to the siting and arrangement of the proposed dwelling and its relationship with surrounding properties, it was not considered that the proposal would detrimentally impact the residential amenity of neighbours through any increased sense of overbearing, overshadowing or overlooking. As the only alteration made to the scheme is the rearrangement of proposed parking spaces, this assessment is still considered to apply to the revised proposal. However as with the previous application, it is acknowledged that the erection of the new dwelling could cause some disturbance to neighbours during the construction period. Whilst this is not considered to substantiate a reason for refusing the application, in the interests of protecting the residential amenity of neighbouring residents, a condition will be attached to any decision, restricting the permitted hours of work during the construction period.
- 5.15 As part of the previous application, concerns were raised in relation to the levels of private amenity space to be afforded to both the proposed dwelling and the existing dwelling at no. 17, following the development. The areas of external amenity space proposed fell below the Council's minimum standards, as set out in policy PSP43 of the Policies, Sites and Places Plan. However on the basis that the site is situated within walking distance of areas of public amenity space, and the fact that the development only relates to two residential unit, the overall impact on residential amenity was not considered so severe as to sustain a reason for refusing the application.
- 5.16 In terms of the revised application, the area of rear garden to be retained for the existing dwelling at no. 17 Lodge Walk would remain unchanged from that proposed under the previous application. However due to the repositioning of parking spaces, the rear garden serving the new dwelling would increase in size. It is noted that the front garden areas would be lost to make way for

parking, however as front garden areas are not private, they are considered to hold limited amenity value. Overall, whilst the levels of private amenity space to be provided are still below the Council's minimum recommended standards, the overall impact on residential amenity is not considered to be so severe as to substantiate a reason for refusal.

5.17 Subject to the aforementioned condition relating to working hours, it is not considered that the proposal would have any unacceptable impacts on residential amenity. The proposal is therefore compliant with policy PSP8 of the Policies, Sites and Places Plan.

5.18 Design and Visual Amenity

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

5.19 No significant issues regarding the design of the proposed dwelling, or the impact of the development on visual amenity, were identified as part of the previous application. The overall appearance of the property has remained true to the previous application, with the overall scale, form and detailed design considered to be appropriate.

5.20 It is noted that in order to provide sufficient parking space, the area to the frontage of the two properties would be used predominantly for the parking of vehicles. Whilst the loss of the front garden area is regrettable, it is noted that the frontage of other properties along Lodge Walk is used for parking, and that this is a fairly common arrangement in relatively dense urban areas. As such, it is not considered that the provision of parking spaces to the front of the existing and proposed dwellings would cause significant harm to the visual amenity of the streetscene or the character of the area.

5.21 For the reasons outlined above, it is considered that an acceptable standard of design has been achieved, and the proposal is therefore considered to accord with policy CS1 of the Core Strategy.

5.22 Drainage

The concerns raised regarding drainage have been taken into account. However as the development only relates to the erection of a single additional unit, it is considered that any potential drainage issues will be sufficiently considered and addressed as part of an application for building regulations consent.

5.23 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.

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

5.25 Overall Planning Balance

It is acknowledged that the provision of an additional dwelling at the site would result in a modest socio-economic benefit. It is noted that issues regarding residential amenity have been identified, however on balance, the proposal is considered to be largely policy compliant. It is not considered that any identified harm would outweigh the benefits of the proposal, and the development is considered to be sustainable. It therefore follows that the application should be approved.

5.26 Other Matters

The concerns raised regarding the possibility of construction materials or vehicles blocking access to the road have been taken in to account. However given the scale of the proposed development, it is not considered reasonable in this instance to request the submission of a construction management plan. The onus is on the applicant and builders to avoid impeding access, and any future issue would be considered as a civil matter.

5.27 The concerns raised regarding the impact of the dropped kerb on a wheelchair user have been taken in to account. However the dropping of the kerb relates to highway land, and does not in itself require planning permission. As such, the dropping of the kerb is outside of the control of the Local Planning Authority. Prior to dropping the kerb, the applicant is required to gain consent from the Council's Streetcare team, and any dropped kerb will need to meet the Streetcare design standards. An informative will be attached to any decision, reminding the applicant of the need to gain consent.

5.28 Whether or not the applicant is a current resident of the street has no bearing on the assessment of the planning application.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

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

2. Prior to the first occupation of the dwelling hereby approved, the car parking provision for the proposed dwelling and existing dwelling at no. 17 Lodge Walk shall be implemented in accordance with the approved 'Proposed Site and Ground Floor Plan' (as received on 8th October 2018), and shall thereafter be retained as such.

Reason

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

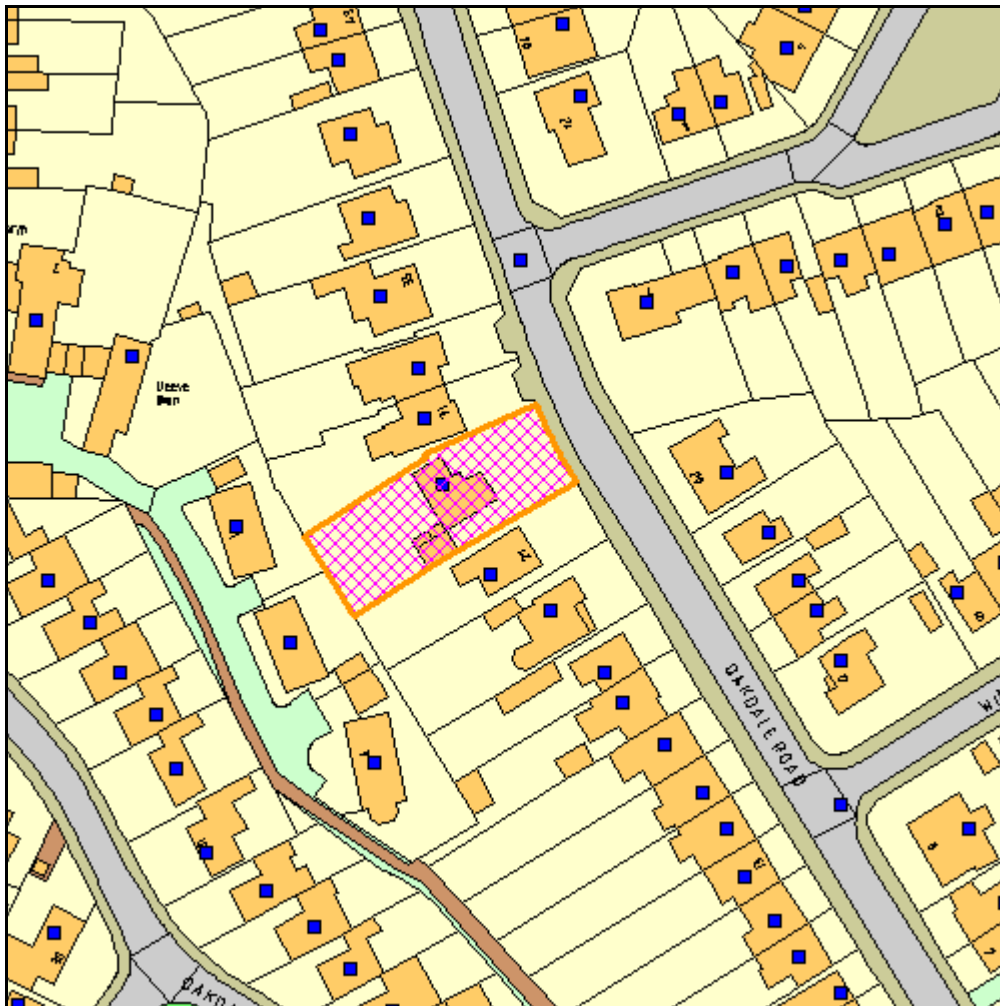
3. The hours of working on site during the period of construction shall be restricted to 0730 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: 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. 41/18 – 12 OCTOBER 2018

| | | | |
|----------------------------------|--|-------------------------|--|
| App No.: | PK18/3305/F | Applicant: | Mr & Mrs A & C Jaufurally |
| Site: | 29 Oakdale Road Downend Bristol South Gloucestershire BS16 6DP | Date Reg: | 3rd August 2018 |
| Proposal: | Demolition of existing garage. Erection of a single storey side and rear extension to form additional living accommodation. Erection of a 0.9m high brick wall and gate. | Parish: | Downend And Bromley Heath Parish Council |
| Map Ref: | 365089 177420 | Ward: | Downend |
| Application Category: | Householder | Target Date: | 26th September 2018 |



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PK18/3305/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following objections made by the Parish Council and two local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the Demolition of existing garage, erection of a single storey side and rear extension to form additional living accommodation and the erection of a 0.9m high brick wall and gate.
- 1.2 The application site relates to 29 Oakdale Road, Downend and is therefore within an established settlement boundary. The existing property is a large two-storey detached dwelling.
- 1.3 During the course of the application the agent was made aware of Officer concerns regarding the height of the proposed front boundary wall and gates and windows opening out onto the neighbour's land. Revised plans were submitted which reduced the height of the front boundary wall to 0.9metres from 1.6m and shows the windows in the side elevation as being sliding or inward opening.
- 1.4 It is noted that the internal configuration of the house would also be changed to create a fourth bedroom.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

| | |
|------|--|
| CS1 | High Quality Design |
| CS4A | Presumption in Favour of Sustainable Development |
| CS5 | Location of Development |
| CS8 | Improving Accessibility |
| 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 |
| PSP11 | Transport Impact Management |
| PSP16 | Parking Standards |
| PSP38 | Development within Existing Residential Curtilages |
| PSP43 | Private Amenity Space Standards |

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK18/1564/F Refused 8.6.18
Erection of 1.8 metre high front boundary brick wall and wooden gates
Reason:
The proposed gate and boundary wall would appear incongruous, prominent and harmful to the appearance of the surrounding street scene which has a high degree of regularity and uniformity in the front boundary treatments in evidence. The proposal is not informed by, or respectful of the character of the street scene, and therefore does not accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 which require the highest standards of design.
- 3.2 PK18/1562/CLP Refused 13.6.18
Erection of single storey side and rear extensions to form additional living accommodation.
Reason:
Evidence has been provided to demonstrate that on the balance of probabilities the development does not fall within permitted development for the curtilage of the dwellinghouse under Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) (As Amended) as it does not accord with Class A. (j) (iii) as it would extend beyond a wall forming a side elevation of the original dwellinghouse, and would have a width greater than half the width of the original dwellinghouse.
- 3.3 K2617 Approved 4.4.79
Erection of two storey side extension to provide bedroom over car port

4. **CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council
Objection:
1. Proposed side extension is not in-keeping with the surrounding properties.
2. The front (proposed) wall is not in-keeping with surrounding properties.

Internal Consultees

- 4.2 Sustainable Transport
Objection
The height of the proposed gates and wall will obstruct visibility for any vehicles exiting the site which would create a potential highway safety hazard for other road users. The proposed new build garage does not comply with the Council's minimum internal dimensions of 3m wide by 6m deep.

Updated comments:

Following revised plans objection is removed

Other Representations

4.3 Local Residents

Following revised plans Objection comments have been received from 1 local resident. The points raised are summarised as follows:

- Boundary between properties is shown by a single line i.e. the wall has no substance
- Windows in the proposed extension would look onto a blank wall at a distance of less than a few centimetres

Two previous letters of objection comments are summarised as:

- Wall totally out of keeping with area
- High wall will restrict visibility when leaving neighbouring driveway
- Likely the works will straddle the main sewer – many instances of this sewer becoming blocked
- Existing lean-to between 27 and 29's garage. Demolition of garage will cause lean-to to collapse. Assume any impact on the lean-to would be made good
- Proposed downstairs windows that would face 27 will be right on boundary and impact on privacy
- All footings should be on applicant's property and not on or over the boundary between 27 and 29

5. ANALYSIS OF PROPOSAL

5.1 Demolition of existing garage. Erection of a single storey side and rear extension to form additional living accommodation. Erection of a 1.6m high brick wall and gate.

5.2 Principle of Development

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

5.3 Character of the area

Oakdale Road is characterised in the main by two-storey residential dwellings set within good sized plots, with the occasional single storey house and a small grouping of large individual detached dwellings, of which the application site is one. The majority of the properties are hipped roof semi-detached dwellings. For the most part, the houses tend to be of red brick at ground floor with pebble dash/render above. Even the application site and its neighbours have some brick detailing to acknowledge the predominant material in this road. A very strong feature of this road are the low front boundary walls which are of red

brick and many of a crenelated design. This creates a sense of place and is an attractive component of this residential street.

5.4 Design and Visual Impact

This application can be divided into two elements – the erection of a side and rear extension and the erection of the brick front boundary wall and gate. It is also noted that three parking spaces are to be created to the front of the dwelling currently used as the garden area of grass and shrubs.

- 5.5 The NPPF and local adopted policy under CS1 places great emphasis on the importance of design. Good quality design must ensure it respects both the character of a property and the character of an area in general. The updated NPPF suggests good design should respond to and be sensitive to local character, should aim to raise standards of design and enhance the immediate setting. High quality design that takes into account local design standards continues to be important and poor design that fails to take opportunities to improve the quality of an area or to take this into account should be resisted. A definition used by CABE (commission for Architecture and the Built Environment) stated:

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

- 5.6 Although CABE was merged with the Design Council, the organisation, Design Council CABE, remains the government's adviser on design. Its published documents on design emphasise the importance the government places on good design demonstrated in the updated NPPF 2018, *Achieving well-designed places* which states:

The creation of high quality buildings and places is fundamental to what the planning and development process should achieve

- 5.7 Most relevantly the NPPF 2018 at paragraph 130 states quite clearly:

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Overall design: the side and rear extensions:

- 5.8 The host property is a large detached two-storey dwelling set a little distance back from the main road, following the building line of properties along this side of Oakdale Road. In general terms, extensions to existing dwellings are encouraged under both national and local planning policy. The proposed side addition would replace an existing garage and the extension would continue to wrap around to the rear of the dwelling. The extension would have an eaves height of around 2.3 metres and a ridge height of around 3.5 metres. For the most part the side extension would have a width of about 3.5 metres and the rear extension about 3.4 metres.

