



**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. 33/18

Date to Members: 17/08/2018

Member's Deadline: 23/08/2018 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
34/18	Tuesday 21 August	5pm Wednesday 22 August	5pm Thursday 30 August	Friday 31 Aug

Dates and officer deadlines for Circulated Schedule August Bank Holidays 2018

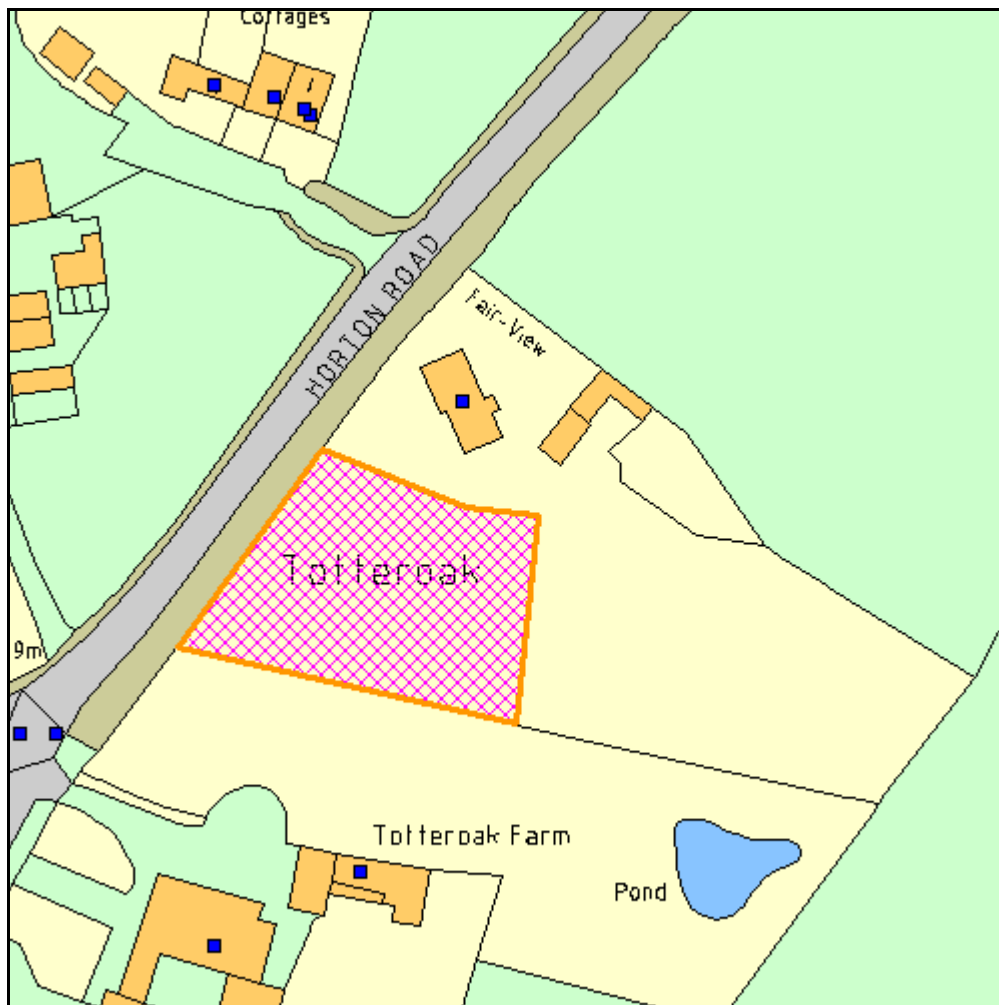
CIRCULATED SCHEDULE - 17 August 2018

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/5470/O	Refusal	Old Orchard Horton South Gloucestershire BS37 6QG	Cotswold Edge	Horton Parish Council
2	PK18/1693/F	Approve with Conditions	Woodville 22 Charnhill Vale Mangotsfield South Gloucestershire BS16 9JT	Rodway	None
3	PK18/1724/F	Approve with Conditions	36 Brook Road Mangotsfield South Gloucestershire	Rodway	None
4	PK18/2104/F	Approve with Conditions	Units 1-6 Pucklechurch Trading Estate Pucklechurch South Gloucestershire BS16 9QH	Boyd Valley	Pucklechurch Parish Council
5	PK18/2109/F	Approve with Conditions	Unit 7 Pucklechurch Trading Estate Pucklechurch South Gloucestershire BS16 9QH	Boyd Valley	Pucklechurch Parish Council
6	PK18/2319/F	Approve with Conditions	Rear Garden Of 149 Melrose Avenue Yate South Gloucestershire BS37 7AP	Yate Central	Yate Town
7	PK18/2498/F	Approve with Conditions	13 Maple Close Oldland Common South Gloucestershire BS30 9PX	Oldland	Oldland Parish Council
8	PK18/2556/F	Approve with Conditions	69 High Street Kingswood South Gloucestershire BS15 4AD	Kings Chase	None
9	PK18/2677/F	Approve with Conditions	Land Off Badgers Brook Lane Wick South Gloucestershire BS30	Boyd Valley	Wick And Abson Parish Council
10	PK18/2755/PDR	Approve with Conditions	4 Bye Mead Emersons Green South Gloucestershire	Emersons	Emersons Green Town Council
11	PK18/2822/F	Approve with Conditions	9 Pullin Court North Common South Gloucestershire	Oldland	Bitton Parish Council
12	PK18/2978/CLE	Approve with Conditions	Land To The North Side Of Lansdown Lane Upton Cheyney	Bitton	Bitton Parish Council
13	PK18/3005/CLP	Approve with Conditions	36 Trident Close Downend South Gloucestershire BS16 6TS	Emersons	Emersons Green Town Council
14	PK18/3045/CLP	Approve with Conditions	30 Samuel White Road Hanham South Gloucestershire BS15 3LZ	Hanham	None
15	PK18/3076/F	Approve with Conditions	7 Stockwell Avenue Mangotsfield South Gloucestershire BS16 9DR	Rodway	Emersons Green Town Council
16	PK18/3082/PNC	No Objection	75 Soundwell Road Soundwell South Gloucestershire BS16 4QR	Staple Hill	None
17	PT18/0729/F	Approve with Conditions	Warburtons Bakery 8010 Western Approach Distribution Park Severn Beach South Gloucestershire BS35 4GG	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
18	PT18/1819/O	Approve with Conditions	Land Adjacent To 2 Stanley Cottages Off Bonnington Walk Stoke Gifford South Gloucestershire BS7 9YU	Frenchay And Stoke Park	Stoke Gifford Parish Council
19	PT18/1820/O	Approve with Conditions	Land Adjacent To 2 Stanley Cottages Off Bonnington Walk Stoke Gifford South Gloucestershire BS7 9YU	Frenchay And Stoke Park	Stoke Gifford Parish Council

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
20	PT18/2456/F	Approve with Conditions	Corner Cottage Itchington Road Tytherington Wotton Under Edge South Gloucestershire GL12 8QE	Ladden Brook	Tytherington Parish Council
21	PT18/2668/F	Approve with Conditions	51 Cavendish Road Patchway South Gloucestershire BS34 5HJ	Patchway	Patchway Town Council
22	PT18/2672/CLP	Approve with Conditions	33 Arden Close Bradley Stoke South Gloucestershire BS32 8AX	Stoke Gifford	Bradley Stoke Town Council
23	PT18/2731/CLP	Approve with Conditions	Bristol Water Village Road Littleton Upon Severn South Gloucestershire BS35 1NT	Severn	Aust Parish Council
24	PT18/2745/F	Approve with Conditions	Hill Cottage Bristol Road Hambrook South Gloucestershire BS16 1RY	Winterbourne	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.:	PK17/5470/O	Applicant:	Mr & Mrs M Ovens
Site:	Old Orchard Horton Bristol South Gloucestershire BS37 6QG	Date Reg:	19th December 2017
Proposal:	Erection of 1no dwelling (outline) with access and layout to be determined, all other matters reserved.	Parish:	Horton Parish Council
Map Ref:	374858 184156	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	6th February 2018



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100023410, 2008. **N.T.S.** **PK17/5470/O**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as an appeal against non-determination has been lodged. The application is being referred in order to establish the Council's position and decision, had a decision been made.

1. THE PROPOSAL

- 1.1 The proposal seeks outline permission the erection of 1no detached dwelling within the curtilage of Old Orchard, Horton with access and layout to be determined with all other matters to be reserved.
- 1.2 The subject site forms garden space to the front/side of the property.
- 1.3 The host property is a dormer bungalow in a Cotswold style with what appears to be reconstituted stone elevations.
- 1.4 The proposal site is situated outside of any defined settlement boundary within a small hamlet on the edge of Sodbury Common.
- 1.5 The application appears to be of a similar format to the refused application PK13/1053/F which sought full planning permission.
- 1.6 This report seeks to set out the Local Planning Authorities position following the submission of an appeal against non-determination.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
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
PSP2	Landscape
PSP3	Trees and Woodlands
PSP5	Undesignated Open Spaces within Settlements
PSP8	Residential Amenity

PSP16	Parking Standards
PSP17	Historic Environment
PSP19	Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006

Residential Parking Standards SPD (adopted) December 2013

3. RELEVANT PLANNING HISTORY

PK13/1053/F – Refusal – 20/05/2013 – Erection of 1no detached dwelling with associated works.

Refusal reasons:

1. *The site lies in the open countryside outside any settlement boundary as defined on the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, proposals map. The proposed dwelling is not intended for occupation by an agricultural or forestry worker, is not affordable housing on a rural exception site or a replacement dwelling and as such is contrary to Policy H3 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. Furthermore the proposed dwelling is not a design of exceptional quality or innovative nature and is therefore also contrary to para. 55 of the NPPF.*
2. *Insufficient information has been submitted to demonstrate that the scheme would not prejudice highway safety in terms of the proposed access arrangements onto Horton Road; contrary to Policies T12 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
3. *The proposed development would be inappropriately sited within a residential garden and as such would represent 'garden grabbing' that would cause harm to the rural character of the local area (para. 53 of the NPPF).*

PK00/0752/F – Approval – 11/08/2000 – Erection of two storey extension and installation of front gabled dormer and rear dormer windows.

P99/2090 – Approval – 06/10/1999 – Erection of two storey extension, front gabled dormer and rear dormer extension.

P91/1006 – Approval – 11/04/1991 – Erection of two storey side extension to provide enlarged kitchen; raising of ridge height to facilitate provision of three bedrooms and two bathrooms at first floor level. (In accordance with amended plans received by the council on 28TH march 1991)

P85/2129 – Withdrawn – 23/03/1987 – Erection of detached dwelling (outline).

The following applications have been highlighted by the agent as being relevant comparables:

Reference	Address	Development	Decision
PT17/4359/F	The Old Vicarage Stowell Hill Road Tytherington GL12 8UH	Erection of 3no detached dwellings with access parking and associated works	Approved 12 January 2018
PK17/3833/O	370 North Road Yate BS37 7LL	Erection of 4no dwellings (outline) with access to be determined. All other matters reserved.	Approved 12 January 2018

4. **CONSULTATION RESPONSES**

4.1 Horton Parish Council
No Objection

4.2 Other Consultees

Transport Officer
No Objections

Drainage and Flood Risk
No Objection

Landscape Officer

There is insufficient information to make a proper landscape assessment. Depending on the style and scale of the proposed dwelling there may be little landscape impact due to the landscape buffer provided by the current perimeter landscape buffer. Existing trees are likely to be adversely affected by the proposed development and therefore it is recommended that a tree survey be provided. Some of the trees could be fruit trees that may be part of an old orchard that could be the derivation of the name of the property. Any loss of fruit trees would be regrettable and therefore if consent were given, compensatory fruit tree planting would be expected.

Other Representations

4.3 Local Residents
None Received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy CS5 of the Core Strategy directs new development to the urban areas of the North and East Fringe of Bristol and settlements with defined boundaries as these are expected to be best able to provide the range of services for communities. Development in the open countryside will be strictly limited. The proposal site would be situated outside of any defined settlement boundary in a secluded hamlet. That said, currently South Gloucestershire are unable to demonstrate a 5 year housing land supply. In this situation the presumption in favour of sustainable development under paragraph 11 of the revised NPPF is enacted. Relevant policies for the supply of housing (Policy CS5) should not be

considered up to date if the Planning Authority are unable to demonstrate a 5 year housing land supply. This also requires that where the development plan is absent, silent or out of date, permission should be granted unless the adverse impacts of doing so would considerably and demonstrably outweigh the benefits or the specific policies in the framework indicate development should be restricted. The proposal represents a very small contribution to housing land supply and this is therefore a material consideration in the assessment of the application.

5.2 Location and Sustainability

As stated above the proposal site falls outside of any defined settlement boundary in the open countryside. It is acknowledged that CS5 is considered out of date, and therefore only limited weight can be attached to the proposal site falling outside a settlement boundary, however the purpose of the policy is to ensure that new residential development is dispersed in a sustainable way throughout the area and to locations where there is access to services to meet the needs of occupiers of the proposed development in a sustainable way. Similarly, paragraph 103 of the NPPF requires that local planning authorities support a pattern of growth that facilitates the use of sustainable modes of transport. The NPPF requires that authorities should avoid new isolated homes in the countryside unless circumstances such as; the need for a rural workers dwelling, development would represent the optimum viable use of a heritage asset; development would re-use redundant or disused buildings; or the proposal would represent exceptional design quality. The proposal would not fall into any of the above categories of development that may be considered acceptable in a rural location.

- 5.3 The proposal site is around 2.2 km (as the crow flies) to the edge of Chipping Sodbury and around 1km from the small settlement of Horton. While it falls within a cluster of other buildings this appears to be just a small hamlet that has arisen in connection with Totter oak Farm and must therefore be considered to fall within the open countryside. No services for day to day needs are provided within the Hamlet. The tests above should then be applied. The proposal would not be providing a rural workers dwelling. It was suggested to the agent that consideration may be given to a rural workers tie, however this is not being sought and correspondence has made this clear. The proposal site is not afforded any heritage designations and could not therefore be viewed as the optimum viable use of a heritage asset. The buildings on site do not appear to be disused or redundant. Lastly the application is outline only and no consideration of design is being given at this stage. That being said, it is noted that layout is to be determined and this shows a relatively standard arrangement for the proposal and officers therefore conclude that it is unlikely an exemplary standard of design could be achieved. On this basis the proposal would fail the tests set out above and should therefore not be accepted unless the benefits of permitting development would significantly and demonstrably outweigh the harm. In this case the only material positive consideration is the provision of a dwelling in the current shortfall, however it must be noted that this is for only one dwelling and therefore the weight attached to this benefit must be limited to modest.

- 5.4 PSP11 of the Policies Sites and Places DPD (adopted) 2017 sets out the transport strategy for the South Gloucestershire area. Within this is sets out that residential developments are located on:
- i) safe, useable walking and, or cycling routes, that are an appropriate distance to key services and facilities; and
 - ii) where some key services and facilities are not accessible by walking and cycling, are located on safe, useable walking routes, that are an appropriate distance to a suitable bus stop facility, served by appropriate public transport services, linking to major settlement areas.
- 5.5 The nearest settlement with a defined boundary(s) is Horton. This does not benefit from a full range of services and there is only a village hall and a primary school. Chipping Sodbury is the nearest settlement with a full range of services, this is in excess of 2km from the site as the crow flies and therefore the proposal site does not have range to the services normally expected to be within walking distance. Additionally, while Chipping Sodbury is situated across the common, there is no pedestrian walkway or any form of street lighting, consequently there is potential for this route to be dangerous at night time. It is acknowledged there is a bus stop within 400m and this provides the necessary weekly services to a suitable urban area, however the weekend service is not sufficient and undoubtedly the proposal would be almost entirely car dependent for day to day trips such as to the supermarket. It must also be considered that the number of trips a day is extremely limited and would only realistically be practical for commuting purposes, and not for day-to-day trips as noted above.
- 5.6 Three recent applications have been provided by the agent and the planning authority have been notified that these would be used in any appeal case to support the proposal. It is noted that these applications deviate significantly from the application at hand. Firstly PT17/4359/F was for the erection of 3no dwellings and PK17/3833/O for the erection of 4no dwellings. As previously stated provision of housing in the current deficit must be given weight in the assessment and this is reflective of how much provision is being given by each proposal. The current application is for one dwelling and therefore the weight attached to this must be at the bottom end of the spectrum. The provision of 3 or 4 dwellings must carry greater weight than provision of a single dwelling. Secondly PT17/4359/F was located within the village of Tytherington where there is a reasonable range of services. While it may have sat outside of the defined boundary it benefitted from the use of services within walking distance of the property, furthermore that there was a range of bus links to local centres nearby and not one infrequent service. PK17/3833/O is acknowledged to be in a worse location currently and falls outside the settlement boundary for Yate. That said the proposal site is in close proximity to the North Yate New Neighbourhood. A number of services will be provided within this area as well as public transport links. While the location is not currently fully sustainable, it is expected to be in the near future and therefore the location wasn't seen as sufficient to refuse the application, particularly in the current shortfall. The proposal differs significantly from these applications as it is in a far more isolated location and one where there is not expected to be any further major/strategic development coming forward. The public transport links are poor and it falls outside of any catchment area for required local services. The location does lend itself to safe walking and cycling routes during the day to

Chipping Sodbury, however this is beyond any reasonable walking distance and would lead occupiers to be entirely car reliant for day to day needs which is contrary to the sentiment of both local and national policy direction. Additionally there are no pavements or streetlighting, consequently walking this route at night could be treacherous. On this basis the proposal would be viewed to fail principle policy considerations and significant negative weight should be attached to this impact.

5.7 Correspondence has shown the agents view on the application. This states that firstly the application would be providing an 'affordable house' for the applicant's son. Affordable housing is social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. While it may be affordable in real terms it does not fall within the definition of 'affordable housing' in planning terms and therefore no weight can be attributed to this. The statement also notes that the proposal would allow cross generational support. While that may be the case, the proposal is for a traditional C3 residential use and it is expected that occupants will change from time to time and the development could not be restricted to an individual occupier, meaning there is no guarantee this support will in fact take place. Consequently no weight will be attached to this consideration in the balance.

5.8 Landscape

PSP2 of the Policies Sites and Places Plan states that development proposals will be acceptable where they conserve and where appropriate enhance the quality, amenity, distinctiveness and character of the landscape. This includes, but is not limited to:

- Landscape attributes which define the inherent character of an area, such as: landscape patterns arising from roads, paths, hedges, waterways and buildings; designed natural landscapes, which include elements of natural beauty, historical or cultural importance and ecological features.
- The tranquillity of the landscape, sense of place and setting
- Landscape features such as trees, hedgerows, woodland, views, banks, walls, ponds and waterways
- Distinctive or characteristic topography and landforms

5.9 The proposal site falls within what was a former orchard assumed to have been connected with Totteroak Farm. A number of the trees would have to be removed to facilitate the development and a reasonable amount of garden space would be lost to the development. Orchards should be viewed as a feature that provides character within the landscape. Furthermore the area currently delivers a relief between the host property and Totteroak Farm to the South. Consequently the inherent amenity value of the trees and the orchard itself would be lost as a result of development. Loss of this feature should therefore be resisted. Comments have been sought from the landscape officer, however it must be noted that landscape is not a matter for determination within this application. A degree of its impact can be assessed as the layout is to be determined under this application. Within the response it is suggested that if consent were granted a condition would be required to provide detailed landscaping proposals and mitigation measures under the reserved matters as there is potential for the development to cause harm.

- 5.10 Design and Visual Amenity
Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) and PSP1 require that development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development.
- 5.11 The application is outline with only layout and access to be determined. As a result no meaningful assessment has been provided with regard to design. The layout does indicate the proposal is for a relatively small dwelling.
- 5.12 As noted previously the proposal site falls within a small hamlet, occupied predominately by residential properties. The properties are well spaced and the area is characterised by individual plots separate from the next. The proposal would infill the gap between Totteroak Farm and the host property resulting in a tighter pattern of development along this side of the road and resulting in the degradation of the currently open nature of the hamlet. The rural character of the location is also noted and proposed development would result in a significant change in the appearance of the area in general. Given the existing pattern of development, the proposal is viewed to be at odds with this prevailing form, thereby harming the rural and open character of the locality and weight has been attached to this consideration.
- 5.13 Comments from the agent have suggested that sustainable technologies could be implemented as part of the scheme, thereby reducing the net impact of development in an unsustainable location. This application is for outline consent and does not include details of the design, consequently no weight can be applied to this consideration
- 5.14 Residential Amenity
Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.
- 5.15 The proposal would be situated to the front of Old Orchard. The dwelling would be oriented at 90 degrees to the host property and given the degree of separation, is assumed that it could have an acceptable impact on the amenity of the host property. The dwelling would be provided a reasonable amount of private amenity space to the front and rear and this would provide adequate space, in line with PSP43. The proposal site is situated in a small hamlet and it is assumed development of the site for residential development would not have an adverse impact on the amenity of its neighbours and there is no objection in this regard.
- 5.16 Sustainable Transport and Parking Provision
The proposal suggests the dwelling would be 4 bedrooms. A garage would be situated to the side of the property and an area of hardstanding to the front of this. The proposal would require 2no parking spaces. Sufficient parking would

be provided and there is no objection with regard to the adopted parking standards. Access would be shared with the existing entrance. This is considered a suitable means of access and no objection has been raised by the transport officer. No objection has been raised to this consideration and neutral weight would be applied in the balance.

- 5.17 Comments have been received from the transportation department. It must be made clear their principle considerations are in relation to the highway and its safety. Sustainability is far more than just a locational consideration. The fact the site is not provided any services means that the local community ties could not be formed as easily as a community provided with a range of services. Interactions between locals would be limited by its isolated location. Furthermore the proposal is for an additional dwelling within a small hamlet of less than 10 residential units. The comments suggest that the number of additional movements would not be significant but in the context of such a small community, it would increase by more than 10% and this must therefore be considered to be a material if not significant increase in the number of potential movements and must factor into sustainability considerations.

5.18 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.

5.19 Planning Balance

Proposals for new housing development should be considered in the context of the presumption in favour of sustainable development. In this context, permission should be granted unless harm of permitting such development significantly and demonstrably outweigh the benefits of doing so or specific policies of the NPPF suggest permission should be restricted. The proposal is for one additional housing unit. As a result this is a very modest contribution to the supply of housing. Counter to this there have been significant harms identified with regard to the sustainability of the location; the lack of any services within the locality and the likelihood of the development being almost entirely car reliant; and the impact on the local character and landscape. These impacts have been found to significantly and demonstrably outweigh the very modest benefit to housing land supply and permission should therefore be refused.

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 **refuse** 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 **REFUSED** for the reasons outlined above and attached to the decision notice.