- 5.9 Internally the side extension would retain a garage behind which would be space for shower room, utility and boot room. Openings to this structure would be in the south east elevation to serve the shower room and utility room and a door in the south west for the boot room. With regards to the rear extension this would serve as additional living accommodation with openings of doors and windows in this west elevation.
- 5.10 In terms of its scale and massing the single storey mono-pitched side and rear addition would be acceptable. In addition, the use of materials to complement the main dwelling would ensure the successful integration of this addition.
- 5.11 Given the above it is considered that the proposed side/rear addition would be appropriate and accord with the design principles set out in CS1 and in PSP38.

Overall design: front wall, gate and piers:

- 5.12 Moving on to the second element of this application the appearance of the proposed front wall, gate and piers. It is noted that a recent planning application PK18/1564/F for the introduction of new boundary walls and gates was refused on this site. Under that application the height of the new front boundary wall and gates was to have been 1.8 metres. At the time of that application the Officer's report read:

The gate and boundary wall subject to this application, being approximately 1.8 metres in height, would be markedly in contrast to the rest of the street scene, presenting a sense of enclosure of the property. When viewed in the context of the street scene the gate and boundary wall would appear incongruous. As such they are not informed by, or respecting the character of, the street scene, and therefore do not accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and PSP1 of the South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan Adopted November 2017.

- 5.13 The original plans indicated a proposed front boundary wall of around 1.6 metres. Low brick walls are a pleasing part of this street and contribute to the sense of place and Officers felt such a structure would still represent the enclosure of the front garden which is not a feature of this road. Revised plans now show a brick wall and gates of no higher than 0.9 metres. The existing wrought iron open patterned gates would be replaced by a solid wood sliding gate again of around 0.9 metres in height.
- 5.14 Plans indicate the proposed wall would be crenelated as many of the boundary walls are along Oakdale Road this is appropriate to reflect the character of the area. Although the Existing and Proposed Front Boundary Elevations Rev A plan implies the new front wall would be render with brick on top, the Proposed Site Plan Rev A has clear labelling which states the wall would be of brick. A boundary of around 0.9 metres would not have a negative impact on the appearance of the street scene and or detract from its pleasing and open character. The proposed wall and set of gates can therefore be considered to acknowledge the existing local features and be acceptable in terms of scale and materials used. Given low boundary walls are prominent and contribute to

the character and quality of the existing area, it is considered appropriate that the plans are conditioned.

5.15 Residential Amenity

The side/rear extension:

Openings to the rear would face the large rear garden and given the orientation and distance from neighbouring houses there would be no adverse impact resulting from these new openings and sufficient amenity space would remain to serve the dwelling. With regards to the side extension this would have some windows to the southeast side serving the proposed ground floor shower room and the proposed utility room.

5.16 Comments received from a local resident are noted with regards to impact on privacy from these proposed windows. It is noted that the building line for this proposed side extension would be up to the boundary between the application site and No. 27 Oakdale Road. Openings must not open out over land belonging to another party. As such these proposed windows must be either inwards opening or non-opening. Revised plans indicate the side windows would be sliding or inward opening but would not open out over land belonging to another. It is noted that one set of windows would serve a downstairs shower room and WC while another would serve the utility room. It can be assumed that those to the shower and WC room would be of obscure glazing and given the proximity of neighbours a condition will be attached to the decision notice to ensure the utility room window is also obscurely glazed.

5.17 On neighbour comment has misinterpreted the line shown on the plan as a physical boundary, stating the distance between the new structure and this boundary would be very small. To confirm the line is merely indicative of the separation in ownership between the application site and its neighbour.

5.18 Neighbours have also commented that no footings shall be erected on their land. In any granted permission informatives are included on the decision notice which state:

Firstly:

This permission shall not be construed as granting rights to carry out works on, or over, land not within the ownership, or control, of the applicant.

Secondly:

You must obtain the prior written consent of the owner and occupier of any land upon which it is necessary for you to enter in order to construct, externally finish, decorate or in any other way carry out any works in connection with this development including future repairs/maintenance, or to obtain support from adjoining property. This permission does not authorise you to take such action without first obtaining this consent. Your attention is also drawn to the Access of Neighbouring Land Act 1992 and Party Wall Act 1996.

- 5.19 This is a legal matter to be discussed between the relevant parties and is not something that is dealt with under planning law but development should not proceed without the permission.
- 5.20 On a similar vein, a comment from a neighbour has expressed concern that the works would impact on an existing lean-to which is currently attached to the existing garage of the application site. This is not something that can be taken into consideration under this planning application and would need to be discussed between the relevant parties.
- 5.21 Transport
The previous application for a front boundary wall of around 1.8 metres, pillars and gate is noted. The original application for a boundary wall etc of around 1.6 metres, created similar concerns and these were conveyed to the applicant. Revised plans for a wall of 0.9 metres were therefore submitted for consideration.
- 5.22 The proposed gates would be flush with the proposed wall and thereby parallel to the pavement. Given this is a densely populated residential area, there is a high probability of conflict with pedestrians. Their overall height therefore needs to be of an appropriate height which does not cause a hazard for pedestrians using the pavement along Oakdale Road due to the lack of and appropriate visibility splay for drivers. This issue was also identified in the previously refused application. At the time a pragmatic approach was taken whereby although the height of the wall remained higher at 1.8 metres, by means of the provision of an indented arrangement, an adequate visibility splay could be achieved and the scheme was acceptable in transport terms.
- 5.23 This application is different in that the proposed access gate and wall would be flush and not indented, however, given that the proposed height of the wall and gates would be 0.9 metres this is considered acceptable for drivers to be able to see pedestrians and traffic and would not be required to pull out right across the footway before being able to see along Oakdale Road.
- 5.24 The proposal therefore accords with adopted policy PSP8.
- 5.25 It is also noted that the proposed garage would not accord with adopted standards in terms of its internal measurements. However, the property benefits from a large area to the front which plans indicate would be used for the parking of three vehicles.
- 5.26 Impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

- 5.27 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.
- 5.28 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.
- 5.29 Other matters:
A comment from a local resident indicates the scheme could impact on the drainage. With regards to the position and impact on drains, this would be something that would be considered under Building Regulations.
- 5.30 Planning balance
The proposal would be the erection of a single storey side/rear extension. In terms of its scale, massing, design and appearance this would be acceptable. Moving on to the proposed new front red brick boundary, at 0.9 metres in height the proposed wall and proposed solid gate are considered to adequately reflect the character, appearance and visual amenity along this street. The height of the wall would neither present a hazard to pedestrians nor impair visibility when vehicles are exiting the site.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The development shall proceed in accordance with the approved plans as follows:

Received on 17.7.18:

Existing floor plans

Existing site plan

Proposed block and location plans

Proposed first floor plan

Site location plans and existing block plan

Received on 18.7.18:

Existing elevations

Received on 27.9.18:

Existing and proposed front boundary - Rev A

Proposed elevations - Rev A

Proposed plans - Rev A

Proposed site plan - Rev A

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 and for the avoidance of doubt.

3. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed ground floor windows on the south elevation shall be glazed with obscure glass to level 3 standard or above. These windows shall not open out over land belonging to the neighbouring dwelling.

Reason

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

CIRCULATED SCHEDULE NO. 41/18 – 12 OCTOBER 2018

| | | | |
|----------------------------------|--|-------------------------|-------------------------|
| App No.: | PK18/3350/F | Applicant: | Mr Langdon Lloyd |
| Site: | 49 Horse Street Chipping Sodbury Bristol South Gloucestershire BS37 6DA | Date Reg: | 1st August 2018 |
| Proposal: | Demolition of existing lean-to and erection of single storey front extension to form additional living accommodation. | Parish: | Sodbury Town Council |
| Map Ref: | 373032 182121 | Ward: | Chipping Sodbury |
| Application Category: | Householder | Target Date: | 24th September 2018 |



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a single storey front extension to form additional living accommodation at 49 Horse Street, Chipping Sodbury.
- 1.2 The application site relates to a two storey, terraced property that adjoins a Grade II Listed building and is situated within the Chipping Sodbury Conservation Area.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS9 Managing the Environment and Heritage

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP11 Transport

PSP16 Parking Standards

PSP17 Heritage Assets and the Historic Environment

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P86/2752/L – Approved - 21.04.1987
Removal of Cotswold slate roof tiles and re-roofing with farmhouse red double roman tiles.

4. **CONSULTATION RESPONSES**

4.1 Sodbury Town Council No Comment

Archaeology
No Comment

Listed Building and Conservation Officer

Number 49 is unlisted but its adjoining neighbour (number 53) is Grade II listed. The application site also lies within the Chipping Sodbury Conservation Area.

Although the east facing elevation can be considered to be within the public realm, the western elevation is largely hidden from view with views contained by the neighbouring buildings. Heavily filtered views can be achieved from the north (Melbourne Drive) but overall I would suggest the rear elevation has little presence in the public realm.

By virtue of the site's visually enclosed nature and the scale of the development, the proposed scheme will have little or no impact on the conservation area and so its character and appearance would therefore be preserved.

In regards to the setting of the adjacent listed building, again there would be little impact. The only issue is that although I can see the cavity wall of the new extension being built up to the wall of the listed neighbouring property, if there is any physical connection then listed building consent would be required.

No objection.

Other Representations

4.2 Local Residents

This application received a total of 3 comments these are summarised below.

- I am satisfied with this proposal and have no objections
- No objections providing access is not required via my property
- Concerns about working hours, loud music and language

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Design and Visual Amenity

The application seeks full planning permission for the erection of a single storey front extension to form additional living accommodation. The proposed single storey front extension will have a width of approximately 6.3metres, a depth of 3.5 metres and a maximum height of 3.5 metres. The proposal will introduce a lean-to roof with 2no window rooflights. The existing single storey front element will be demolished to facilitate the proposal.

5.3 The proposal will use materials that match the existing dwelling, it is considered that the design approaches, siting and scale allow for the proposed extension to appear both proportionate to the host dwelling and appear in keeping with the historic character of the building.

5.4 Residential Amenity

Policy PSP38 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

5.5 A neighbouring occupier raised concerns about the noise and disruption caused by the proposed works and requested working hours be conditioned. It is recognised that the construction of the proposal could cause a degree of disturbance to neighbours during the construction period. That said, a degree of disturbance is to be expected as part of any development, given the scale of the works, the case officer does not consider it reasonable to restrict working hours.

5.6 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Due to the location of the extension, it is not considered that its erection would materially harm the residential amenity at any of the adjoining properties. Due to levels of separation, it is not deemed that the proposed extension would impact upon the residential amenity enjoyed at properties nearby.

5.7 The proposal will occupy additional floor space, however sufficient private amenity space will remain following development and there is no objection with regard to this.

5.8 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with Policy PSP38 of the PSP Plan (November 2017).

5.9 Heritage and Conservation

The application site is a two storey terraced building that is located within the Chipping Sodbury Conservation Area and also adjoins a Grade II listed building (number 53). The proposal is located within an enclosed courtyard and has little presence within the public realm, due to this and the scale of development, the

scheme is not considered to have a detrimental impact on the surrounding area.

The proposal will feature materials that complement the existing dwelling and will be substantially obscured from neighbouring properties due to its location, on this basis there would be no harm to the listed building and no adverse impact on the conservation area.

5.10 Sustainable Transport and Parking Provision

The proposed development does not affect bedroom numbers, access or current parking provision. Therefore, there are no objections on highways grounds.

5.11 Other Matters

The points raised by the local resident are noted but those relating to the access and use of language amount to civil matters to be discussed and agreed upon by the relevant parties

5.12 Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Westley Little
Tel. No. 01454 862217

CONDITIONS

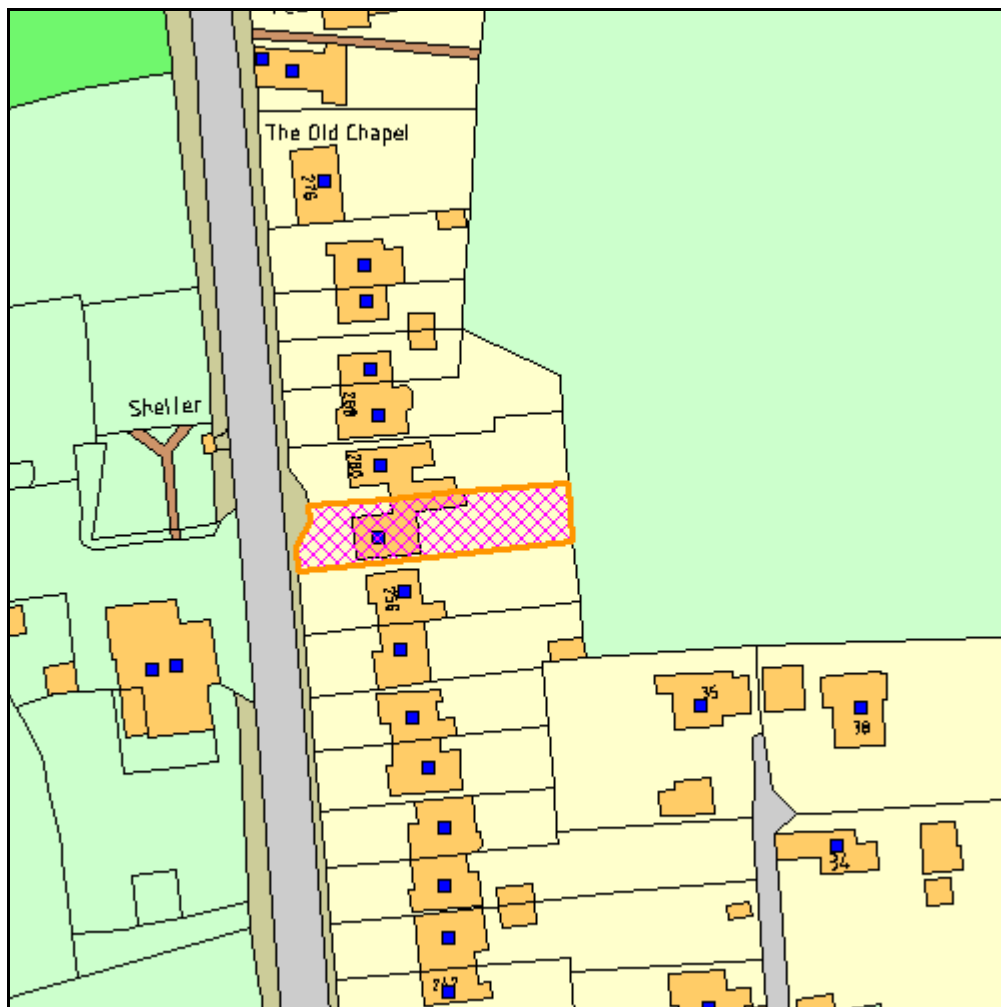
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 41/18 – 12 OCTOBER 2018

| | | | |
|----------------------------------|--|-------------------------|------------------------------|
| App No.: | PK18/3792/F | Applicant: | Mr N Winter |
| Site: | Chelston House 258 North Road Yate Bristol South Gloucestershire BS37 7LQ | Date Reg: | 3rd September 2018 |
| Proposal: | Erection of a two storey rear extension to form additional living accommodation. | Parish: | Iron Acton Parish Council |
| Map Ref: | 369888 183921 | Ward: | Ladden Brook |
| Application Category: | Householder | Target Date: | 25th October 2018 |



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a two storey rear extension to form additional living accommodation at Chelston House, 258 North Road, Yate.
- 1.2 The application site relates to a two storey link-detached property which is located within the defined settlement boundary.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Standards

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
No observations

4.2 Sustainable Transport

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

Other Representations

4.3 Local Residents

Objection comment received from 1 no local resident, as follows:

- The proposed two storey extension would be visible above the existing adjoining garages so in our opinion would infringe on our privacy and reduce our light from the south.