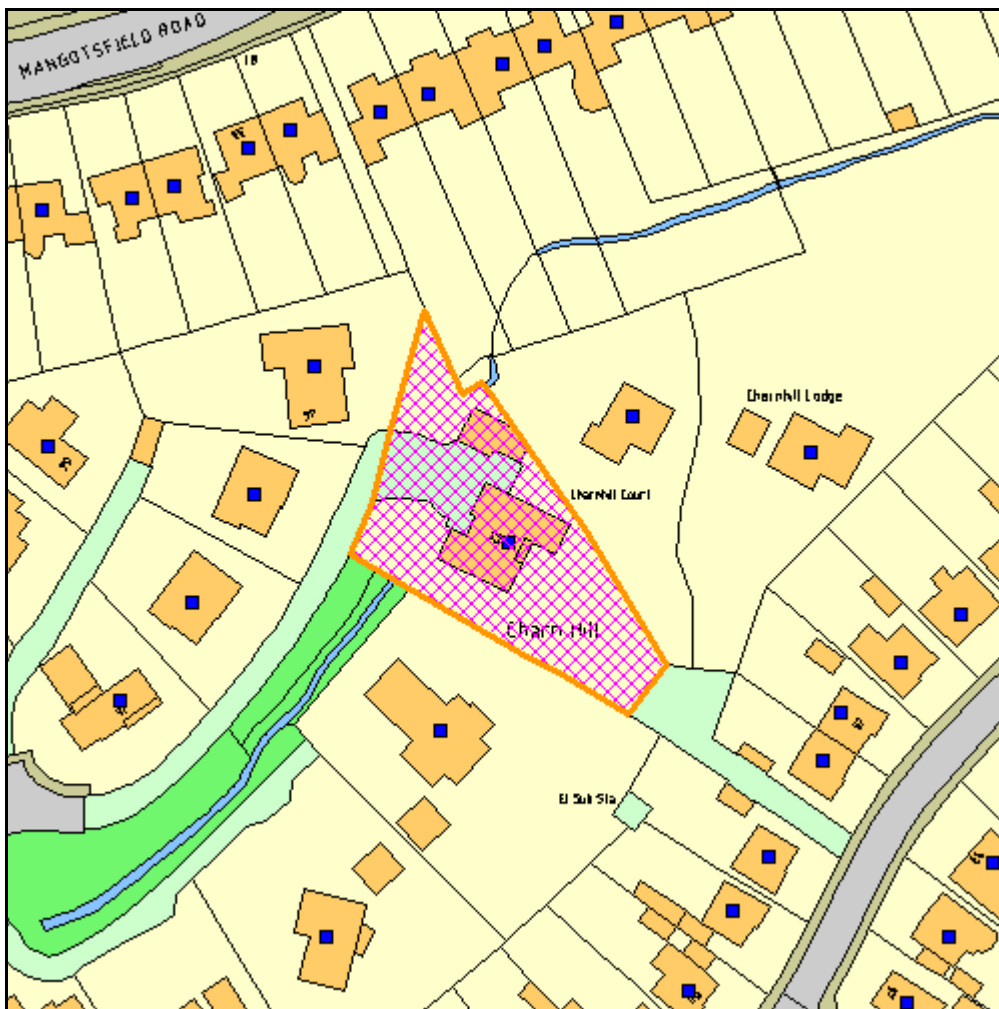
Contact Officer: Hanni Osman
Tel. No. 01454 863787

REFUSAL REASONS

1. The site lies within the open countryside, outside any defined settlement boundary, in a location that is rural in nature, which does not benefit from the range of services expected to be within walking distance of residential properties. The proposed dwelling does not fall into any of the exception categories where a rural dwelling would be found acceptable. If permitted, the development would result in an additional dwelling in an unsustainable location. The harm that would result from permitting the development would significantly and demonstrably outweigh the benefit. The proposed development is therefore contrary to Policy CS4A, CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (2013), Policy PSP11 and PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (2017) and the provisions of the National Planning Policy Framework (2018).
2. The locality is characterised by a sporadic and loose pattern of development which contributes significantly to its pleasant and open rural character. The proposed development would result in the infilling of an otherwise open area of orchard that contributes significantly to the character and appearance of the area. If permitted, the proposed development would result in harm to the general and rural nature of the area. The identified harm significantly and demonstrably outweighs the benefits of the development. The proposed development is therefore contrary to Policy CS1, CS4A, CS16, CS17 and CS34 of the South Gloucestershire Local Plan: Core Strategy (2013), Policy PSP1, PSP2 and PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (2017), the provisions of the National Planning Policy Framework (2018).

CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.:	PK18/1693/F	Applicant:	Mr And Mrs G Cave
Site:	Woodville 22 Charnhill Vale Mangotsfield Bristol South Gloucestershire BS16 9JT	Date Reg:	25th May 2018
Proposal:	Alterations to existing dormer to facilitate loft extension.	Parish:	None
Map Ref:	365931 175825	Ward:	Rodway
Application Category:	Householder	Target Date:	19th July 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 referred to circulated schedule as a result.

1. THE PROPOSAL

- 1.1 The proposal seeks permission for the extension of an existing dormer window to facilitate the conversion of the loft.
- 1.2 The subject property is a detached two storey 60's property constructed in a chalet style with a low pitched roof. The property has been subject to a number of alterations and extensions.
- 1.3 The proposal would extend the existing dormer to the north-east roof pitch nearly the full length of this elevation.
- 1.4 The subject property is situated within the built up residential area of Mangotsfield.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage

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

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

2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006
Residential Parking Standards SPD (adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/1566/F – Approval – 06/08/2013 – Erection of first floor extension to enlarge entrance lobby.
- 3.2 PK11/0103/F – Approval – 09/02/2011 - Erection of detached double garage and storeroom. (Resubmission of PK10/0618/F)

- 3.3 PK10/0618/F – Withdrawn – 20/04/2010 - Erection of detached double garage and storeroom.
- 3.4 P99/4623 – Withdrawn – 25/11/1999 – 25/11/1999 – Alterations and extension to form residential care home.

4. CONSULTATION RESPONSES

- 4.1 Unparished Area
No Comment Available

Other Consultees
None Received

Other Representations

- 4.2 Local Residents
Two comments have been received objecting to the proposal. The comments are concerned that the proposal would represent overdevelopment of the site and would result in loss of light and an overbearing impact on neighbouring properties and gardens as a result of an increase in height. Additionally the proposal is considered to overlook residential gardens/access arrangements. The comments also suggest the proposal would be out of keeping with the surrounding area.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. Policy PSP38 of the South Gloucestershire Policies Sites and Places DPD is supportive in principle of development with the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. The proposal is subject to the consideration below.
- 5.2 Design and Visual Amenity
The proposal seeks to extend the existing dormer across the full width of the side elevation. The host property is a 1960's dormer bungalow style property with low pitched roofs and a general contemporary appearance. Properties nearby, whilst of a similar era are varied in appearance and there is no defined character in the locality. Furthermore the proposal site is located at the end of a section of private road and away from the public realm. The proposal itself would be situated to the north of the existing property and is in the most discreet location possible.

- 5.3 Comments have been received objecting to the appearance of the proposal due to the proposed flat roof. It must be noted that there does not appear to be any restriction to permitted development rights and consequently it is assumed that a flat roofed dormer could be introduced without the requirement for any express planning permission. On this basis the principle of development for a flat roof dormer must be viewed as acceptable under the provisions of the General Permitted Development Order 2015 (as amended). While the proposal would be larger in size than that permitted under the provisions, it would be viewed to have a similar material impact on the character of the area and the host dwelling. Material weight has been attached to this consideration. It is acknowledged that the proposal would be large and its design fails to provide any interest from onlookers to the north however it must be reiterated that the proposal is discreetly located and therefore any potential impact on character is diminished.
- 5.4 The proposal would have clear glazing to the gable ends. The existing dormer window provides no interest from a side perspective. The proposed dormer would be in keeping with the glazed structure above the entrance lobby and given this consideration would be viewed as an improvement, from a side perspective, over that of the existing dormer and would reinforce the contemporary appearance of the existing structure. Therefore this feature is seen as consistent with adopted design guidance and policy.
- 5.5 Comments have also suggested that the proposal would represent overdevelopment of the site. It is acknowledged that the host property has been subject to a number of amendments and extensions over the years, however the proposal itself would not result in an increase in footprint. Overdevelopment is normally tied with the density of development and the proposal would not include any increase in floor coverage. The cumulative impact of historic development is a relevant consideration, however the proposal itself is seen as visually acceptable and would not result in further harm to the appearance of the area or the building when considered as a whole. Given the proposals location and where it will be visible from, it is not viewed to have any material impact on the general character of the locality and may actually be an improvement on the design on the existing dormer.
- 5.6 Given the above consideration, the proposal is seen as having an acceptable standard of design and is consistent with the provisions of CS1, PSP1 and PSP38 of the adopted local development framework.
- 5.7 Residential Amenity
Policy PSP8 of the adopted Policies Sites and Places DPD gives the Council's view on residential amenity. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.
- 5.8 The proposal would extend an existing dormer window. The proposal would not result in an increase in roof height but would introduce an amount of additional massing along the northern pitch of the roof. Comments have been received suggesting the proposal would increase the height of the structure and would obstruct light to neighbouring property. Given the location of the proposal and

the above consideration, it would not be viewed to result in any further reduction in light. Furthermore it must be noted that the host property is set at a significantly lower height than its neighbour to the north. Given this consideration officers do not consider it to lead to an overbearing impact on this neighbour. If anything the extension to this property following a 2013 permission has had an adverse impact on the amenity of the host property.

- 5.9 Comments are also concerned that the due to the conversion of the roof space to residential living accommodation, this would result in an adverse impact as a result of noise pollution. While the conversion of the space will take place it must be considered that there is an existing useable space within the roof and the level of noise is unlikely to change a material amount and would remain at domestic levels. Consequently this impact is not viewed as relevant to the consideration of the application.
- 5.10 Lastly comments have requested that a condition is attached to ensure that the windows are non-opening and obscured glazed. Given the proposal would be to the side elevation and the conditions required under the provisions of the GPDO (2015), it is reasonable to require that any windows are obscured and non-opening unless the part that opens is in excess of 1.7 metres of the floor in which they are situated. A condition will be appended to that effect.
- 5.11 The proposal would not utilise any further outdoor amenity space and sufficient space would remain following development and there is no objection with regard to this.
- 5.12 Given the above consideration and the suggested condition the proposal is seen to have an acceptable impact on amenity and is found to accord with the provisions of PSP8 and PSP38.
- 5.13 Sustainable Transport and Parking Provision
The proposal site is afforded at least 3no private parking spaces or garage spaces and would consequently meet the maximum requirements for a single dwelling. The proposal would not require any additional parking spaces nor will it have a negative impact on highway safety or the retention of an acceptable level of parking provision, meaning the proposal is in accordance with PSP11 and PSP16 of the Policies Sites and Places DPD (2017).
- 5.14 Consideration of likely impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services. With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. The glazing on the north-eastern side elevation shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position unless the part that opens is in excess of 1.7 metres from the floor in which it is situated.

Reason

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

CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.:	PK18/1724/F	Applicant:	Mrs Jill Bundy
Site:	36 Brook Road Mangotsfield Bristol South Gloucestershire BS16 9DY	Date Reg:	16th April 2018
Proposal:	Demolition of existing garage. Erection of 1no. dwelling and associated works. Erection of garden store.	Parish:	None
Map Ref:	365919 177022	Ward:	Rodway
Application Category:	Minor	Target Date:	6th June 2018



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE.

The application has received objections that are contrary to the Officer recommendation. As such, according to the current scheme of delegation must be placed on the circulated schedule for Members.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of the existing garage and the erection of 1no. detached dwelling and associated works. Also the erection of a garden store.
- 1.2 The application site forms the curtilage of 36 Brook Road, Mangotsfield. This land is situated on a steep gradient and the rear garden would be in an elevated position to the rear of the property. To the side of the property is a public right of way in the form of a staircase leading up to Westerleigh Road/Stockwell Close.
- 1.3 The site is located within the built up residential area of Mangotsfield within an area occupied predominately by mid-20th Century dwellings. The site is currently in a relatively poor state as fly tipping and rubbish dumping has occurred due to the proximity of the public right of way and its relatively discreet location.
- 1.4 This application is a resubmission of a previously refused application (PK17/3220/F) which was refused due to the resultant likely conflict between the occupiers of the host dwelling and the occupiers of the new dwelling as vehicles would drive past the side elevation of the host dwelling in order to access the parking area for the new dwelling. This application was resubmitted with some alterations addressing this issue, however the Case Officer negotiated a further revised parking area and walled access to the new dwelling that is considered to overcome the previous refusal reason.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS23 Community Infrastructure

CS24 Open Space Standards

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP11 Transport Impact Management

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP42 Custom Build Dwellings

PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

Waste collection: guidance for new developments (Adopted) 2015

3. **RELEVANT PLANNING HISTORY**

3.1 PK17/3220/F

Refusal (03.11.2017)

Demolition of existing garage. Erection of 1no new dwelling with replacement garage and associated works.

3.2 PK01/3058/F

Approve with Conditions (05.03.2002)

Erection of single storey rear extension.

4. **CONSULTATION RESPONSES**

4.1 Town/Parish Council

Not applicable.

Lead Local Flood Authority

No objection subject to a public sewer location informative.

Highway Structures

"No comment."

Sustainable Transport

No objection subject to a condition securing the access and car and cycle parking provision.

Public Rights of Way

"No objection."

Other Representations

4.2 Local Residents

One objection received relating to the new dwelling exasperating the existing parking issues in the area, and the new dwelling affecting the value of property in the area.

One support comment was also received however this was from the application so is disregarded.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

Paragraph 11 of the revised NPPF (July 2018) states that proposals that accord with an up-to-date development plan should be approved without delay. Policy CS5 sets out the locational strategy for development in the district. New development is directed towards existing urban areas and defined settlements. As the site is located within the settlement boundary of Mangotsfield, development is supported in this location. As such, based solely on the location of the site, the principle of the development is acceptable.

5.2 Notwithstanding this, it is recognised that, at present, the local planning authority is unable to demonstrate a five-year supply of deliverable housing land. Paragraph 73 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. However, as the application site falls within the defined settlement boundary on the east fringe of Bristol, the principle of development is acceptable under the provisions of policy CS5. As policy CS5 is not seeking to restrict the supply of housing, it can be afforded full weight in this case.

5.3 Whilst the principle of the proposed development is acceptable under the provisions of policy CS5, the impacts of the development require further assessment to identify any potential harm. The harm identified will then be balanced against the benefits of the proposal. The further areas of assessment are design and visual amenity, residential amenity, and transportation.

5.4 **Design and Visual Amenity**

The proposal seeks to demolish an existing garage on site and to erect a two storey detached dwelling with a new shared garden store. The proposal site is discreetly located to the side and rear of 36 Brook Road, Mangotsfield. The proposed dwelling will not be fully visible from the streetscene due to this discreet location. The proposed dwelling would be comprised of two portions one slightly taller section with rendered elevations and brick quoins, with a second smaller portion with timber upper elevations and rendered lower elevations linked by a glazed area and entrance.

5.5 The general character of the area is post war housing but there is a proportion of more modern as well as some earlier examples of housing. These all tend to utilise a rendered material but there are brick facades along Brook Road. The more modern properties on Brook Road are semi-detached with the earlier inter-war properties being terraced. There are also a significant number of detached properties on Westerleigh Road.

- 5.6 The proposal would be detached, however given its discreet location away from the Streetscene and the fact there are nearby detached properties, the proposal is not considered to result in harm to the general character of the area due to its detached nature. Furthermore, whilst the proposal would be detached it could be considered to have been informed by the scale and form of the nearby terraced inter-war housing and would have quite an attractive and interesting design that has been clearly influenced by traditional 20th century design. Additionally, whilst the proposal would be of 2 storeys, due to the topography of the site, to the rear only a single storey would be visible above ground with the ground floor being largely subterranean. This scale would be similar to that of 36 Brook Road. On this basis the proposal is not considered to have a harmful impact on the area and is seen to have an acceptable standard of design.
- 5.7 Officers note that the site is in a relatively untidy condition and there is evidence of fly tipping apparent on the site. Officers would acknowledge that the redevelopment of the site may help to discourage fly tipping from occurring on it and modest weight is afforded to this benefit.
- 5.8 Overall, it is considered that the proposed detached dwelling would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1 of the Core Strategy, PSP38 of the PSP Plan and the provision of the revised NPPF.
- 5.9 Residential Amenity
Policies PSP8 and PSP38 of the adopted PSP Plan sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; poor amenity space, loss of light; and loss of privacy of neighbouring occupiers.
- 5.10 The proposed dwelling would be two storeys and orientated with north-easterly and south-westerly aspects. There are dwellings situated to the east of the proposal, however these are largely screened by existing extensions to No.36 Brook Road and the dwelling itself. In addition a garden room is proposed along the boundary with No.36 preventing direct overlooking of their private amenity space. Nevertheless given the location of the proposal in relation to the host and surrounding dwellings, it is considered to be situated a sufficient distance from window to window and would not have an unacceptable impact on the amenity of this closest or nearby properties as a result of loss of privacy, overshadowing, overbearing or loss of light.
- 5.11 The proposal would subdivide the existing plot leaving the host property with a similar level of outdoor amenity space to the surrounding properties and the proposed dwelling will be served by a rear garden. While some of this rear garden would be quite steep this provision is considered sufficient for the size of the property proposed and no objection is raised with regard to this.

5.12 As mentioned, the previous application was refused due to the impact of vehicles driving past the side elevation of the host dwelling which was considered to result in a significant negative impact to the occupiers of the host dwelling as a result of noise and the likely conflict as a result of manoeuvring vehicles and obstruction of either property's access. This parking area will now be located adjacent to the existing driveway for No.36, and vehicular access to the new dwelling will be restricted by a new wall and disabled access gate which will be conditioned. As such the new parking and access arrangements directs traffic away from the side of the host dwelling and within an existing parking area. The intensification of the use of this parking area is not considered to result in a detrimental harm to the amenity of the host, proposed, or surrounding properties. As such the previous refusal reason has been addressed.

5.13 Transport

PSP16 sets the parking requirements for new development. Three bedroom properties require 2 off-street parking spaces each, and two each would be provided. As such the proposal has sufficient parking. Notwithstanding this, a comment was received relating to parking issues in the area. This was noted on a site visit and the Case Officer understands the frustrations of parking issues in residential areas such as this. However, as sufficient parking, that is safe to access will be provided for both dwellings there are no transport objections to the proposal.

5.14 It is acknowledged that the pedestrian access and garden store containing cycle parking would be shared. While the provision of the cycle parking and access will be conditioned, the continuing use of these would be a civil matter to be agreed between the occupiers of the respective dwellings and does not form a reason for refusal in this instance.

5.15 Drainage

Drainage details were submitted with the application and the Drainage Officer raised no objection. Notwithstanding this, the site may be located close to the public sewer system. The attention of the applicant, agent and developer is drawn to the informative on the decision notice.

5.16 Public Right of Way

The development will be contained within the site with no interference with the use of the PROW. However, the attention of the applicant, agent and developer is drawn to the informative on the decision notice relating to the PROW both during the construction phase and beyond.

5.17 Equalities

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

equality considerations to be reflected into the design of policies and the delivery of services. With regards to the above this planning application is considered to have a neutral impact on equality.

5.18 Other Matters

Objecting parties also noted that the proposal may result in a drop in nearby property values. The planning department does not seek to regulate property prices but to control and mediate the impact on the built and natural environment. On this basis the objections are not considered to be related to planning and are therefore not relevant to the determination of this planning application.

5.19 Planning Balance

If approved, 1no. dwelling in a sustainable location would be created. As such the proposal would make a very small contribution to the supply of housing. Also, this dwelling will not be detrimental to the appearance of the area, the site will benefit from sufficient parking provision and access, and the current poor condition of the land would be improved. On balance therefore, permission should be granted.

6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the 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 **GRANTED** subject to the condition(s) set out in the Decision Notice.

Contact Officer: **David Ditchett**
Tel. No. **01454 863131**

CONDITIONS

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

Reason

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

2. The new dwelling hereby approved shall not be occupied until the access, vehicular parking and cycle store shown on the Proposed Site Layout Plan (Drawing No. 02 Rev C) received by the Council on 1st August 2018 are provided, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policies PSP8, PSP11, PSP16 and PSP38 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the revised National Planning Policy Framework (July 2018).

3. The new dwelling hereby approved shall not be occupied until the 1.2m high brick wall and 1.2m wide disabled access gate shown on the Proposed Site Layout Plan (Drawing No. 02 Rev C) received by the Council on 1st August 2018 is provided, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policies PSP8, PSP11, PSP16 and PSP38 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the revised National Planning Policy Framework (July 2018).

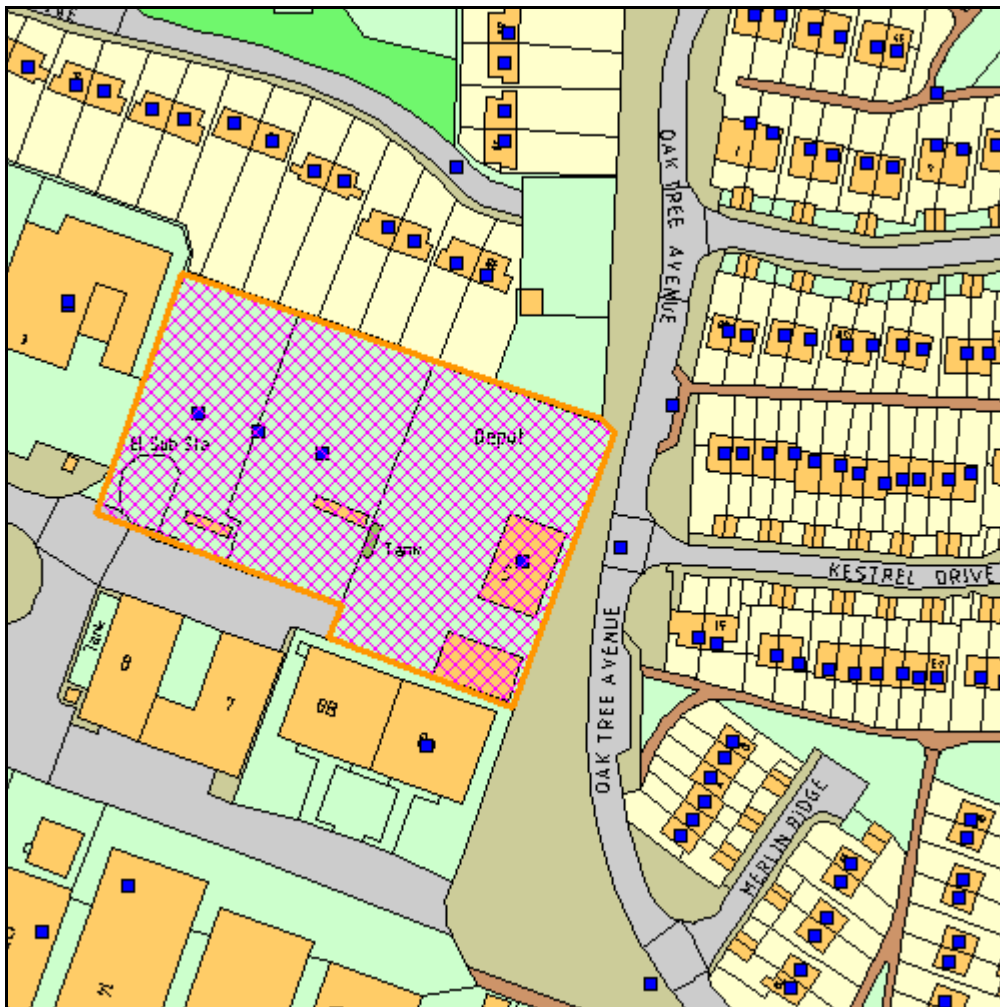
4. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H), or any minor operations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

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policies PSP8, PSP38 and PSP43 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the revised National Planning Policy Framework (July 2018).

CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.:	PK18/2104/F	Applicant:	As Trustees Of Black Rock Industrial BNPSTC (Jersey) Ltd & BCI Ltd
Site:	Units 1-6 Pucklechurch Trading Estate Pucklechurch Bristol South Gloucestershire BS16 9QH	Date Reg:	25th May 2018
Proposal:	Erection of 6 no units for Class B1C, B2 & B8 uses with car parking, service areas, landscaping and associated works	Parish:	Pucklechurch Parish Council
Map Ref:	369753 176090	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	17th July 2018



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REASON 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 referred to circulated schedule as a result.

1. THE PROPOSAL

- 1.1 The application seeks permission to erect 2no new industrial buildings within the Pucklechurch Industrial Park within the protected employment area and nearby listed commercial buildings. Circa 37,000 ft² of commercial space will be created within 6no units falling into classes B1C, B2 and B8 of the Use Class Order (1987) (as amended) will be created within the proposed buildings.
- 1.2 The subject property forms part of a commercial estate the existing site is unused.
- 1.3 The buildings formerly on the site appear to have been cleared and permission has previously been granted on the land for the erection of 2 industrial blocks on the eastern portion of the site; that proposed is of a very similar appearance and size to that previously approved.
- 1.4 The site is located within the built up industrial area of Pucklechurch nearby a number of residential properties on St Aldams Drive.
- 1.5 Another application has been made for the western portion of the site, currently occupied by a former commercial building.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4a Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS11 Distribution of Economic Development Areas
- CS12 Safeguarded Employment Areas
- CS34 Rural Areas

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

- PSP1 Local Distinctiveness
- PSP3 Trees and Woodlands
- PSP6 Onsite Renewables and Low Carbon Energy
- PSP8 Residential Amenity
- PS10 Active Travel Routes
- PSP11 Transport Impact Management
- PSP16 Parking Standards
- PSP17 Heritage Assets and the Historic Environment

PSP19	Wider Biodiversity
PSP20	Water Management
PSP21	Environmental Pollution
PSP27	Storage and Distribution Uses
PSP28	Rural Economy

2.3 Supplementary Planning Guidance

3. RELEVANT PLANNING HISTORY

- 3.1 PK18/2109/F – Pending Consideration – Erection of a buildings to provide Class B1C, B2 & B8 uses with car parking, service areas, landscaping and associated works.
- 3.2 PK11/2233/EXT – Approval – 19/09/2011 – Demolition of existing buildings and redevelopment of the site to provide 6 units in two blocks for commercial/industrial use (Class B1(c), B2, B8) with ancillary office space, car parking, landscaping and associated works including the erection of an acoustic fence. (Resubmission of PK08/0418/F).(Consent to extend time limit implementation for PK08/2278/F)
- 3.3 PK08/2278/F – Approval – 24/10/2008 – Demolition of existing buildings and redevelopment of the site to provide 6 units in two blocks for commercial/industrial use (Class B1(c), B2, B8) with ancillary office space, car parking, landscaping and associated works including the erection of an acoustic fence. (Resubmission of PK08/0418/F).
- 3.4 PK08/0418/F – Refusal – 14/04/2008 – Demolition of existing buildings and redevelopment of the site to provide two blocks for commercial/industrial use (Class B1(c), B2, B8) with ancillary office space, car parking, landscaping and associated works. Erection of 3m high boundary fence.

Refusal Reasons:

1. *The proposed buildings by reason of their scale, design, external appearance, materials, colour and siting and 3.0 m high acoustic fencing would fail to respect and enhance the character of both the site and surrounding residential area and if allowed would have a detrimental impact on the visual amenities of the area. The proposal is therefore considered contrary to the provisions of PPS1 and Policies D1 and E3 of the South Gloucestershire Local Plan.*
 2. *In the absence of a noise acoustic report the Council is unable to assess the environmental effects of the proposed development in terms of noise and disturbance on nearby residential properties. The proposal is therefore considered contrary to Policies E3 and EP1 of the South Gloucestershire Local Plan.*
- 3.5 PK02/0935/REP – Approval – 02/08/2002 - Demolition of existing building and erection of warehouse for B8 use. (Renewal of planning permission P94/2449 dated 22 January 1998).

- 3.6 P94/2449 – Approval – 22/01/1998 – Demolition of existing building and erection of warehouse building totalling 3631 square metres in floor area (class B8). Construction of associated parking and manoeuvring areas. (In accordance with amended plans received by the council on 10 November 1994)
- 3.7 P91/0340/5 – Approval – 19/02/1992 – Demolition of existing buildings and erection of warehouse/storage building totalling 39,000 square feet (3,623 square metres) in floor area (class B8 as defined in the town and country planning (use classes) order 1987); construction of associated parking and manoeuvring areas. (In accordance with the amended plans received by the council on 6TH January 1992)
- 3.8 P88/340/4 – Withdrawn – 12/08/1992 - Erection of a warehouse/storage building (class B8) totalling 38,000 sq ft (3,568 sq m) in floor area and construction of associated parking and manoeuvring areas
- 3.9 N619/2 – Approval – 09/12/1982 – Provision of two diesel fuel storage tanks and pump.
- 3.10 N619 – Approval – 18/11/1974 – Use of site for stationing of not more than two caravans. (Removal of temporary consent)
- 3.11 N2441/1 – Refusal – 29/10/1981 – Change of use of transport depot to storage of chemicals and gases.

4. CONSULTATION RESPONSES

4.1 Pucklechurch Parish Council

No objection in principle to the development of this site but PPC wishes to request clarification as to scale and mass of the units in comparison to those of its near neighbours (residential or otherwise) as this is not clear from what has been provided. The impact on the listed buildings (balloon hangars) is also unclear with respect to scale mass and form. Furthermore the number of vehicle movements is speculative and Councillors are concerned that since the business use of any new occupiers is as yet undefined these levels may be exceeded to the detriment of near residential neighbours with regard to noise.

4.2 Other Consultees

Environmental Protection – Contamination

No objection in principle. Comments were received prior to the officer noting there were two applications that came in simultaneously and it was suggested a condition was attached to secure further investigation took place prior to commencement. Subsequently upon reviewing the supporting information in the other application it was found sufficient investigation had taken place that covered the site and no further information was required. Accordingly it is suggested a condition it attached to ensure the works proceed in accordance with the submitted report.

Environmental Protection - Noise

No objection subject to a condition to restrict noise rating levels and prevent the use of refrigeration units on vehicles during certain hours.

Highway Structures

No Comments

Economic Development

The South Gloucestershire Council Economic Development team believes that this application will have a positive impact on the local economy within South Gloucestershire, by creating rural employment opportunities, in an appropriate business environment. Therefore, in determining this application please take into consideration that the South Gloucestershire Council Strategic Economic Development Team supports this application.

Tree Officer

There are no objections in principle to the proposal however the applicant will need to submit tree protection details, in accordance with BS:5837:2012, for the protection of the existing offsite trees.

Lead Local Flood Authority

Reference is made to whether or not the submitted details on the adj

Transport Officer

No Comments/Objections

Listed Building and Conservation Officer

In light of the existing site character and context and the separation distances involved between the proposed new structures and the listed hangars to the west of the application site, it is not considered that the proposals would result in any demonstrable harm to the setting and in turn the significance of the 2no. listed hangars currently being refurbished.

Ecology Officer

No objection subject to the appendage of a condition to secure bird boxes.

Other Representations

4.3 Local Residents

Only one comment has specifically been received on this application. The comment indicates they do not object in principle but suggests the impact would be reduced by reorientation, a reduction in height and the imposition of a working curfew. It is noted that four other comments were received on the neighbouring site under the application PK18/2109/F; which has been submitted simultaneously to this application. These comments all object with the greatest concern being the height and resultant overbearing and loss of light to properties on St Aldams Drive. Other concerns include the impact on noise pollution as well as the demolition of the existing building and the potential for them to be comprised of asbestos. Lastly the comments are concerned over the impact to the listed buildings nearby and that tree screening will take some time to become established.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS11 states that the Council will maintain a supply of economic development land in accordance with the strategy of development set out in policy CS5. The proposal site is an allocated employment area and is considered to fall within the rural safeguarded area. Sites such as this are viewed to provide an important contribution to the rural economy. Policy CS12 continues to state that priority on the safeguarded sites will be given to uses which fall within B use classes and other types of commercial space would have to meet the sequential tests set out elsewhere.

5.2 The proposal site is located within the protected employment area of Pucklechurch and in principle the use of the land for commercial purposes, in particular B use classes, would be supported. It is also noted that there was permission granted under the application PK08/2278/F. This permission was then extended in 2011 under the application PK11/2233/EXT. These applications were for the provision of 2 blocks totalling 6 units and the erection of acoustic fencing. On the basis of these permissions being granted the eastern part of the site, the development would be viewed as acceptable in principle. It is acknowledged that the policy context has changed with respect to the adopted development framework since the approval of these applications, however the same sentiment remains within the Core Strategy and Policies Sites and Places DPD, and the proposal is still considered acceptable subject to site specific consideration.

5.3 Design and Visual Amenity

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

5.4 The proposal seeks to erect 2 no buildings to house 6 no units totalling around 37,000 ft² of B1c, B2 and B8 space commercial space. The proposal would take a typical contemporary appearance with profile metal cladding, a low pitched gabled roof and roller shutter doors in places. The remainder of the estate is currently undergoing refurbishment and the proposal would be viewed as consistent with the appearance of the other structures nearby.

5.5 It is acknowledged that there are listed structures within the estate and the proposal site would be viewed to fall within their settings, however it must be made clear that the reason for the listing is not innately the aesthetic interest of these hangars, but their heritage and historic value. Part of which must be associated with their industrial nature and historic use as hangars in the Second World War. On this basis the introduction of a number of industrial buildings must be viewed as consistent with their heritage and historic value and thereby their setting. No objection has been raised by the Council's Listed Building and Conservation Officer. This scheme will be situated a reasonable

- distance from the structures and will be arranged in a manner consistent with the remainder of the estate and officers do not attribute any harm to the introduction of new buildings in this location.
- 5.6 Comments have been received concerned with the proposed heights of the buildings. Additionally comments have suggested that the proposal should be reoriented. The purpose of this assessment is to consider the development at hand and whether or not it fits with adopted policy. It would therefore be unreasonable to request such changes if viewed as acceptable with regard to the adopted development framework. In this case the proposal site is a long running and well established industrial estate and played a part in the Second World War. In this context buildings of such a size are expected. The proposals would be around 11 metres in height which for a two storey industrial building, is not large. It is acknowledged that the previously approved scheme was less than 10 metres in height, however other buildings on the site are of a similar size. That proposed is not viewed as unusual in height and on this basis no objection is raised to the height of the structures with regard to appearance. In terms of orientation it must be made clear that the majority of buildings on this side of the estate are arranged with an east/west aspect and flank elevations to the north and south. The proposal would be consistent with this arrangement and no objection is raised with regard to this.
- 5.7 The proposals include some landscaping, as existing there is very little with regard to soft landscaping. The proposal must be viewed as an improvement and consequently no objection is raised in this respect.
- 5.8 Overall the proposals are viewed to be in accordance with the provisions of PSP1, PSP17, CS1 and CS9 and is not viewed to result in any harm to the character of the area or the setting of the nearby listed buildings.
- 5.9 Residential Amenity
The host property is located within an established commercial estate. However it is acknowledged that there are a number of residential properties in relatively close proximity to the north. As noted above the proposals would be around 11 metres in height. Comments have been raised concerned with the proximity and the height of the proposed structures. The nearest dwellings will be directly forward of the acoustic fencing between the buildings but are around 27 metres from the side elevation of the proposed structures. Dwellings in line with the westernmost structures will be around 34 metres from the side elevation. The negative impact on residential amenity in relation to overbearing and loss of light; as well as noise is noted. This impact must be within acceptable parameters for development to go ahead and is assessed below.
- 5.10 Technical guidance suggests that proposals for two storey structures should be in excess of 12 metres from the nearest window serving primary living accommodation to allow sufficient outlook and natural light. It must be noted that the proposals would be in the region of a 3 storey residential structure in height and therefore this should be increased, however even when doubling the test distance, the proposal would still fall outside and therefore officers conclude this is within acceptable parameters. In terms of natural light again a test is provided in technical guidance. This states that there should be an angle

of at most 25 degrees from the highest part of the structure to 2 metres above ground level at the residential property affected. The angle measured is below 20 degrees so again is found to be within acceptable parameters.