If the application is approved, despite our objection, we would request a permanent application constraint to be imposed to prevent any further windows being installed on the wall facing our property. We note that the application does not include such a window however we would be concerned that the current or subsequent owners would install a window in the future.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design and Visual Amenity

The proposed development consists of a two storey rear extension; the proposal would extend beyond the rear wall of the existing house by approximately 2.9 metres and would span the entire width of the property. The proposal would consist of a dual pitched roof with the eaves and ridge height to match the host dwelling. The proposed extension would therefore not identify as subservient however the extension is of an appropriate scale for the context of the site and is considered to result in a well-proportioned dwelling, it is therefore deemed to be acceptable.

- 5.3 The materials to be used in the external finish of the proposed extension include rendered elevations, roof tiles and white UPVC windows all to match those of the existing dwelling. As such, the proposed materials are deemed to be acceptable.

- 5.4 Overall, it is considered that the proposed extension would not be detrimental to the host dwelling or the surrounding area and is of an acceptable standard of design. As such, the proposal is deemed to comply with policy CS1 of the core Strategy.
- 5.5 Residential Amenity
Policy PSP8 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.6 The property is set within a relatively large plot with open countryside to the rear of the site and residential properties adjoining the north and south boundaries. The neighbouring property to the north is connected to the subject property by attached garages and as such the properties are separated by a distance of approximately 4.6 metres. The neighbouring property to the south has constructed a side and rear extension which sits approximately 3 metres from the proposal.
- 5.7 Considering the separation distances and the scale of the proposed extension it is not considered to result in a material overbearing impact on either of the neighbouring properties. Although the proposal does not include any side elevation windows, concerns were raised by the neighbour to the north of the potential for a window to be inserted in the future that would result in overlooking onto their property. There are no material overlooking concerns with the proposal as existing, however to protect the future privacy of the neighbouring occupiers a condition will be included on the decision notice restricting the insertion of any additional windows on either side elevation. Furthermore, due to the orientation of the properties the light afforded to the neighbouring property that sits to the south of the proposal would not be materially impacted. Considering the scale and separation distance between the host property and neighbour to the north it is judged that it would not significantly impact the existing levels of light to an unacceptable level.
- 5.8 The proposal will occupy additional floor space, however it is considered that sufficient residential amenity space would remain for the occupiers of the host dwelling following development.
- 5.9 Overall, the proposal is not considered to have a detrimental impact on the residential amenity of surrounding properties or the host dwelling and is therefore deemed to comply with policy PSP8 of the PSP Plan.
- 5.10 Sustainable Transport and Parking Provision
The application is not proposing any additional bedrooms, nor is it impacting the existing parking provision and access at the front. As such, no objections are raised in terms of transport.
- 5.11 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty

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

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: James Reynolds
Tel. No. 01454 864712

CONDITIONS

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

Reason

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

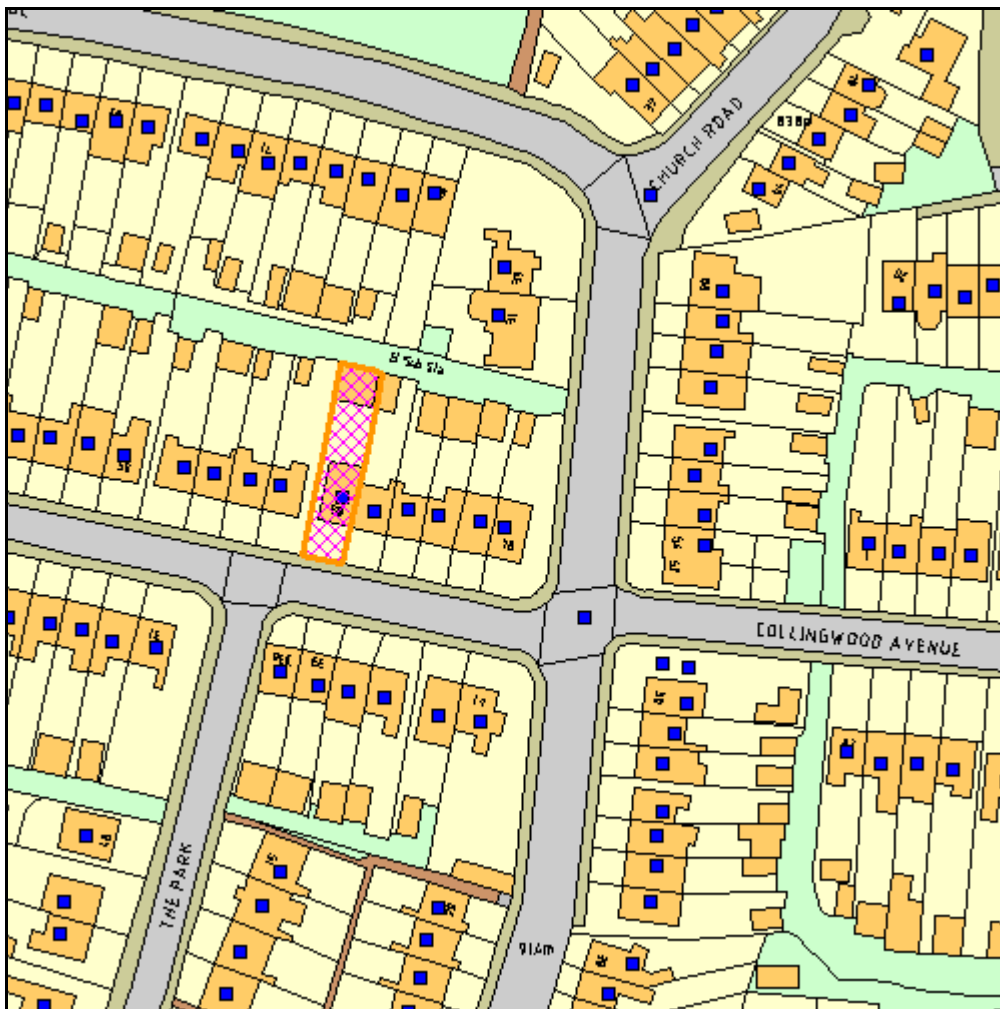
2. No windows other than those shown on the plans hereby approved shall be inserted at any time in the north and south elevations of the extension.

Reason

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

CIRCULATED SCHEDULE NO. 41/18 – 12 OCTOBER 2018

| | | | |
|------------------------------|---|---------------------|-------------------|
| App No.: | PK18/3814/CLP | Applicant: | Mr Matthew Eccles |
| Site: | 66 Southfield Avenue Kingswood Bristol South Gloucestershire BS15 4BQ | Date Reg: | 29th August 2018 |
| Proposal: | Installation of 1 No. rear dormer window and alterations to the existing roof line to facilitate loft conversion. | Parish: | None |
| Map Ref: | 365182 174112 | Ward: | Kings Chase |
| Application Category: | Certificate of Lawfulness | Target Date: | 23rd October 2018 |



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer and alterations to the existing roofline to facilitate a loft conversion at 66 Southfield Avenue, Kingswood would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 K5605
Single storey kitchen extension
Approved: 6th November 1987

4. CONSULTATION RESPONSES

- 4.1 Town/Parish Council
Unparished area
- 4.2 Councillor
No comment received.
- 4.3 Sustainable Transport
No detail on existing or proposed vehicular access and parking has been shown on the plans submitted. Before a final comment can be made a revised plan needs to be provided addressing the above.

Other Representations

- 4.4 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Received by the Council on 17th August 2018:
Site Location Plan
Existing & Proposed Elevations
Existing Proposed Plans & Block Plan

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

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

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

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

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

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

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

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

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

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

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

The property is an end terrace house and the proposal would result in an additional volume of approximately 38 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;**

Correspondence with the agent has confirmed that all materials would match the existing dwelling.

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

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

The eaves of the original roof will be maintained; the rear dormer would be 0.5 metres away from the eaves of the original roof. Additionally, the application is proposing a hip-to-gable alteration.

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

The proposal does not include any side elevation windows.

7. **RECOMMENDATION**

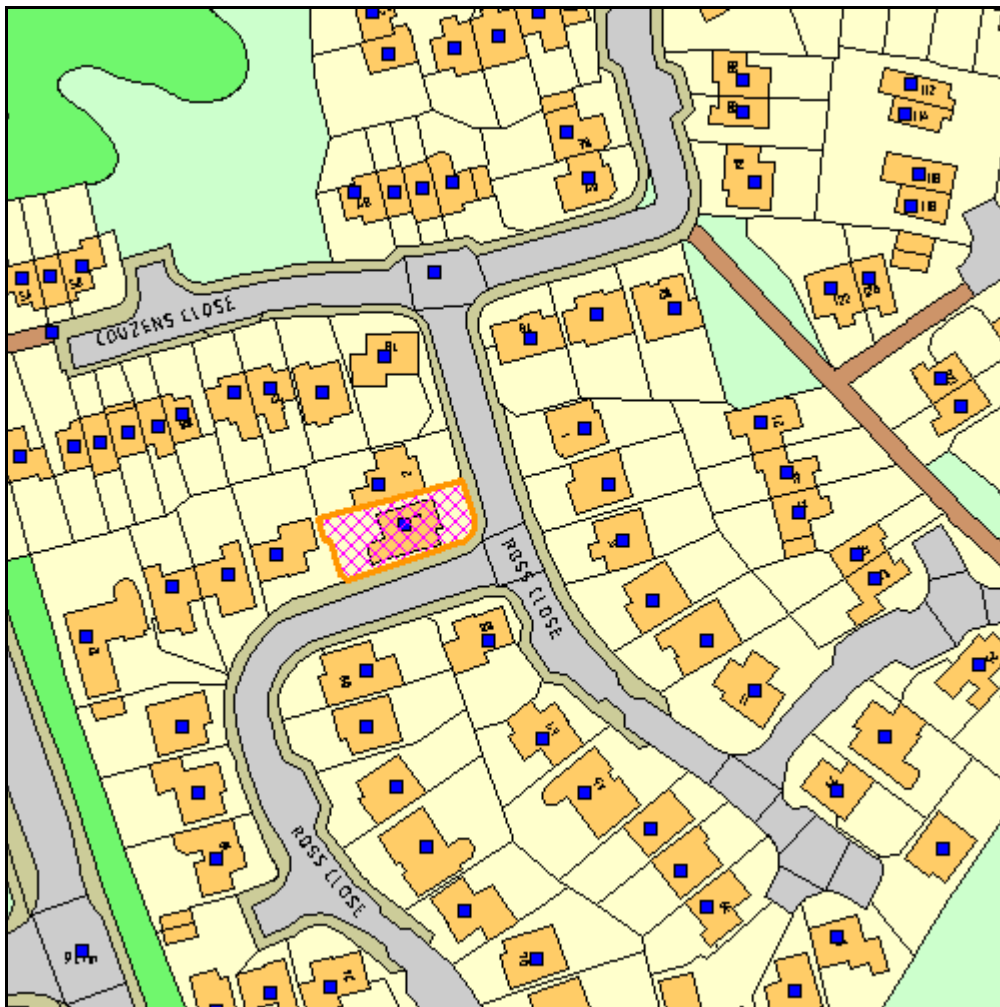
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

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

Contact Officer: James Reynolds
Tel. No. 01454 864712

CIRCULATED SCHEDULE NO. 41/18 – 12 OCTOBER 2018

| | | | |
|------------------------------|---|---------------------|----------------------|
| App No.: | PK18/3846/CLP | Applicant: | Mr And Mrs P Abley |
| Site: | 4 Ross Close Chipping Sodbury Bristol South Gloucestershire BS37 6RS | Date Reg: | 28th August 2018 |
| Proposal: | Erection of single storey rear extension to form additional living accommodation. | Parish: | Sodbury Town Council |
| Map Ref: | 372790 182490 | Ward: | Chipping Sodbury |
| Application Category: | Certificate of Lawfulness | Target Date: | 23rd October 2018 |



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination as a matter of process. The application is for a certificate of lawfulness for a proposed development.