- 5.11 Comments have also been received concerned with the impact on residential amenity as a result of noise pollution associated with the operation of the buildings. Firstly it must be made clear that the proposal site is a long established industrial estate, having operated since at least the Second World War. On this basis it is expected that properties nearby will have been impacted by operation since this time. Whilst the existing site is unused, it has previously been used for commercial operations and a building still stands. Consequently it is expected that this could be brought back into operation without the need for any new planning permission. The proposal is for 6no units of new industrial units. These are expected to have better sound insulation properties than the currently standing structures. The proposal also includes acoustic fencing that would screen an amount of noise from the neighbouring residential uses. On this basis the proposal would be viewed to potentially improve the situation from the historic use of the site or that that can be brought back into use without the need for planning permission. Furthermore supporting information suggests that the proposal would be unlikely to create any more than a limited adverse impact and would not exceed that currently experienced and that this impact would fall within acceptable parameters according to currently adopted British standards. Accordingly no objection is raised to this impact by the case officer or environmental protection officer.
- 5.12 The subject property is located within an established commercial estate and given the scale and location of the proposed development will not result in an unacceptable detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy PSP8 of the adopted Local Plan.
- 5.13 Sustainable Transport and Parking Provision
As existing the majority of the site is laid to hardstanding and could be used for the stationing of commercial and private vehicles. The site is accessed via a restricted road with a control station upon entrance to the estate. Consequently the access is viewed as acceptable with regard to highway safety and the movement of vehicles would not be expected to exacerbate the highway situation locally. The proposal would result in allocated spaces for each of the units and loading bays for commercial purposes. Currently there is no maximum or minimum parking provision for commercial property and as the proposal would be improving the parking situation is considered acceptable in this respect. Given this consideration, the proposal is considered to accord with the provisions of policy PSP16 of the adopted Local Plan (2006) and the NPPF (2012). A condition will be attached requiring the parking to be implemented prior to the completion of the development at hand.
- 5.14 Arboriculture
The host site is large and there are a number of established trees and hedgerows that are to be retained, including some outside of the boundary. As a result appropriate arboricultural assessment is required in accordance with BS5837:2012 to address the impact on these trees and to ensure their

retention. A condition will be attached requiring a tree protection plan and methodology statement is submitted and approved prior to the commencement of development.

5.15 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.

5.16 Planning Balance

As noted above the site would be viewed as appropriately located for the proposed use. No harm has been identified in relation to design, impact on heritage assets and transport. It is noted that the proposal would worsen the amenity of neighbouring residential uses, however this impact is considered to be well within acceptable parameters in terms of both overbearing (and associated loss of light/outlook) and noise pollution. Significant positive weight should be attached to the economic benefit of providing a large amount of additional commercial space in an allocated location. This weight would considerably and demonstrably outweigh any potential harm to amenity and therefore the assessment suggests that permission should be granted.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. Development shall be carried out in accordance with the following plans:

Received by the Local Planning Authority on 3rd May 2018 - Units 1 and 2 Ground and First Floor Plan (PL004); The Location Plan (PL001); Existing Block Plan (PL002); Units 1 and 2 GA Elevation Plans (PL006); Existing Section Plans (PL009); Proposed Block Plans (PL036); Proposed Block Plan (PL003); Section Plans (PL006); Units 3, 4, 5 and 6 Ground and First Floor Plans (PL007)

In the interests of clarity and proper planning and for the avoidance of doubt.

3. Prior to first operation, a plan showing the location and specification of two bird boxes (as recommended in the Ecological Survey Report, Clarkson & Woods Ecological Consultants, February 2018) and photographic evidence of their installation have been submitted to the local authority for approval in writing. Development shall proceed in accordance with the approved details.

Reason

To ensure the works have an acceptable impact on local ecology and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework.

4. 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 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 contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

5. The noise rating level from operations on site including vehicle movements and fixed plant shall not exceed the pre-existing LA90 Background Noise Level when measured and assessed in accordance with the British Standard 4142 as amended. Refrigerated units on vehicles shall not be permitted to be operated between the hours of 23:00 and 07:00.

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

6. Prior to the commencement of development a tree protection plan and methodological report in accordance with BS2012:5837 shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

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 policies CS9 and PSP3 of the adopted local development framework; and the provisions of the NPPF (2018). The information is required prior to commencement as it relates to the impact on trees.

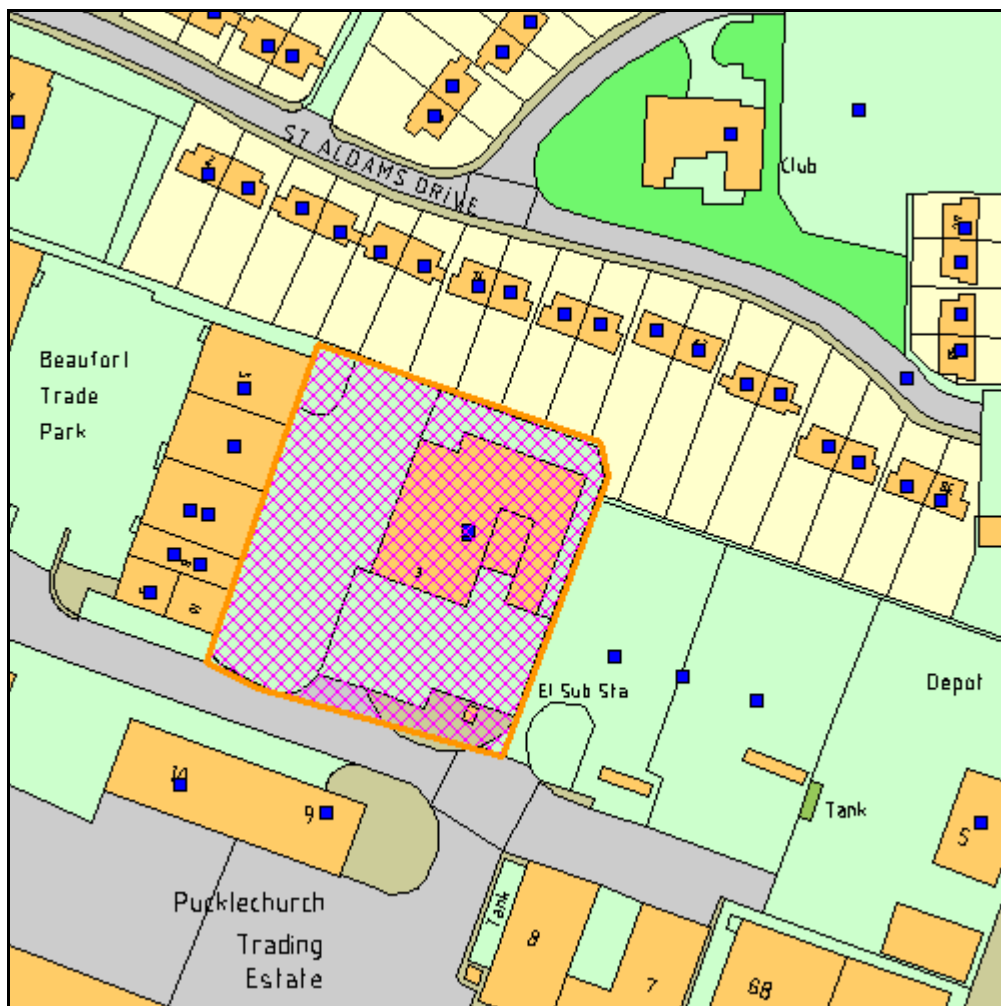
7. Prior to commencement of development Network Details (from MicroDrainage) for the proposed surface water drainage network shall be submitted to and approved by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason

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

CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.:	PK18/2109/F	Applicant:	Mr Tom Maltby BNPSSTC (Jersey) Ltd & BCI Ltd
Site:	Unit 7 Pucklechurch Trading Estate Pucklechurch Bristol South Gloucestershire BS16 9QH	Date Reg:	25th May 2018
Proposal:	Erection of 1 no unit for Class B1C, B2 & B8 uses with car parking, service areas, landscaping and associated works	Parish:	Pucklechurch Parish Council
Map Ref:	369798 176043	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	17th July 2018



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 100023410, 2008. **N.T.S.** **PK18/2109/F**

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to comments contrary to the findings of this report. Under the current scheme of delegation it must be required to circulate as a result.

1. THE PROPOSAL

- 1.1 The application seeks to erect a new industrial building within the Pucklechurch Industrial Park within the protected employment area and nearby listed commercial buildings. Circa 20,000 ft² of commercial space falling into classes B1C, B2 and B8 of the Use Class Order (1987) (as amended) will be created within the proposed unit.
- 1.2 The subject property forms part of a commercial estate the existing site is unused. There is an existing mid to late 20th century structure on the site to be removed to facilitate the build.
- 1.3 The site is located within the built up industrial area of Pucklechurch nearby a number of residential properties on St Aldams Drive.
- 1.4 Another application has been made for the eastern portion of the site for the erection of 6 no units within 2 buildings.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS11 Distribution of Economic Development Areas
CS12 Safeguarded Employment Areas
CS34 Rural Areas

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

PSP1 Local Distinctiveness
PSP3 Trees and Woodlands
PSP6 Onsite Renewables and Low Carbon Energy
PSP8 Residential Amenity
PS10 Active Travel Routes
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP17 Heritage Assets and the Historic Environment
PSP19 Wider Biodiversity
PSP20 Water Management
PSP21 Environmental Pollution

PSP27 Storage and Distribution Uses
PSP28 Rural Economy

2.3 Supplementary Planning Guidance
Design Checklist SPD (adopted) August 2006

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK18/2104/F – Pending Consideration – Erection of 6 no units for Class B1C, B2 & B8 uses with car parking, service areas, landscaping and associated works.
- 3.2 PK11/2233/EXT – Approval – 19/09/2011 – Demolition of existing buildings and redevelopment of the site to provide 6 units in two blocks for commercial/industrial use (Class B1(c), B2, B8) with ancillary office space, car parking, landscaping and associated works including the erection of an acoustic fence. (Resubmission of PK08/0418/F).(Consent to extend time limit implementation for PK08/2278/F)
- 3.3 PK08/2278/F – Approval – 24/10/2008 – Demolition of existing buildings and redevelopment of the site to provide 6 units in two blocks for commercial/industrial use (Class B1(c), B2, B8) with ancillary office space, car parking, landscaping and associated works including the erection of an acoustic fence. (Resubmission of PK08/0418/F).
- 3.4 PK08/0418/F – Refusal – 14/04/2008 – Demolition of existing buildings and redevelopment of the site to provide two blocks for commercial/industrial use (Class B1(c), B2, B8) with ancillary office space, car parking, landscaping and associated works. Erection of 3m high boundary fence.

Refusal Reasons:

1. *The proposed buildings by reason of their scale, design, external appearance, materials, colour and siting and 3.0 m high acoustic fencing would fail to respect and enhance the character of both the site and surrounding residential area and if allowed would have a detrimental impact on the visual amenities of the area. The proposal is therefore considered contrary to the provisions of PPS1 and Policies D1 and E3 of the South Gloucestershire Local Plan.*
 2. *In the absence of a noise acoustic report the Council is unable to assess the environmental effects of the proposed development in terms of noise and disturbance on nearby residential properties. The proposal is therefore considered contrary to Policies E3 and EP1 of the South Gloucestershire Local Plan.*
- 3.5 PK02/0935/REP – Approval – 02/08/2002 - Demolition of existing building and erection of warehouse for B8 use. (Renewal of planning permission P94/2449 dated 22 January 1998).