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension to 4 Ross Close, Chipping Sodbury, 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 It should be noted that under Condition 13 of application no. P97/1150, most Permitted Development Rights associated with this property have been restricted and as such a certificate of lawfulness proposed development cannot be granted. Therefore, an application for planning permission is deemed necessary to obtain the consent for the proposed development.

2. POLICY CONTEXT

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 P97/1150 – Approval - 06.06.1997
Erection of 16 dwellings (Revised details to scheme approved under reference P94/2015).
- 3.2 P94/2015 – Approved - 26.04.1995
Erection of 62 Dwellings with associated garages, footpaths, roads and landscaped areas.
- 3.3 P91/1727 – Approval - 19.06.1991
Residential and ancillary development on approximately 17 acres (6.8 hectares) (outline)

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 4.1 Existing and Proposed Roof Plan
Existing Block Plan

Existing FF Plan
Existing GF Plan
Existing Rear Elevation
Existing Roof Plan
Existing Side Elevation
Proposed Block Plan
Proposed FF Plan
Proposed GF Plan
Proposed Rear Elevation
Proposed Side Elevation
Site Location Plan

Received by Local Planning Authority 18 August 2018

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 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.

The dwellinghouse to which this certificate of lawfulness of proposed development is made against has previously had its permitted development rights restricted under application P97/1150, Condition 13.

Cond 13: Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1987 (or any order revoking and re-enacting that order) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwellinghouse which fronts onto a road, other than in accordance with any details shown on the approved plans.

As such a certificate of lawfulness proposed development cannot be granted as the permitted development rights attributed to the dwellinghouse have previously been restricted and as such a full application would be required.

6. **CONCLUSION**

6.1 The dwellinghouse for which this application has been made in regards to has had its permitted development rights restricted which would apply to the proposed development; as such a lawful implementation of development can not be achieved.

7. RECOMMENDATION

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

Contact Officer: Westley Little
Tel. No. 01454 862217

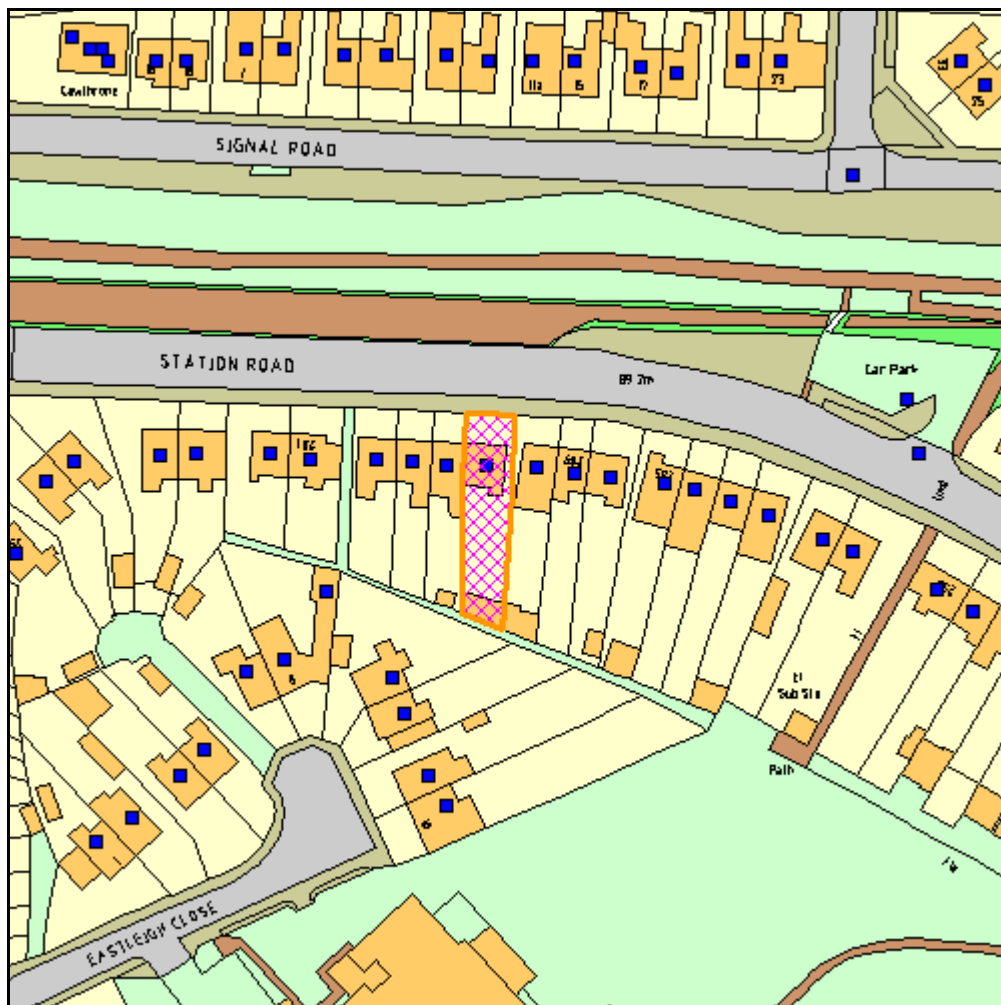
REASONS FOR REFUSAL

1. Permitted development rights have been removed from the application site under planning permission P97/1150, Condition 13 as set out below:

Cond 13: Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1987 (or any order revoking and re-enacting that order) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwellinghouse which fronts onto a road, other than in accordance with any details shown on the approved plans

CIRCULATED SCHEDULE NO. 41/18 – 12 OCTOBER 2018

| | | | |
|----------------------------------|---|-------------------------|-----------------------|
| App No.: | PK18/3950/CLP | Applicant: | Ms Faye McGrath |
| Site: | 273 Station Road Kingswood Bristol South Gloucestershire BS15 4XP | Date Reg: | 3rd September 2018 |
| Proposal: | Installation of side and rear roof dormer to facilitate loft conversion. | Parish: | None |
| Map Ref: | 365482 175630 | Ward: | Staple Hill |
| Application Category: | Certificate of Lawfulness | Target Date: | 19th October 2018 |



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N.T.S.**PK18/3950/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 1no. rear dormer and 1no. side dormer to form additional living accommodation to 273 Station Road, Kingswood, would be lawful.

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

2. POLICY CONTEXT

2.1 National Guidance

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

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

3. RELEVANT PLANNING HISTORY

3.1 No relevant planning history

4. CONSULTATION RESPONSES

4.1 Local Councillor

No comments received

Other Representations

4.2 Local Residents

No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Site Location Plan
Existing and Proposed Plans

(Received by Local Authority 24 August 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 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 1no. rear dormer and 1no. side dormer to form additional living accommodation. 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 side and rear of the property, and as such would not extend beyond any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway. 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 an end terraced 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 and side dormers would be approximately 0.2 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

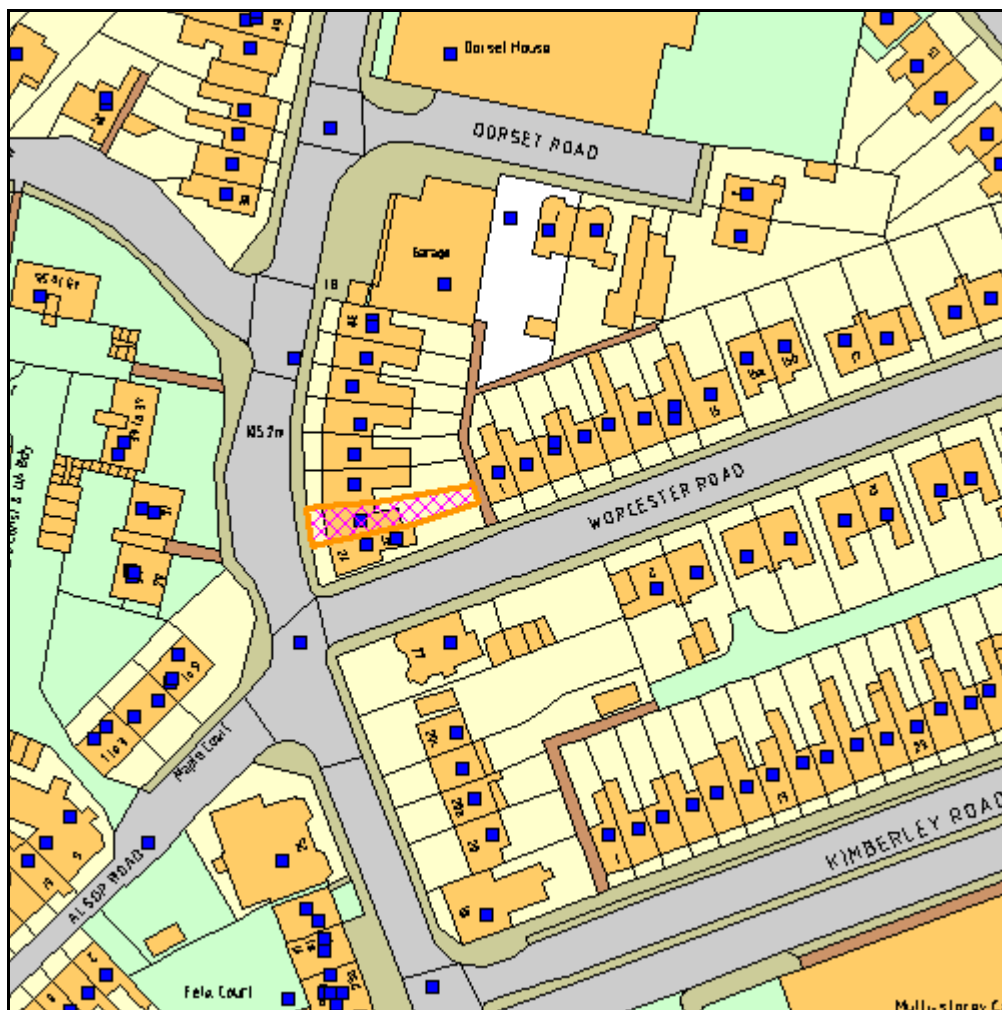
7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

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 862217

CIRCULATED SCHEDULE NO. 41/18 – 12 OCTOBER 2018

| | | | |
|------------------------------|---|---------------------|-----------------------|
| App No.: | PK18/3958/CLP | Applicant: | Mr Mike Bull |
| Site: | 26 Downend Road Kingswood Bristol South Gloucestershire BS15 1SE | Date Reg: | 4th September 2018 |
| Proposal: | Change of use from dwelling (Class C3) to house of multiple occupancy (Class C4) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). | Parish: | None |
| Map Ref: | 364626 174089 | Ward: | Kings Chase |
| Application Category: | Certificate of Lawfulness | Target Date: | 23rd October 2018 |



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed use of an existing dwelling (C3) as a 6no. bed HMO (C4) at 26 Downend Road, Kingswood 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 Local Councillor
No comments received.

Other Representations

- 4.2 Local Residents
This application received a total of 2 objections due to:
 - Lack of parking

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site location plan

6. **ANALYSIS OF PROPOSAL**

6.1 Principle of Development

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

6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under 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**

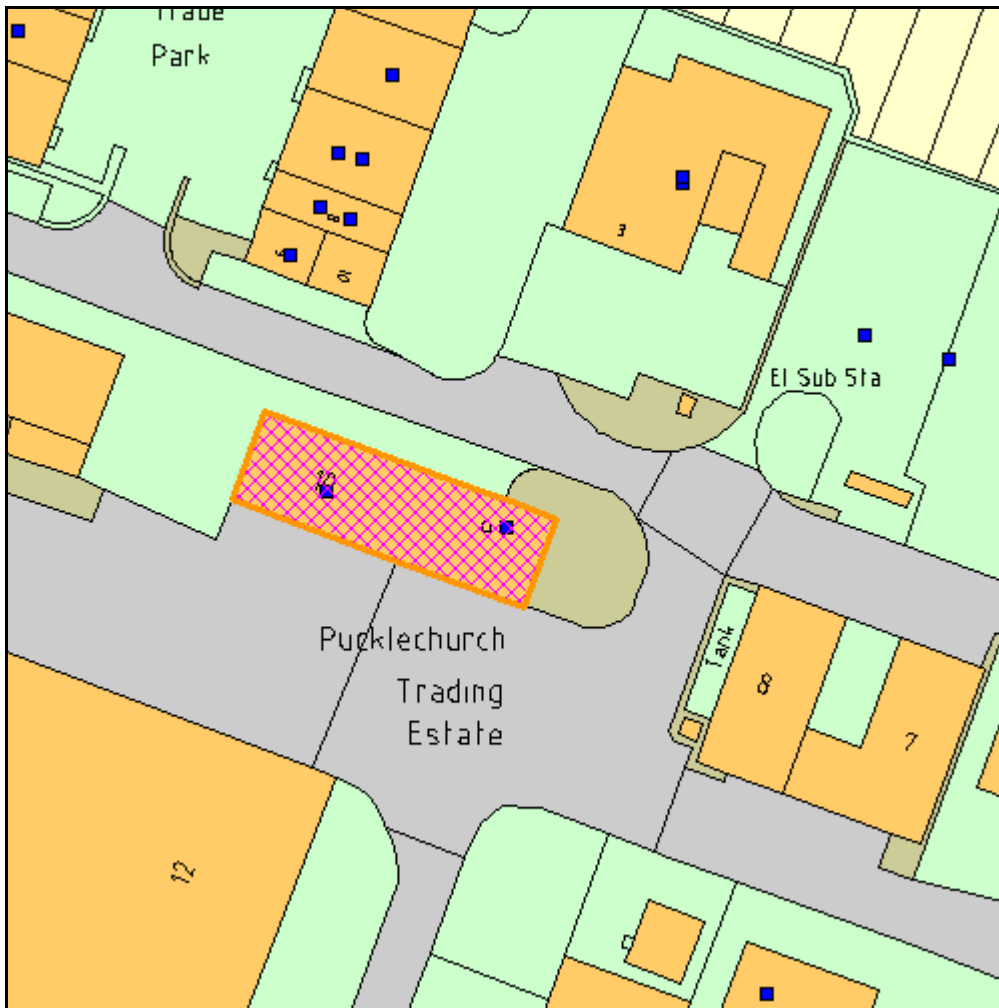
7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

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: Westley Little
Tel. No. 01454 862217

CIRCULATED SCHEDULE NO. 41/18 – 12 OCTOBER 2018

| | | | |
|------------------------------|--|---------------------|-----------------------------------|
| App No.: | PK18/4053/ADV | Applicant: | Fairway Engineering (Bristol) Ltd |
| Site: | Unit 9 Pucklechurch Trading Estate Pucklechurch South Gloucestershire BS16 9QH | Date Reg: | 17th September 2018 |
| Proposal: | Display of 3no. non-illuminated fascia signs. | Parish: | Pucklechurch Parish Council |
| Map Ref: | 369826 175981 | Ward: | Boyd Valley |
| Application Category: | Minor | Target Date: | 9th November 2018 |



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule in accordance with procedure given that an objection has been received that is contrary to the officer recommendation

1. PROPOSAL

- 1.1 The applicant proposes the display of 3 no. non-illuminated fascia signs on Unit 9 Pucklechurch Trading Estate. The signage is as follows:

All the signage is non-illuminated.

1 no. large fascia sign on the east elevation of the hanger (4.8m wide by 1.67m high)

2 no. smaller signs on the north and south elevations (2.7m wide by 0.56m high)

- 1.2 The building (along with Unit 10), is Grade II Listed, with its significance being derived from its historic association with barrage balloon hangers used for air defence in WWII. The buildings themselves were subject to significant fire damage and neglect. Proposals to seek the refurbishment of the buildings to arrest this decline were therefore supported (see previous history below) and considerable internal and external refurbishment has therefore resulted. A statement of significance has been submitted with the application. A listed building consent application is currently being considered on this site (see history below).

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

2.3 Supplementary Planning Guidance

Shopfronts and Advertisements SPD (Adopted April 2012)

3. RELEVANT PLANNING HISTORY

- 3.1 The two most relevant applications to consider in relation to the current proposal are as follows:

Units 9 and 10

PK18/2323/F Change of Use of buildings from (Class B8) to mixed use (Class B1, B2 and B8) business, general industrial and storage distribution as defined

in the Town and Country Planning (Use Classes) Order 1987 (as amended)
Approved with conditions 5th July 2018

PK16/5639/LB Internal and external alterations to 2no. balloon hangers to include replacement of external cladding and roofing materials, replacement of irreparable existing steel windows. Installation of roller shutter doors to south elevation of both hangers. Internal refurbishments to include removal of all plasterboard linings, timber-framed carcassing, along with asbestos containing materials. Listed building consent approved with conditions 6th March 2017

Unit 9

PK18/4057/LB Internal alterations including new partitions, suspended ceilings, installation of mezzanine floor and installation of signage to exterior walls. Pending consideration.

4. CONSULTATION

4.1 Pucklechurch Parish Council

The Parish Council has commented as follows:

Objection

PPC does not agree with the positioning of the high-level largest sign on the side of the building near to the apex of the roof as this would not be in keeping with preservation of the look and feel of the original building irrespective of the removal of its original historic fabric. There is no need for a high-level sign of this nature and is detrimental to the setting, shape and form that the refurbishment worked hard to preserve.

Sustainable Transport

No objection

Listed Building/Conservation Officer

No objection as the proposed signage would not detract from the considered significance of the listed hangar that can be considered to be derived from its architectural and aesthetic appearance.

Other Representations

4.2 Local Residents

No responses received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF specifically states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment and should be subject to control only in the interests of amenity and public safety, taking account of cumulative impact. Accordingly advertisements will be assessed with regard to visual amenity, cumulative impact, and public safety.

Visual Amenity/Listed Building Issue

Within context the application site is located with a predominantly commercial/industrial area comprising large modern buildings sited within purpose built estate complexes. There is a wide variety of both non-illuminated and illuminated signage both on buildings and alongside estate roads.

The building that is the subject of this application, as detailed above, has been the subject of a considerable refurbishment programme that has enabled a building with historic associations (from which the listed status is derived) to be brought back into an effective use. The signage is the last stage in the process.

The signage on the north and south elevations are considered acceptable in these terms. The concern from the Parish Council in relation to the large sign of the east elevation is noted however the sign would largely be visible from only within the industrial estate and is considered to be relatively modest given the size of the host dwelling). No objection is raised to the proposal on these grounds although an informative would be attached to the decision notice to remind the applicant that consideration of the signage forms part of the consideration of the current Listed Building application under consideration - PK18/4057/LB. It is included in the description of development for that application and covered within the statement of significance submitted in support of that application.

Within the context of the NPPF which indicates that only those signs that have an appreciable impact on the character/appearance of the area should be refused, it is not considered that this signage would appear out of character or detract from that character.

Public Safety

Given the scale and location of the proposed signage it is not considered that there would be any detriment to highway or public safety.

6. RECOMMENDATION

6.1 It is recommended that advertisement consent be **GRANTED**

Contact Officer: David Stockdale
Tel. No. 01454 866622

CIRCULATED SCHEDULE NO. 41/18 – 12 OCTOBER 2018

| | | | |
|----------------------------------|---|-------------------------|-------------------------------------|
| App No.: | PT17/4476/F | Applicant: | Ms Valerie Hall |
| Site: | New Gates Farm Equestrian Centre Hill Lane Oldbury On Severn South Gloucestershire BS35 1RT | Date Reg: | 3rd November 2017 |
| Proposal: | Erection of 6 no. 6m lighting columns each with two 400w Asymmetric Floodlights. | Parish: | Oldbury-on-Severn Parish Council |
| Map Ref: | 362470 194053 | Ward: | Severn |
| Application Category: | Minor | Target Date: | 25th December 2017 |



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule for determination due to the receipt of objections contrary to officers' recommendation.

1. THE PROPOSAL

- 1.1 The application is for the installation of 6 no. 6 metres high lighting columns each with two 400w Asymmetric Floodlights at New Gates Farm, Equestrian Centre, Hill Lane, Oldbury On Severn.
- 1.2 The application site relates to an existing ménage, which is located within the open countryside. It is also situated within Flood Zone 3. It is noted that planning permission was granted for the existing equestrian use and the ménage in 2012. During the course of the application, lighting calculations have been submitted and also have been reviewed by the Council Street Lighting Engineer.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

| | |
|------|--|
| CS1 | High Quality Design |
| CS4a | Presumption in Favour of Sustainable Development |
| CS5 | Location of Development |

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

| | |
|-------|-----------------------------|
| PSP1 | Local Distinctiveness |
| PSP2 | Landscape |
| PSP8 | Residential Amenity |
| PSP11 | Transport Impact Assessment |
| PSP16 | Parking Standards |
| PSP19 | Wider Biodiversity |
| PSP30 | Horse Related Development |

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/2165/F Change of use of agricultural land and buildings to land for the breeding of horses (Sui-generis) and Riding School (Class D2). Approved 21.09.2012

- 3.2 PT14/2276/CLE Application for Certificate of Lawfulness for existing use of land as an operating centre (as defined by section 7 (3) of the Goods Vehicles (Licensing of Operators) Act 1995) (Sui Generis) for one HGV vehicle. Approved 30.01.2015
- 3.3 PT16/6252/F Demolition of existing building. Erection of agricultural storage building. Approved 10.01.2017
- 3.4 PT17/1820/F Demolition of existing building. Erection of rural workers dwelling and associated works. Refused 10.08.2017

4. **CONSULTATION RESPONSES**

- 4.1 Parish Council
Oldbury on Severn Parish Council request that conditions be imposed to minimise light pollution impacts, such that: i) The design and siting of the lighting columns should be as given in the supplied Lighting Assessment; ii) Hours of operation of the lighting should be restricted to 8am-9pm on weekdays and 8am to 8pm on weekends.
- 4.2 Highway Drainage Engineer - No objection
Sustainable Transport - No objection
The Archaeology Officer - No objection
Highway Structure - Advised the owner's responsibility regarding the highway structure including any boundary wall alongside the public highway or open space land on site.
Lighting Engineer - Advised that the submitted lighting calculation only related to the proposed lighting only. It is confirmed that the Upward Light Ratio (ULCR) is acceptable, however, that the vertical illuminance figures shown in the submitted calculations are over the threshold set by ILP guidance on property C (storage building) and E (stables). A condition of use of lighting can be applied by the local planning authority, but ILP suggests 23.00 unless planning feel otherwise.
Ecology Officer - No objection subject to details regarding the detailed design of the proposed lighting.
Enforcement Officer - Advised that no further enforcement action is required on the existing lighting.

No comments received by British Horse Society. action being issued for reasons of there being limited harm caused by the breaches identified

Other Representations

- 4.3 2 letters of objection have been received and the local residents' concerns are summarised as follows:
- any lighting obviously has an impact on wildlife within the local area
 - no further information where the trees and hedges may be situated
 - Worker's dwelling for taking care of horses following exercise should be taken in to consideration with regards to working hours of the business including lighting.
 - The ménage is within a flooding location

- Concerns that the additional lighting at anti-social hours would have on the sky glow further resulting in light pollution to our residential properties in the evening.
- No vehicle parking submitted within this application. In the summer months, the HGV changing location of parking and vehicles parked outside the premises later on in the event this is concerning.
- Increase environmental pollution due to the increase in traffic movements
- Concerns of the extensive mud on the public highway and the demise of the green verges since the development of New Gates Farm.
- A 7 day a week extended use of heavy vehicles accessing the site, specifically in the winter months would inevitably have a detrimental impact on the local environment.
- When New gates is open, we cannot use our entrance to our home here due to not only light but the extra incoming traffic of New gates equestrian and operating centre.
- The proposed hours of 9pm are highly concerning.
- Additional 'light spill' into our property due to the proposed powerful lighting installation.
- The negative cumulative impact due to the existing lighting from the hay and welfare room.
- For a business to be open every evening during the week, including long weekend working hours seems highly excessive, especially, when this business uses loud machinery such as tractors to transport both hale and horse manure around the site in addition to a working HGV.
- Due to the continued volume from the extended use of operating centre, the neighbours cannot use the garden.
- Planning application has not been submitted for the existing external lighting within the site.
- Parking directly outside our property when they are changes, such as the HGV altering parking position in order to accommodate other large vehicles parking.
- The planning permission has restricted the number of horses on this site to 13, would this planning then look to extend the current limit of 13 horses over the age of 4 on site in order for it to accommodate additional livery facilities?
- How the light from the ménage would affect the existing horses in the barn, as light is known to affect breeding??
- The Traffic Commissioner has power to place any conditions on an operating centre.
- We would respectfully request reasonable working hours throughout a year to the attached to his premises, taking into account the time the ménage, i.e. Lights turned off following removal of jumps and time to take care of the horses following exercise and business closed. We would like to see closing by 6pm and for this type of business with its additional extras should not be 7 days a week.
- However, due to the various concerns, such additional attachments to the operating centres business, the residential neighbours strongly oppose to this application for lighting, in that it would look to extend the use of an operating centre / equestrian, as an livery, working 7 day a week, therefore including the weekends, when the neighbours would like to use their home

and garden without environmental pollution of light, extra horse boxes and noise of heavy machinery.

A letter of supporting letter was received and the interested party responded the residents' comments. It is indicated that the neighbouring property, Starlings Den, has a direct access onto Hill Lane and the existing gateway onto the track, which appears not to be a legal shared access for Starling's Den.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 of the Core Strategy (adopted) 2013 seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

The proposed development is the installation of 6 no. lighting columns to the existing ménage. Given their modest in height and their slim line design, it is considered that the proposed lighting columns would not cause any significant adverse impact upon the rural character of the site or its context. Thus, the proposal is acceptable in terms of design and visual amenity, and would comply with Policy CS1 of the Core Strategy.

5.3 Residential Amenity and Light Spillage

Policy PSP8 of the adopted Policies, sites and Places Plan (Adopted November 2017) sets out that development proposal will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of occupiers of the development or of nearby properties.

5.4 Neighbours' concerns regarding the intensity of light and the existing lighting are noted. Council Street Lighting Engineer has considered the submitted lighting calculations. It is noted that the calculations are only relating to the proposed floodlights and there was no consideration of any existing external lighting. Although Officers have requested the calculation of the existing lighting, the applicant's lighting engineer is unable to provide these information at this stage.

5.5 The Council Lighting Engineer has reviewed the submitted documents regarding the proposed lighting and advised that the proposed lighting would generally acceptable, although some of the buildings, i.e. the nearby stables and storage building, would likely experience more intensity of the lighting. Officers have no objection in principle to the proposed lighting given that the proposed lighting would be installed at the existing ménage, it is however considered that the proposed lighting needs to be restricted to ensure the adverse impact would be minimised. The existing ménage would be more than 70 metres from the boundary of Starling Dens and there are a number of farm buildings and stables between the ménage and the residential boundary.

The proposed lighting columns would be installed at the ménage where its finish level is approximately 0.9 metres above the surrounding ground level. It is also noted that the site benefits from a Certificate of Lawfulness for the existing use of land as an operating centre for one HGV vehicle and the planning permission for the existing equestrian use. There is currently no condition restricting the operating hours of this equestrian centre. The proposed lighting scheme would allow the existing ménage to be used for extended hours during winter months. Taking into consideration its rural location, the mix of parking HGV and equestrian use, the existing buildings including the existing illumination within the site, the topography of the site, the number and the height of the proposed lighting columns and the location of the neighbouring property, it would be necessary and reasonable to restrict that these lighting to be switched off from 9pm to the following morning 8am seven days a week. Subject to these conditions, it is considered that the adverse impact upon the neighbouring residents would not be so significant, the development is therefore deemed to comply with the adopted Core Strategy and Policies, Sites and Places Plan.

5.6 Ecological Issue

The Council Ecology Officer has reviewed the submitted lighting scheme. Given that the proposed lighting scheme would not be immediately adjacent to the existing trees and hedges, there is no ecological objection provided that the lighting would only be directing onto the existing ménage. A planning condition is therefore imposed to secure the detailed design of the scheme.