- 3.6 P94/2449 – Approval – 22/01/1998 – Demolition of existing building and erection of warehouse building totalling 3631 square metres in floor area (class B8). Construction of associated parking and manoeuvring areas. (In accordance with amended plans received by the council on 10 November 1994)
- 3.7 P91/0340/5 – Approval – 19/02/1992 – Demolition of existing buildings and erection of warehouse/storage building totalling 39,000 square feet (3,623 square metres) in floor area (class B8 as defined in the town and country planning (use classes) order 1987); construction of associated parking and manoeuvring areas. (In accordance with the amended plans received by the council on 6TH January 1992)
- 3.8 P88/340/4 – Withdrawn – 12/08/1992 - Erection of a warehouse/storage building (class B8) totalling 38,000 sq ft (3,568 sq m) in floor area and construction of associated parking and manoeuvring areas
- 3.9 N619/2 – Approval – 09/12/1982 – Provision of two diesel fuel storage tanks and pump.
- 3.10 N619 – Approval – 18/11/1974 – Use of site for stationing of not more than two caravans. (Removal of temporary consent)
- 3.11 N2441/1 – Refusal – 29/10/1981 – Change of use of transport depot to storage of chemicals and gases.

4. **CONSULTATION RESPONSES**

4.1 Pucklechurch Parish Council

No objection in principle to the development of this site but PPC wishes to request clarification as to scale and mass of the units in comparison to those of its near neighbours (residential or otherwise) as this is not clear from what has been provided. The impact on the listed buildings (balloon hangars) is also unclear with respect to scale mass and form. Furthermore the number of vehicle movements is speculative and Councillors are concerned that since the business use of any new occupiers is as yet undefined these levels may be exceeded to the detriment of near residential neighbours with regard to noise.

4.2 Other Consultees

Environmental Protection - Contamination

No objection in principle. A condition is suggested.

Environmental Protection - Noise

No objection subject to a condition to restrict noise levels to not exceed existing background noise levels, when measured in accordance with British Standard 4142

Highway Structures

No Comments

Economic Development

The South Gloucestershire Council Economic Development team believes that this application will have a positive impact on the local economy within South Gloucestershire, by creating rural employment opportunities, in an appropriate business environment. Therefore, in determining this application please take into consideration that the South Gloucestershire Council Strategic Economic Development Team supports this application.

Tree Officer

There are no objections in principle to the proposal however the applicant will need to submit tree protection details, in accordance with BS:5837:2012, for the protection of the existing offsite trees.

Lead Local Flood Authority

We request that the Network Details (from MicroDrainage) for the proposed surface water drainage network are submitted for review along with the accompanying calculations to demonstrate how this part of the system operates in the various storm events.

Transport Officer

No Comments/Objections

Listed Building and Conservation Officer

No objection in principle in light of the existing site context, but the proposed structure is substantial in scale and massing and there is a concern about its potential relationship with the adjacent listed hangars despite the 40m odd separation distance.

Ecology Officer

No objection subject to the inclusion of a condition for the provision of bird boxes.

Other Representations

4.3 Local Residents

Five comments have been received in objection to the proposal. The greatest concern being the height and resultant overbearing and loss of light to properties on St Aldams Drive. Other concerns include the impact on noise pollution as well as the demolition of the existing buildings and the potential to be comprised of asbestos. One comment is concerned that their trees have been identified as unfit for retention. Lastly the comments are concerned over the impact to the listed buildings nearby and that tree screening will take some time to become established.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS11 states that the Council will maintain a supply of economic development land in accordance with the strategy of development set out in policy CS5. The proposal site is an allocated employment area and is considered to fall within the rural safeguarded area. Sites such as this are

- viewed to provide an important contribution to the rural economy. Policy CS12 continues to state that priority on the safeguarded sites will be given to uses which fall within B use classes and other types of commercial space would have to meet the sequential tests set out elsewhere. The proposal is for around 20,000 ft² of B use class space and must therefore be considered to accord with the aims of the Core Strategy.
- 5.2 Policy PSP27 states development of B8 storage and distribution uses of up to 3,000 m² (c32,000ft²) will be acceptable in safeguarded economic development areas subject to site specific consideration. As the proposal falls below this figure and would provide a mix of uses, it is considered acceptable in relation to PSP27.
- 5.3 The proposal site is located within the protected employment area of Pucklechurch and in principle the use of the land for commercial purposes, in particular B use classes, would be supported. It is also noted that there was permission granted under the application PK08/2278/F. This permission was then extended in 2011 under the application PK11/2233/EXT. These applications were for the provision of 2 blocks totalling 6 units and the erection of acoustic fencing. On the basis of these permissions being granted the eastern part of the site, the development would be viewed as acceptable in principle. It is acknowledged that the policy context has changed with respect to the adopted development framework since the approval of these applications, however the same sentiment remains within the Core Strategy and Policies Sites and Places DPD, and the proposal location is still considered acceptable subject to site specific consideration.
- 5.4 Design, Impact on Heritage Assets and Visual Amenity
Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development.
- 5.5 The proposal seeks to erect a building to house a mixed commercial space falling into classes B1c, B2 and B8 of the Use Class Order 1987 (as amended). The proposal would take a typical contemporary appearance with profile metal cladding, a low pitched gabled roof and roller shutter doors in places. The remainder of the estate is currently or has recently undergone refurbishment and the proposal would be viewed as consistent with the appearance of the other structures nearby. More so than the previously approved scheme, which provided a hipped roof structure.
- 5.6 It is acknowledged that there are listed structures within the estate and the proposal site would be viewed to fall within their settings, however it must be made clear that the reason for the listing is not innately the aesthetic interest of these hangars, but their heritage and historic value. Part of which must be associated with their industrial nature and historic use as hangars in the Second World War. On this basis the introduction of a number of industrial

buildings must be viewed as consistent with their heritage and historic value and thereby their setting. This application has been submitted in sequence with another application for a unit to the east of the site. It is noted that the proposal under consideration within this report would be closer in proximity to the listed buildings which are located to the south and west of the site boundary. Comments from the Listed Building officer has raised concerns over the accuracy of the sections submitted. Upon review the case officer finds no fault with that shown. The proposals would be in excess of 40 metres from the listed buildings and given the industrial and private nature of the estate and that proposed being typical of such an industrial estate, the development is not viewed to amount to any harm to the setting of the buildings.

- 5.7 Comments have been received concerned with the proposed height of the building. The purpose of this assessment is to consider the development at hand and whether or not it fits with adopted policy. It would therefore be unreasonable to request such changes if viewed as acceptable with regard to the adopted development framework. In this case the proposal site is a long running and well established industrial estate. In this context buildings of such a size are expected. The proposal would be around 13 metres in height which for a two storey industrial building, is not particularly large. It is noted that this structure would be larger than that proposed on the site to the east which would stand at around 11 metres; this structure is deeper and therefore the ridge height to accommodate a suitable pitch. This is a marked increase in height over that of the existing building to be removed, however it is still not seen as of an unusual scale and therefore no objection is raised to the height of the structure with regard to appearance. In terms of orientation the proposal would be similarly oriented to the existing building with its rear elevation facing north and towards residential properties. Overall the proposals are viewed to be in accordance with the provisions of PSP1, PSP17, CS1 and CS9 and is not viewed to result in any harm to the character of the area or the setting of the nearby listed buildings.

5.8 Residential Amenity

The host property is located within an established commercial estate. However it is acknowledged that there are a number of residential properties in relatively close proximity to the north. As noted above the proposal would be around 13 metres in height. Comments have been raised concerned with the proximity and the height of the proposed structures. The nearest dwellings are around 27 metres from the rear elevation of the proposed structure. It is acknowledged that this would potentially have an adverse impact on the amenity enjoyed by these properties. Additionally the noise impact is noted and discussed below.

- 5.9 Technical guidance suggests that proposals for two storey structures should be in excess of 12 metres from the nearest window serving primary living accommodation to allow sufficient outlook and natural light. It must be noted that the proposals would be in the region of a 3 to 4 storey residential structure in height and therefore this should be increased, however the proposal would still fall well outside of the accepted distances. In terms of natural light, again a test is provided in technical guidance. This states that there should be an angle of at most 25 degrees from the highest part of the structure to 2 metres above ground level at the residential property affected. The angle measured is around

- 22 degrees and therefore would also pass this test. On this basis the potential impact on residential amenity, whilst harmful, is considered to fall within acceptable parameters.
- 5.10 Comments have also been received concerned with the impact on residential amenity as a result of noise pollution associated with the operation of the buildings and the movement of vehicles. Firstly it must be made clear that the proposal site is a long established industrial estate, having operated since at least the Second World War. On this basis it is expected that properties nearby will have been impacted by operation since this time. Whilst the existing site is unused, it has previously been used for commercial operations and a building still stands on the site. This could be brought back into use without the requirement for any further planning permission and is therefore a material consideration in the assessment of the application at hand. Comments have been received from the Environmental Protection department in relation to noise. The officer holds no objection to the proposal based on the Acoustic report submitted in support of the application, subject to the inclusion of a condition to prevent the development exceeding noise rating levels. It is noted that the proposal will be arranged with its rear elevation fronting the dwellings to the rear and therefore the structure itself will act as a buffer against noise pollution. Additionally the proposal is for a modern structure and it is assumed that there would be a marked improvement in the noise attenuation properties of the structure over that of the existing. Again this impact has been seen to fall within acceptable parameters subject to the inclusion of a condition to restrict noise levels.
- 5.11 The subject property is located within an established commercial estate and given the scale and location of the proposed development will not result in an unacceptable detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy PSP8 of the adopted Local Plan.
- 5.12 Sustainable Transport and Parking Provision
As existing the majority of the site is laid to hardstanding and could be used for the stationing of commercial and private vehicles. The site is accessed via a restricted road with a control station upon entrance to the estate. Consequently the access is viewed as acceptable with regard to highway safety and the movement of vehicles would not be expected to exacerbate the highway situation locally. The proposal would result in allocated spaces for each of the units and loading bays for commercial purposes. Currently there is no maximum or minimum parking provision for commercial property and as the proposal would be improving the parking situation is considered acceptable in this respect. Furthermore there is an increase in the number of provided spaces, including disabled space. Given this consideration, the proposal is considered to accord with the provisions of policy PSP16 of the adopted Local Plan (2006) and the NPPF (2018). A condition will be attached requiring the parking to be implemented prior to the first occupation of the development at hand.

5.13 Arboriculture

The host site is large and there are a number of established trees and hedgerows that are to be retained, including some outside of the boundary. A tree survey report has been submitted but this has not included a tree protection plan or methodology. As a result appropriate arboricultural assessment is required in accordance with BS5837:2012 to address the impact on these trees and to ensure their retention. A condition will be attached requiring a tree protection plan and methodology statement is submitted and approved prior to the commencement of development.

- 5.14 Comments have been received, concerned that trees within the respondents boundary have been identified as not worth retention. It is acknowledged that this is the case, however this is purely for classification purposes. Given the requirement above, appropriate mitigation will be required to prevent development impacting trees outside the development site before a consent will be granted to discharge the condition.

5.15 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.