5.7 Transportation

Policy PSP11 safeguard the public highway safety. It is noted that residents' concerns regarding the existing highway issues and the potential increase use of the existing access. The proposal is to install 6 no. lighting column at the existing ménage. Although the proposed lighting would allow the existing ménage to be used longer during the winter months, it is not considered that the impact would be severe upon the public highway safety given its modest scale, the authorised equestrian use and the lawfulness use as an operating centre. Therefore there is no highway objection to the proposal.

5.8 Regarding the ownership of the access and how the individuals using on the existing vehicular access, these would not be planning material consideration.

5.9 Flood Risk and Drainage

The site is located within Flood Zone 3. Due to the nature and the scale of the proposed development, there is no drainage objection to the proposal.

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

7. **RECOMMENDATION**

7.1 That the application be **APPROVED** subject to the following conditions:

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

2. Time of operation

The proposed lighting scheme hereby permitted shall not be in operation between the hours of 8pm and the following 7am seven days per week.

Reason

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

3. Detailed Design

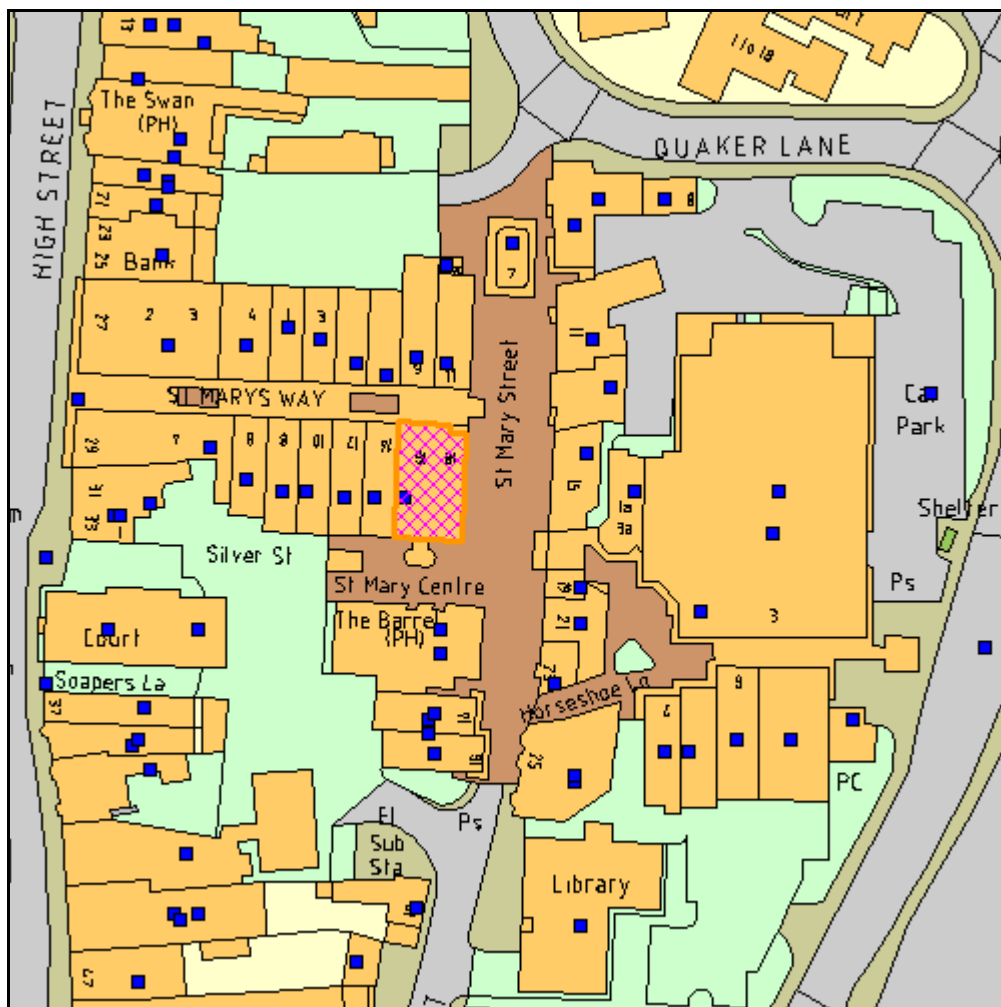
Notwithstanding the submitted details, a detailed design of the proposed lighting and a detailed wildlife friendly lighting plan shall be submitted to the Local Planning Authority for a written approval prior to the installation of that part of the development. In avoidance of doubt, the approved lighting shall be directed onto the existing ménage.

Reason

To protect the amenity of the occupiers of nearby dwelling houses and in the interest of wildlife habitat, and to accord with Policy PSP8 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 41/18 – 12 OCTOBER 2018

| | | | |
|------------------------------|--|---------------------|--|
| App No.: | PT18/3074/F | Applicant: | AS Watson (Health And Beauty UK) Ltd |
| Site: | 16 - 18 St Marys Way South Gloucestershire BS35 2BH | Date Reg: | 13th July 2018 |
| Proposal: | Installation of new shopfront (retrospective). | Parish: | Thornbury Town Council |
| Map Ref: | 363730 190026 | Ward: | Thornbury North |
| Application Category: | Minor | Target Date: | 6th September 2018 |



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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 installation of a new shop front at 16-18 St. Marys Way, Thornbury.
- 1.2 The application site consists of a relatively modern retail unit forming part of the St Mary shopping centre, within the town centre of Thornbury. The unit is situated within the Thornbury Conservation Area, and lies within the direct setting of the Grade II listed Almshouse of 15 to 17 St Marys Street.
- 1.3 The shopfront has already been installed at the premises, and as such the application is retrospective in nature.
- 1.4 An associated application seeking advertisement consent for new signage at the premises has also been submitted to the Local Planning Authority. This application is currently under consideration.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

| | |
|------|--|
| CS1 | High Quality Design |
| CS4A | Presumption in Favour of Sustainable Development |
| CS5 | Location of Development |
| CS8 | Improving Accessibility |
| CS9 | Managing the Environment and Heritage |
| CS14 | Town Centres and Retail |

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

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

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Shopfronts and Advertisements Design Guidance (Adopted) 2012

3. RELEVANT PLANNING HISTORY

Associated Application

3.1 PT18/3073/ADV

Display of 9no. non-illuminated fascia signs, 3no. illuminated fascia signs and 1no hanging sign.

Status: Pending Consideration

Other Relevant Applications

3.2 PT09/5752/ADV

Display of 5 no. fascia signs and 1 no. hanging sign (Retrospective).

Approved: 17.12.2009

3.3 PT05/2020/F

Alterations to existing shop front to facilitate division to form two premises.

Approved: 09.08.2005

3.4 P99/1608

Installation of new entrance to facilitate sublet of part of premises.

Approved: 01.06.1999

3.5 P89/2663

Change of use of first floor of premises from hairdressers salon to offices (as defined in class B1 of the town and county planning (use classes) order 1987).

Approved: 25.10.1989

3.6 P89/2300

Change of use of first floor of premises from hairdressing salon to snooker club.

Approved: 13.09.1989

3.7 P84/2642/A

Display of internally illuminated fascia lettering to read 'palmers frozen foods' in orange letters with a brown outline on a cream background on two separate faces.

Refused: 16.01.1985

4. **CONSULTATION RESPONSES**

4.1 Thornbury Town Council

Objection – This type of shop frontage is totally out of character with the area.

4.2 Other Consultees

Conservation Officer

Significant concerns regarding proposed signage, however no objection to installation of new shopfront.

Sustainable Transport

No comment

Lead Local Flood Authority

No objection

Other Representations

4.3 Local Residents

No comments received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application seeks permission for the installation of a new shopfront at a retail unit forming part of the St Mary Shopping Centre in Thornbury. The premises form part of the Thornbury town centre, as defined in policy CS14 of the Core Strategy. CS14 outlines that the Council will work to protect and enhance the vitality and viability of existing centres in South Gloucestershire in recognition of their retail, service and social functions. It is considered that the proposal would be consistent with the purposes of CS14, and as such the development is acceptable in principle. However the proposal is to be assessed against other relevant criteria, in order to identify any potential harm arising from the development.

5.2 Design, Visual Amenity and Heritage Impacts

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

5.3 Policy PSP17 of the Policies, Sites and Places Plan and policy CS9 of the Core Strategy relate to conservation, and seek to protect the character and appearance of conservation areas and the significance and setting of heritage assets such as listed buildings.

- 5.4 The works under consideration as part of this planning application involve the installation of new aluminium entrance doors and an extended shopfront. The new shopfront is very similar in scale and appearance to the previous shopfront. The overall design is also consistent with other shopfronts in the vicinity. Overall it is considered that an acceptable standard of design has been achieved. It is also not considered that the proposal would have a harmful impact on the character or appearance of the Thornbury Conservation area or on the setting or significance of the nearby listed building. The proposal is therefore considered to accord with policies CS1 and CS9 of the Core Strategy, and policy PSP17 of the Policies, Sites and Places Plan.
- 5.5 Transport
The installation of the shopfront would have no impact on the travel patterns associated with the premises, and as such there are no concerns from a transportation perspective.
- 5.6 Environmental Impacts
Given the scale and nature of the proposed works, it is not considered that the installation of the shopfront would have any significant environmental impacts.
- 5.7 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.
- 5.8 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**.

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CIRCULATED SCHEDULE NO. 41/18 – 12 OCTOBER 2018

| | | | |
|------------------------------|---|---------------------|--------------------------|
| App No.: | PT18/3174/F | Applicant: | Tortworth Estate Company |
| Site: | Stone Barn At Little Whitfield Farm Gloucester Road Whitfield Wotton Under Edge South Gloucestershire GL12 8DU | Date Reg: | 11th July 2018 |
| Proposal: | Conversion of existing barn to form 1 no dwelling and associated works. | Parish: | Falfield Parish Council |
| Map Ref: | 367248 191354 | Ward: | Charfield |
| Application Category: | Minor | Target Date: | 3rd September 2018 |



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following an objection from the Parish. An objection from a local resident has also been received.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the conversion of an existing barn to form 1no. new dwelling with associated works.
- 1.2 The application site relates to Stone Barn at Little Whitfield Farm, Gloucester Road, Whitfield. The site has benefitted from a prior notification to convert this small stone barn into one dwelling. That application was considered under Class Q and expired on 17.9.18. This application has been submitted because the works fall outside what can be considered under Class Q due to a proposed increase in the residential curtilage.
- 1.3 The application site lies outside a settlement boundary and is therefore in the open countryside. The site lies within Flood Zone 1.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

| | |
|------|--|
| CS1 | High Quality Design |
| CS2 | Green Infrastructure |
| CS4A | Presumption in Favour of Sustainable Development |
| CS5 | Location of Development |
| CS8 | Improving Accessibility |
| CS9 | Managing the Environment and Heritage |
| CS13 | Non-Safeguarded Economic Development Sites |
| CS15 | Distribution of Housing |
| CS16 | Housing Density |
| CS17 | Housing Diversity |
| CS18 | Affordable Housing |
| CS19 | Rural Housing Exception Sites |
| CS34 | Rural Areas |

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

| | |
|-------|-----------------------------|
| PSP1 | Local Distinctiveness |
| PSP2 | Landscape |
| PSP3 | Trees and Woodland |
| PSP8 | Residential Amenity |
| PSP9 | Health Impact Assessments |
| PSP10 | Active Travel Routes |
| PSP11 | Transport Impact Management |

| | |
|-------|---|
| PSP16 | Parking Standards |
| PSP17 | Heritage Assets and the Historic Environment |
| PSP18 | Statutory Wildlife Protection |
| PSP19 | Wider Biodiversity |
| PSP20 | Flood Risk, Surface Water, and Watercourse Management |
| PSP21 | Environmental Pollution and Impacts |
| PSP28 | Rural Economy |
| PSP40 | Residential Development in the Countryside |
| PSP43 | Private Amenity Space Standards |

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007)

South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

Affordable Housing SPD (Adopted) Sept.2008.

Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
SPD – (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PT15/3370/PNGR Approved 17.9.15
Prior notification of a change of use from agricultural building to 1no. residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Related planning applications:

- 3.2 PT15/4507/PNGR Refused 2.12.15
Barn 2: Prior notification of a change of use from agricultural building to 1no. residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

- 3.3 PT15/4508/PNGR Refused 2.12.15
Barn 3: Prior notification of a change of use from agricultural building to 1no. residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

4. CONSULTATION RESPONSES

4.1 Falfield Parish Council

Parish Council objects to the application for the following reasons:

- Highway Safety – the access to the site is directly opposite the reconfigured A38/B4061 junction in Whitfield. Access and northbound access is only achievable by performing U-turns in the road which could result in further safety issues
- Other planning permissions granted close by. Currently 3 large dwellings relying on having to make a U-turn
- We query the number of vehicles having to perform this manoeuvre as the more that need to do it the more dangerous it becomes for both themselves and other road users. We encourage the Council to consider whether additional road safety measures should be put into place to mitigate the increase
- Drainage – no information on how the foul and surface water will be handled

- Ecology – needs more details

Internal Consultees

4.2 Drainage:

Following discussions, no objection subject to a pre-commencement condition which has been agreed with the applicant.

4.3 Transport:

Issues regarding the visibility from the site entrance was originally queried but following discussions with the agent, the scheme is considered acceptable.

4.4 Ecology:

No objection subject to condition

Other Representations

4.5 Local Residents

One objection has been received from a local resident. The points raised are summarised as:

Character and design:

- Characterful barn. This development would detract from rural character
- Artist's impressions fail to show very close juxtaposition of proposed dwelling and Little Whitfield Farmhouse
- Setting of farmhouse will be seriously and unacceptably compromised
- Little Whitfield Farmhouse is approximately twice the height of the proposed dwelling. Photos do not show the overlooking
- Proposed curtilage is more than twice the size considered originally

Highway matters:

- Development will cause noise
- Commuting to and from this dwelling outside a settlement boundary, in an unsustainable location will generate additional car usage, noise and dangers
- The road network has changed significantly since the earlier one bedroom dwelling outline approval was sought
- The improved junction remains hazardous and accidents still happen here
- A nearby new house has been built with substandard A38 access and the new dwelling may also have its sight line obscured
- U turns are necessary and manoeuvring of trade vehicles during the build period will be a serious issue

Flooding:

- Localised flooding is a major concern because of underlying clay soils
- No mains sewer

5. ANALYSIS OF PROPOSAL

- 5.1 The proposal is to convert the existing stone barn into a two bed residential unit.

5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of relevance is the accepted prior notification application to convert this barn from its previous agricultural use into residential use. This is a material consideration in the determination of this application. It is noted that this is a full planning application which has been submitted because the proposed residential curtilage would be larger than that which is allowed under Class Q and therefore must be assessed under adopted planning policies.

5.3 Policy CS5 specifies new development should be within sustainable locations. Policy CS34 of the Core Strategy sets the vision for the rural areas within South Gloucestershire and Policy PSP1 states development will be acceptable where it demonstrates an understanding of and responds constructively to the buildings and characteristics that make a particular positive contribution to the distinctiveness of the area/locality. The policy aims to protect, conserve and enhance rural areas. PSP40 of the PSP Plan and paragraph 79 of the NPPF state that development within the countryside, could be acceptable in a number of circumstances. One of these instances included in the NPPF, which is most relevant to this development is where: *the development would re-use redundant or disused buildings and enhance its immediate setting.*

5.4 It is acknowledged that South Gloucestershire Council cannot demonstrate a five year land supply of housing and as such those policies relating to the supply of housing such as CS5 and PSP 40 are regarded as being out of date. Paragraph 11 of the NPPF states that where this is the case LPAs should apply the presumption in favour of sustainable unless:

- i) The application of policies in the NPPF Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed, or
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF Framework taken as a whole.

5.5 It is acknowledged that the barn is a characterful old farm building but is not a particularly fine or distinguished example of a former farm building and is not listed. It appears to be in reasonably good structural condition with its four walls and roof and could be converted without major reconstruction. The conversion of the barn from agricultural use to residential use is therefore acceptable in principle.

5.6 Permitted Development

To be clear Stone Barn at Little Whitfield has been assessed under a prior notification PT15/3370/PNGR under Class Q to convert it from an agricultural barn to a residential dwelling. That approved application recently expired on 17.9.18 and although is no longer the fall-back position, it remains a material consideration and is given substantial weight in favour of this scheme. The main difference is that under Class Q the residential curtilage which would include both garden and parking/turning areas of a converted barn must be limited to the footprint of that barn. Given the position of the barn and its

- surroundings this application is to increase the size of the garden/parking area from around 50 square metres to over 300 square metres.
- 5.7 Other works to the internal configuration and the introduction of new openings are noted and these are discussed below but it is worth mentioning that they would be acceptable under permitted development regulations given the condition of the building, its overall size and taking into account recent case law.
- 5.8 Design and Visual Amenity
The existing barn is essentially a single storey structure split internally into two by a dividing wall. In total the barn has two doorways and a window in its north elevation and doorway in its southern elevation. Although not shown on plans there is also an existing first floor window in the east elevation.
- 5.9 Proposed plans indicate the dividing wall would be removed and the three openings in the north elevation would be retained to provide the main front door and two windows at ground floor level, one serving the ground floor bedroom the other serving the kitchen area, whilst the existing southern doorway would be blocked up. In the west elevation large full height windows and a small first floor window would bring light into the dwelling. The first floor bedroom would utilise the existing small window in the east elevation.
- 5.10 In terms of its overall appearance the conversion of the barn into residential accommodation is acceptable. The use of good quality materials to achieve the changes are considered important and would be conditioned to ensure the visual integrity and character of the area are retained. The scheme is considered to accord with policy and can be supported.
- 5.11 Residential Amenity
The closest existing residential dwelling to the proposed development is Little Whitfield Farm. This would be around 10 metres to the northeast of the Stone Barn. This existing dwelling has two windows in its west elevation one at ground floor and one at first floor level. These would overlook the front garden/parking area of the proposed new dwelling, but given the distance and angle it is considered there would be no inter-visibility from the Stone Barn itself. An existing first floor window in the barn could overlook part of the rear garden of Little Whitfield Farm, furthest from the house, but mature planting and the presence of existing built form in this garden would reduce the impact. Overall it is considered that the proposed conversion would not have an unacceptable impact on the amenity of Little Whitfield Farm.
- 5.12 This application has sought to increase the red edge of the site to include the area to the north which is adjacent to the main road, enclosed behind a high stone wall. This area of land is not used for agricultural production or grazing. Its conversion to and inclusion within the residential curtilage would not lead to an encroachment into the countryside or have an adverse impact on the character of the area. This increase would be acceptable and is therefore supported.

- 5.13 The amount of garden to the north and west of the barn would comprise the garden. The space would provide sufficient outdoor amenity space to serve the dwelling. Although some of the garden to the front which would include the parking area, could be overlooked by the closest neighbours, an area to the west is totally private and the rest of the garden could be enclosed by appropriate boundary treatment to provide additional privacy to future occupants. This is considered acceptable but a landscape condition would be attached to the decision notice to ensure appropriate boundary treatments in this countryside location.
- 5.14 One neighbour has raised concern regarding potential noise. It is considered that any additional noise resulting from one new dwelling would not amount to an unacceptable level and no objection on this basis can be supported. An appropriate condition regarding construction hours can be attached to the decision notice to protect the amenity of the next door neighbour during the build period.
- 5.15 Overall the proposal would not have an adverse impact on the residential amenity of closest neighbours, the scheme is considered to accord with policy and can be recommended for approval.
- 5.16 Transport
The proposed new dwellings would use the existing access from the farm and the adjacent farmhouse onto the A38, Gloucester Road. The NPPF states that only where a proposal would result in a severe impact on the public highway can an objection on transport grounds be sustained. This new dwelling would produce around 7 vehicular movements per 24 hour day. This degree of trip generation cannot be considered to be 'significant' or its impact 'severe'.
- 5.17 Concern has been expressed regarding vehicles having to make a U turn to access properties on this side of the A38 given the recent junction changes/improvements. Whilst it is acknowledged that this arrangement is not optimal, as no accidents have been recorded at this point, there are no grounds for objecting to the additional vehicle movement resulting from this new dwelling. The Highway Officer is satisfied that the access can achieve appropriate levels of visibility, particularly given the stone wall separating the farmyard from the farmhouse has been removed.
- 5.18 Accident records have been checked and it is confirmed that no accidents have occurred on the southbound carriageway at this junction in the last 5 years. Data also shows that three accidents have been recorded on the northbound carriageway some years ago, but this carriageway is separated from the southbound lanes by a traffic island. As such they are considered to have no bearing on the safety of the current access into the proposed site.
- 5.19 One comment has stated that a recently approved scheme nearby has a substandard access point. Officers are considering the scheme presented to them at this time and a different planning application with different set of circumstances cannot be used for the basis of this assessing this scheme.

- 5.20 The sustainability of the site's location has been queried. It is noted that there are some limited opportunities for using public transport in this area but likely that that future occupants would be mostly reliant on private vehicles. Although this is not the overall aim of policy, the impact one additional residence would have on the highways must be taken into consideration. It is concluded that one new dwelling would not have a severe impact and can therefore be supported.
- 5.21 Drainage
It is acknowledged that the site does not benefit from being connected to the mains drainage but it is considered acceptable that an appropriate condition be attached to the decision notice. The pre-commencement wording of this condition has been agreed with the applicant.
- 5.22 Ecology
A Bat Surveys Briefing Note by Ecological Solutions Ltd (September, 2018) has been submitted in support of this application. An inspection of the barn found no evidence of bats and no bats were recorded emerging from the building during an evening survey. Moderate levels of bat activity were recorded in and around the barn. A House Sparrow was seen inside the barn along with old nesting material and a Blue Tit was seen emerging from the stone work. Subject to recommended mitigation and enhancement measure to prevent biodiversity loss and enable biodiversity gain there are no ecological objections. The development should therefore proceed in accordance with the recommendations in the report and these will be secured by an appropriate condition.
- 5.23 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.
- 5.24 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.
- 5.25 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.
- 5.26 Planning Balance
The proposal would provide one new house to add to the housing shortage and weight is given in favour of the scheme for this reason. The principle of the conversion of agricultural buildings into residential dwellings is something that can be supported but each is considered on its own merits. In this application it is considered that the barn is capable of conversion. Although small in overall size the barn is considered to be of substantial condition appropriate for

conversion and therefore acceptable in these terms. Some internal alterations would be necessary but the extent of the work is regarded as falling within policy guidelines. The slightly larger residential curtilage would be acceptable and overall the conversion would not have a detrimental impact on the residential amenity of closest neighbours. Similarly although the access presents some challenges the result of conversion this barn to a dwelling would not have a severe adverse impact on the highway. The barn is close to a small grouping of dwellings and given the site is not far from bus stops in that respect it can be regarded as being in a sustainable location. The conversion of the Stone Barn therefore accords with policy and is recommended for approval.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

- 7.1 It is recommended that the decision is **APPROVED** subject to conditions attached to the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The 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 PSP8 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework.

3. Prior to the first occupation of the converted barn a scheme of landscaping, which shall include details of all proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

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

4. Prior to commencement of development, a scheme for the foul water drainage of the development shall first be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved 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.

5. The development should proceed in accordance with the recommendations made in points 30, 31, 33 and 34 of the Bat Surveys Briefing Note by Ecological Solutions Ltd (September, 2018) This includes installing new bird nesting and bat roosting opportunities and avoidance of harm/disturbance to nesting birds.

Reason

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

6. Prior to occupation, the location and type of two new bird nesting and one bat roosting opportunities should be submitted to the local planning authority for approval in writing.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of local biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework. Development shall be carried out in accordance with the approved details.

CIRCULATED SCHEDULE NO. 41/18 – 12 OCTOBER 2018

| | | | |
|------------------------------|--|---------------------|---------------------|
| App No.: | PT18/3255/F | Applicant: | Mr Andy Hankinson |
| Site: | 2 Gable Cottages Elberton Road Olveston Bristol South Gloucestershire BS35 4AB | Date Reg: | 16th July 2018 |
| Proposal: | Erection of a single storey front extension to form porch and additional living accommodation. Alterations to existing outbuildings to include raising roof line to facilitate conversion for storage and additional living accommodation. | Parish: | Aust Parish Council |
| Map Ref: | 359956 188377 | Ward: | Severn |
| Application Category: | Householder | Target Date: | 7th September 2018 |



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 100023410, 2008. **N.T.S.** **PT18/3255/F**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule as comments of objection have been received; these are contrary to the officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a number of alterations to a property near Olveston. These include the erection of single storey front extension and alterations to existing outbuildings.
- 1.2 The site is located outside the settlement boundary for Olveston, in the open countryside and within the Bristol/Bath Green Belt.
- 1.3 Pre-application advice has been sought to overcome Officer concerns relating to green belt policy.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (NPPF) July 2018

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

| | |
|------|--|
| CS1 | High Quality Design |
| CS4A | Presumption in Favour of Sustainable Development |
| CS5 | Location of Development |
| CS8 | Improving Accessibility |
| CS9 | Managing the Environment and Heritage |
| 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 |

- 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 PT18/1136/F
Erection of single storey front extension and erection of first floor rear extension to provide additional living accommodation. Detached garage.

Withdrawn
16.05.2018

- 3.2 PRE17/0210
Pre-application advice for two storey extension, garages, alterations to existing dwelling and new detached dwelling.
25.04.2017
- 3.3 N7972
Erection of a 2 storey extension to form a living room and bathroom with a bedroom over.
Approval
22.04.1982

4. CONSULTATION RESPONSES

4.1 Aust Parish Council
No objection

4.2 Other Consultees

Archaeology Officer
No objection

Planning Enforcement
No comment

Environmental Protection
No objection

- investigative/remedial land contamination condition recommended

Other Representations

4.3 Local Residents

1 local resident has objected – their comments are summarised below –

- overdevelopment
- out of keeping with adjacent cottages
- change in levels means the new fencing will be overbearing for occupiers of 1 Gable Cottages
- noise and disturbance created by construction work already
- existing outbuildings are unauthorised

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for a single storey front extension and alterations to existing outbuildings at a property in the green belt.

5.2 Principle of Development

Development at existing residential properties is supported in principle by policy PSP38 of the Local Plan. This policy is supportive of development subject to an assessment of design, amenity and transport.

5.3 However, as the site is located within the green belt, any extension must be proportional to the existing dwelling to accord with policy PSP7. Therefore the proposal is acceptable in principle but subject to the following detailed analysis.

5.4 Green Belt

Located within the green belt, only limited extensions are permissible. Extension will be considered limited when they do not result in a disproportional addition over the size of the original dwelling.

5.5 An extension will be considered limited when it passes the disproportionate test. A previous planning application permitted a two-storey side extension. The volume increase of this extension needs to be included in the disproportionate test. Furthermore,

5.6 It is not disputed by parties that, when previous extensions are also accounted for, the development would result in the original property being enlarged beyond the 50% threshold. However, this is a general guide in assessing whether extensions to existing buildings would be disproportionate. The measure of openness is not confined to the consideration of spatial dimensions; the visual effects of massing, site layout and the use of the space around the extensions also has a bearing on openness.

5.7 The proposed development would neatly amalgamate a mix and variety of existing outbuildings, and into a form that is not uncommon in rural areas. The residential footprint would be limited and contained within the established boundaries and hardstanding at the site. Moreover, a large dilapidated greenhouse on the site would be removed. Due to these factors the addition of a single storey front extension would be an extremely limited intervention and thus a proportionate addition to the property. Officers therefore find little evidence to support a local resident's concern regarding over-development of the site.

5.8 Consequently, Officers can find no conflict with the purposes of including land in the Green Belt and moreover, as the proposed extensions are not considered to be disproportionate additions, it is concluded the scheme would not reduce the openness of the site or its surroundings. As such, the proposal meets the third exception in paragraph 145 of the Framework. It is not therefore inappropriate development in the Green Belt when having regard to the Framework and policy PSP7 of the Local Plan.

5.9 Design

The proposed development includes the erection of a lean-to front addition, which continues an existing extension, and alterations to existing outbuildings to facilitate their conversion into a dining room, play room and store. This will also have a lean-to roof similar to that on the front extension.

- 5.10 Overall, the proposed extensions compliment the design of the original house in terms of scale, massing, layout and materials. A good standard of site planning and design has been reached that respects the character and appearance of the host. The proposal is therefore acceptable in design terms.
- 5.11 Amenity
Development should protect residential amenity. The proposed extensions are constrained to the ground floor only and although the attached neighbour is set slightly lower, fencing of some 2 metres is not considered to be excessive or overbearing. Furthermore, there are no windows that would reduce levels of privacy.
- 5.12 The redevelopment of the site would inevitably bring about noise and disturbance though but such effects are to be balanced against the desirability of improving the living accommodation – and can be managed through the imposition of conditions – such as hours of operation – aimed at controlling the impacts upon neighbouring residential users. The effects would be of limited duration and are not matters of sufficient weight to justify refusal of the scheme.
- 5.13 Amenity for the application site is also protected. There is only a small increase in the footprint of the building, but this is significantly off-set by the removal of the dilapidated greenhouse to the front.
- 5.14 The proposed development is therefore not considered prejudicial to residential amenity; the amenity of the site and adjacent neighbours is protected and the amenity of the wider locality preserved.
- 5.15 Potentially Contaminated Land
The proposed development is located less than 250m from Harnhill landfill site. A risk assessment should therefore be undertaken to assess whether the proposed works could increase any risk from ground gases. If an unacceptable risk is identified, gas protection measures should be designed and incorporated to mitigate the risk.
- 5.16 In order to ensure that the site is suitable for its proposed use, and in accordance with the NPPF, a pre-commencement condition will be imposed to secure the necessary assessment, survey and remediation work. Furthermore, in accordance with the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, the applicant has agreed to the imposition of this condition.
- 5.17 Impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

2. A) Desk Study - No development shall commence until an assessment of the risks posed from ground gases from the Harnhill landfill site has been carried out and submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with current best practice and guidance.

B) Intrusive Investigation/Remediation Strategy - Where following the risk assessment referred to in (A), a potential risk from ground gases is identified, no development shall take place until a ground gas survey has been carried out. A report shall be submitted for the written approval of the local planning authority and include a conceptual model of the potential risks to human health; property/buildings and service pipes. Where unacceptable risks are identified, the report submitted shall include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the

preferred remediation option(s). The programme of the works to be undertaken should be described in detail and the methodology that will be applied to verify the works have been satisfactorily completed.

The approved remediation scheme shall be carried out before the development is first used.

- C) Verification Strategy - Prior to first use, where works have been required to mitigate potential ground gases (under condition B) a report providing details of the verification demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the revised National Planning Policy Framework. This is required prior to commencement of development as there is the potential for contamination from the Harnhill Landfill Site.

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

Reason

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

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

Received 13.07.2018:

Design & Access Statement
Proposed Ground Floor Plan 2 (760-P1.2 Rev A)
Proposed Elevations 1 (760-P3.1 Rev A)
Existing Ground Floor Plan (760-E1-1)
Existing Ground Floor Plan 2 (760-E1.2)
Existing First Floor Plan (760-E2)
Existing Elevations 1 (760-E3.1)
Existing Elevations 2 (760-E3.2)
Proposed Ground Floor Plan 1 (760-P1.1)
Proposed First Floor Plan (760-P2)
Proposed Elevations 2 (760-P3.2 Rev A)
Block Plan (760-P4 Rev A)
Site Location Plan (760-P5)

Received 08.10.2018:
Croxtan (correspondence)

Reason
For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 41/18 – 12 OCTOBER 2018

| | | | |
|----------------------------------|--|-------------------------|-------------------------------------|
| App No.: | PT18/3308/CLE | Applicant: | Mr Timothy Ward |
| Site: | Stoneleaze Farm Shepperdine Road Oldbury On Severn South Gloucestershire BS35 1RL | Date Reg: | 30th July 2018 |
| Proposal: | Occupation of dwelling in breach of condition (a) of planning permission SG58/A for a period of not less than ten years before the date of this application. | Parish: | Oldbury-on-Severn Parish Council |
| Map Ref: | 361418 194622 | Ward: | Severn |
| Application Category: | Certificate of Lawfulness | Target Date: | 18th September 2018 |



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100023410, 2008.

N.T.S.

PT18/3308/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The applicant is seeking a formal decision as to whether the occupation of the dwelling known as Stoneleaze Farm in breach of the agricultural occupancy condition (a) attached to planning permission SG.58/A would, on the balance of probabilities, be lawful development under Section 191 of the Town and Country Planning Act 1990. This is based on the assertion that the breach would be lawful due to the passage of time.

1.2 Condition (a) attached to planning permission SG.58/A stated the following:

“(a) The dwelling is to be occupied only by members of the agricultural population and their dependents as defined by Circulars 62 and 64 issued by the Ministry of Town and Country Planning”

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

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 PT18/2770/RVC Withdrawn 12/07/2018
Removal of condition (a) attached to planning permission SG.58/A to remove agricultural occupancy condition.

3.2 PT08/0013/F Approve with conditions 31/01/2008
Erection of single storey side extension to provide additional living accommodation.

4. **CONSULTATION RESPONSES**

4.1 Oldbury on Severn Parish Council
No objection.

4.2 Other Consultees

Councillor

No comment received.

Other Representations

4.3 Local Residents
No comment received.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 The key issue in this instance is to determine whether the existing use and development on site would accord with the provisions of Section 191 of the Town and Country Planning Act 1990.

5.3 The basis of the argument for lawfulness is based on the assertion that the breach in condition (a) occurred at least 10 years prior to the application being made, and has been in continuous breach of this condition since.

5.4 The supporting evidence submitted to the Local Planning Authority consists of:

- Signed Statement by Timothy Nicholas Ward and Jean Primrose Emily Ward, witnessed by Simpsons Solicitor dated 24th September 2018
- Letter from Council Tax department confirming Mr Timothy Ward and Mrs J Ward have been the liable parties for Council Tax at the property since 30th November 2007
- Invoice to Mrs Ward from an accountant dated 19th June 2006
- Three supporting letters from neighbours – Mr K Hedges, Mr A Terrett and Mr D Robbins
- Invoice for tickets to an agricultural show sent to Mrs Ward at the property dated June 2nd 2006

5.5 No contrary evidence has been received.

5.6 Assessment

The applicant seeks to prove that the dwelling outlined in red has been used as a residential dwelling without compliance within condition (a) of planning permission SG58/A for a period in excess of ten years. The signed statements from Mr and Mrs Ward state that they have lived at the property in excess of ten years, and during this time have not derived an income for agriculture or associated industries.

5.7 The Council's records indicate that Mr Ward applied to remove condition (a) earlier in 2018 (PT18/2770/RVC) however this was withdrawn following feedback from Officers indicating that it would be refused due to lack of justification, to the contrary of policy PSP41 of the Policies Sites and Places Plan.

5.8 All other evidence received indicates that Mrs Ward has lived at the property since at least 2006 and Mr Ward since at least 2007, but does not indicate whether or not they were employed within agricultural industries.

5.9 As the statements from Mr and Mrs Ward have been signed before and witnessed by a solicitor, weight can be given to this document. As no contrary evidence has been received, and on the balance of probability, the statement is sufficiently precise and unambiguous that Mr and Mrs Ward have resided at the property since at least June 2006 and have not worked in agriculture during this time. The Certificate of Lawfulness can therefore be granted.

6. RECOMMENDATION

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

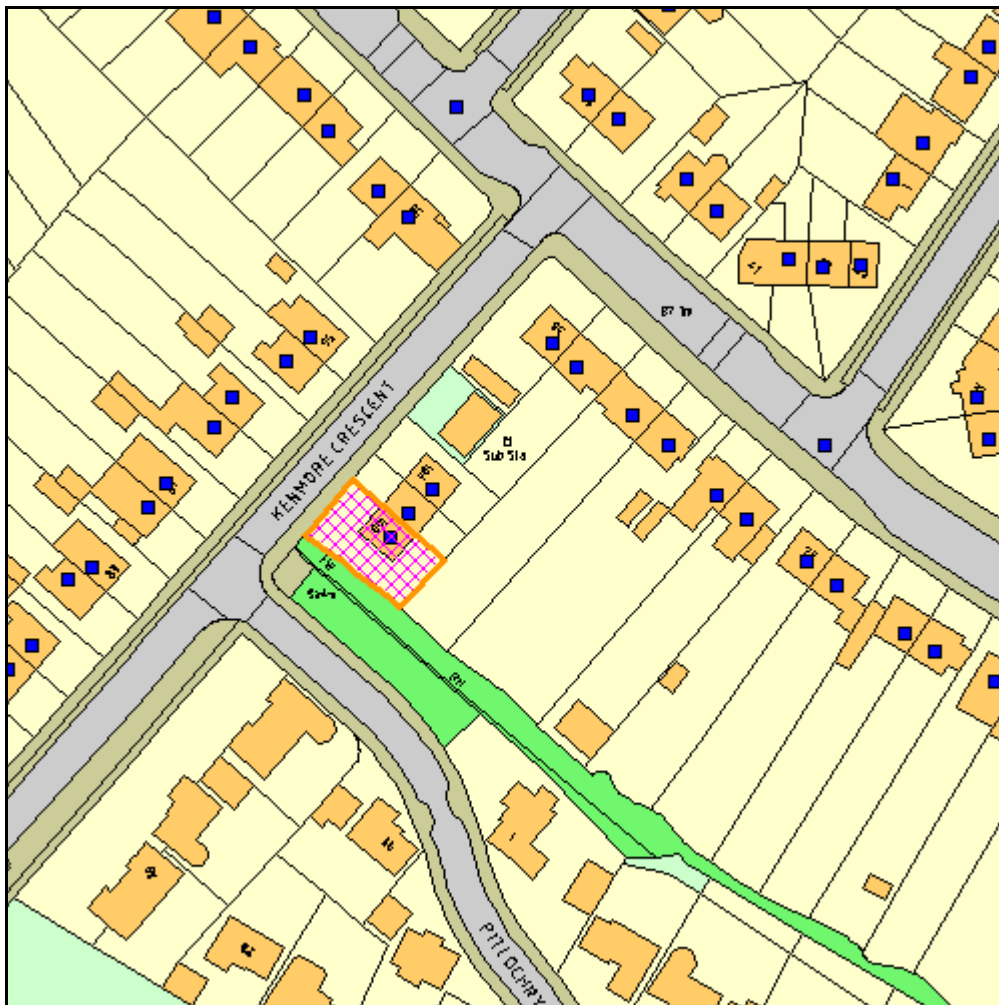
Contact Officer: Trudy Gallagher
Tel. No. 01454 864735

CONDITIONS

1. Sufficient evidence has been submitted to precisely and unambiguously demonstrate that, on the balance of probability, the dwelling has been in continuous breach of condition (a) of planning permission SG58/A for a period of not less than ten years before the date of this application.

CIRCULATED SCHEDULE NO. 41/18 – 12 OCTOBER 2018

| | | | |
|----------------------------------|--|-------------------------|------------------------|
| App No.: | PT18/4029/CLP | Applicant: | Mr Alan Sellers |
| Site: | 100 Kenmore Crescent Filton Bristol South Gloucestershire BS7 0TR | Date Reg: | 7th September 2018 |
| Proposal: | Installation of side and rear dormer to facilitate loft conversion. | Parish: | Filton Town Council |
| Map Ref: | 359542 178349 | Ward: | Filton |
| Application Category: | Certificate of Lawfulness | Target Date: | 26th October 2018 |



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100023410, 2008.

N.T.S.**PT18/4029/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a side and rear dormer to facilitate a loft conversion at 100 Kenmore Crescent, Filton would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT05/0292/F
Demolition of existing dwelling to facilitate erection of 3 no. new dwellings on 0.054 hectares of land.
Approved: 29/03/2005

Permitted development rights restricted under condition 2, which reads:

'Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town and Country Planning (General Permitted Development) order 1995 (or any Order revoking or re-enacting that Order) no development as specified in Part 1 (Classes A, B, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.'

- 3.2 PT04/3813/O
Demolition of existing dwelling to facilitate erection of 4 no. new dwellings on 0.054 hectares of land (Outline), with consideration for siting and means of access.
Refused: 16/12/2004

4. CONSULTATION RESPONSES

4.1 Filton Town Council
No comments received

4.2 Councillor
No comment received.

Other Representations

4.3 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Received by the Council on 31st August 2018:
Combined Plan
Proposed Floor Plans

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.

6.3 The proposed development consists of the installation of a side and rear dormer window. 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.

6.4 Consideration of Proposal

This property does not benefit from the necessary permitted development rights afforded to householders. This is because the permitted development rights were restricted under condition 2 attached to the following application:

PT05/0292/F

Demolition of existing dwelling to facilitate erection of 3 no. new dwellings on 0.054 hectares of land.

Approved: 29/03/2005

Condition 2:

'Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no development as specified in Part 1 (Classes A, B, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.'

- 6.5 Accordingly, planning permission would be required in order to implement the proposed development as the proposal would fall within the Town and Country Planning (General Permitted Development) (England) Order 2015, Second Schedule, Part 1, Class B,

7. RECOMMENDATION

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

Contact Officer: James Reynolds
Tel. No. 01454 864712

REASONS FOR REFUSAL

1. Permitted Development rights have been restricted under planning application ref. PT05/0292/F, Condition 2:

'Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no development as specified in Part 1 (Classes A, B, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local planning Authority.'