5.16 Planning Balance

As noted above the proposal site would be viewed as appropriately located for the proposed use. No harm has been identified in relation to design, impact on heritage assets and transport. It is noted that the proposal would worsen the amenity of neighbouring residential uses, however this impact is considered to be well within acceptable parameters in terms of both overbearing (and associated loss of light/outlook) and noise pollution. Significant positive weight should be attached to the economic benefit of providing a large amount of additional commercial space in an allocated rural location. This weight would considerably and demonstrably outweigh any potential harm to amenity and therefore the assessment suggests that permission should be granted.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. Development shall be carried out in accordance with the following plans:

Received by the Local Planning Authority on 3rd May 2018 - Proposed Site Plan (PL030); Ground and First Floor Plans (PL031); Proposed Block Plan (PL035); Landscaping Details; Proposed Elevation Plans (PL032); Site Location Plan (PL024); Existing Block Plan (PL025); Existing Section Plans (PL033); Proposed Section Plans (PL034)

In the interests of clarity and proper planning and for the avoidance of doubt.

3. Prior to first operation, a plan showing the location and specification of two bird boxes (as recommended in the Ecological Survey Report, Clarkson & Woods Ecological Consultants, February 2018) and photographic evidence of their installation have been submitted to the local authority for approval in writing. Development shall proceed in accordance with the approved details.

Reason

To ensure the works have an acceptable impact on local ecology and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework.

4. 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 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 contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

5. The noise rating level from operations on site including vehicle movements and fixed plant shall not exceed the pre-existing LA90 Background Noise Level when measured and assessed in accordance with the British Standard 4142 as amended.

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

6. Prior to the commencement of development a tree protection plan and methodological report in accordance with BS2012:5837 shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

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 policies CS9 and PSP3 of the adopted local development framework; and the provisions of the NPPF (2018). This information is required prior to development as it relates to the developments impact on the trees.

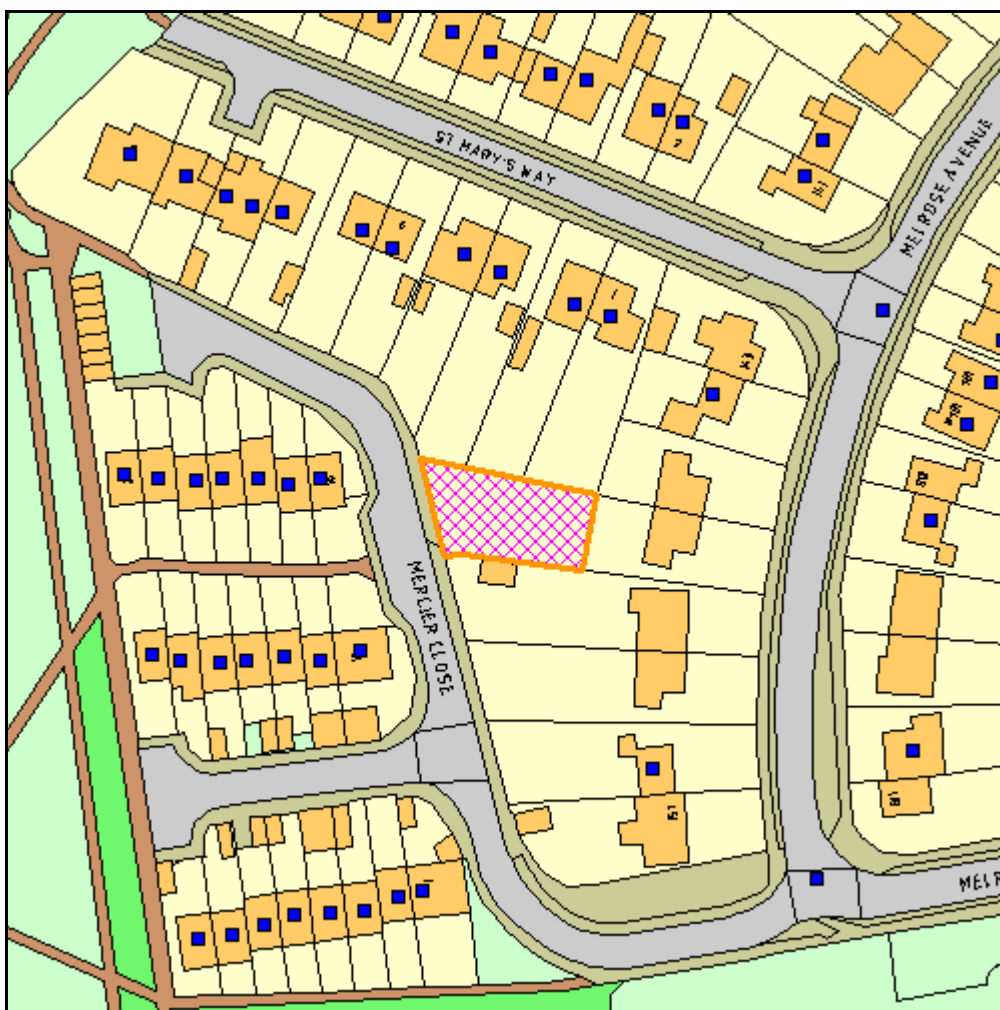
7. Prior to commencement of development Network Details (from MicroDrainage) for the proposed surface water drainage network shall be submitted to and approved by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason

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

CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.:	PK18/2319/F	Applicant:	Southwestern Housing Society
Site:	Rear Garden Of 149 Melrose Avenue Yate Bristol South Gloucestershire BS37 7AP	Date Reg:	18th May 2018
Proposal:	Erection of 2 no. semi detached dwellings with new access and associated works.	Parish:	Yate Town Council
Map Ref:	371866 182603	Ward:	Yate Central
Application Category:	Minor	Target Date:	13th July 2018



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REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following a number of objections received from local residents which are contrary to the officer recommendation detailed in this report.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of 2 no. semi-detached dwellings with a new access and associated works to the rear of 149 Melrose Avenue, Yate.
- 1.2 The site is situated within an established residential area within the settlement boundary of Yate, on an estate known locally as The Ridge.
- 1.3 Amendments to the design of the principal elevations of the dwellings were received on 8th June 2018. A period of re-consultation was not deemed necessary.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Yate and Chipping Sodbury

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

PSP1 Local Distinctiveness
PSP5 Undesignated Open Spaces within Urban Areas and Settlements
PSP8 Residential Amenity
PSP16 Parking Standards
PSP19 Wider Biodiversity
PSP43 Private Amenity Standards

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 The developer has submitted eight applications across the Ridge estate, including this application, for developments of one or two dwellings. Application reference numbers PK18/2313/F, PK18/2314/F, PK18/2315/F, PK18/2316/F, PK18/2317/F and PK18/2318/F have been withdrawn by the developer following concerns raised regarding design, parking and residential amenity.
- 3.2 Application reference number PK18/2320/F is still pending consideration.

4. CONSULTATION RESPONSES

4.1 Yate Town Council

Objection on the following grounds:

- Concerns regarding lack of publicity for comment and lack of time to do so
- Concerned about loss of parking across six of the applications due to the removal of the garages
- Supportive of additional social housing but not when it harms existing residents
- No visitor parking
- Overlooking existing gardens
- Design does not reflect the distinctive character of the Ridge Estate, built in 1950s with a characteristic style and layout of roads, properties, gardens and parking

4.2 Other Consultees

Sustainable Transport

No objection.

Highway Structures

No comment.

Public Rights of Way

The proposed development will affect public footpath LYA/82 that runs along the verge to the rear of the existing property. This is currently grass verge so the public are less likely to be using this than the tarmac footway on the other side of Mercier Close, for this reason the proposed development is unlikely to adversely affect the right of way provided the following advisory notes are adhered to. Please could the detail of the levels for the vehicular access into the property be provided to ensure that the public could still easily use the path line as recorded. Informative recommended.

Ecology

Condition recommended:

Prior to first occupation, one bird box and one invertebrate home per dwelling shall be installed, and the provision of gaps within any new fencing to allow passage to hedgehogs. Evidence of their installation shall be submitted to the local planning authority for approval in writing (PSP19).

Drainage

No objection.

Other Representations

4.3 Local Residents

Forty objections have been received from local residents, and the points raised have been summarised below:

Design

- Style of housing is not in keeping with the rest of the properties on the estate, and would be incongruous in the street scene
- Shoe horned into a small space
- Garden grabbing
- A grass verge will be lost to facilitate the dropped kerb
- The estate needs to be looked at in its entirety, and should be grade II listed as for its unique historical value as a co-operative led post WWII programme of rejuvenation – ‘Homes Fit for Heroes.’ This development will mean the estate cannot be listed.
- Estate was never intended to be high density housing, instead designed for the residents to enjoy light and spacious environment
- Does not conform to existing pattern of development
- Coloured inert boarding is not in keeping

Residential Amenity

- Will intrude on privacy of surrounding gardens and windows
- Impact on outlook and light of surrounding properties, as well as being overbearing
- Open views will be lost
- Neighbours will be overcome by noise and dust during construction and controlled construction hours should be conditioned
- Small houses with small windows and small gardens making for an uncomfortable living existence
- Noise for car parking spaces will disturb neighbours

Transport

- Will increase parking demand and cause increased traffic around the Ridge
- Additional parked cars is a danger to children playing locally and walking to and from school
- Traffic already bad because there is only one way in and out of the estate
- Emergency vehicles may struggle to gain access, as well as prams/wheelchairs etc on the pavements
- There is overspill parking in the area from the shopping centre and Riverside Retail Centre
- Concerned about access issues during construction

Other Issues

- Will set a bad precedent allowing an influx of developments to impinge on existing properties for the sake of developer profit, at expense of value, ambiance and character of existing properties
- Short timescale given for residents comments
- Every house on the estate should have been notified
- There is no demand for properties of this size
- Ecology report is inadequate and ecologist did not visit area
- Development will have a negative impact on wildlife, including hedgehogs bats and birds
- A number of concerns received regarding the loss of the garages across the Ridge estate
- Application states Mercier Close as Mercer Close – negates legality of application
- Draw your attention to the refusal of planning applications PK08/3213/O and PK17/4915/F relating to the proposed erection of a dwelling in the rear garden of 7 and 5 St Marys Way Yate
- Local schools are oversubscribed already
- Concerns about the type of people who will be housed in the development

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site lies within the existing urban area of the east fringe of Bristol. Under policy CS5 which establishes the locational strategy for development, the site is considered to be a suitable site for development subject to site specific considerations and would therefore be supported in principle.

5.2 Policy CS17 would also allow for development within existing residential gardens and curtilages subject to an assessment on the impact of the development on the character of the area, transportation, and residential amenity.

5.3 Currently, the Council is unable to demonstrate a 5-year housing supply of deliverable housing land. Proposals for new residential development should in any event have regard to the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The presumption in favour of sustainable development states that proposals that accord with the development plan should be approved without delay. However where the development plan is out of date, planning permission should be granted unless the adverse impacts of doing so *significantly and demonstrably* outweigh the benefits or when specific guidance in the NPPF or non-housing policies in the development plan indicate that planning permission should be refused. Where there is a failure to demonstrate a 5 year supply of housing, then policies that relate to the supply of housing should be considered out of date. Nevertheless the starting point remains the adopted development position, with the advice in the NPPF constituting an important material consideration. In this instance whilst policy CS5 does relate to the supply of housing and so would be out of date for NPPF purposes, it would in any event support the principle of

- residential development at this location. However additional weight is given in favour of increasing housing supply in light of the current shortfall, however this is limited as the contribution proposed of two units would make a minor difference to the overall housing supply.
- 5.4 Having established the principle is acceptable, the impact of the proposed development should also be carefully assessed and this is set out in the remainder of this report. The overall design and impact on the character of the area is an important element of the assessment (Policy CS1); the impact on the existing residential amenity of the area (policy PSP8); and the transport implications (policy CS8 and Residential Parking Standards SPD). Full weight is given to policy CS1 which does not relate to the supply of housing, but controls the quality of new development within South Gloucestershire. Policy CS8 and the residential parking standard SPD supporting it are considered to be up to date. These are therefore considered up to date in terms of paragraph 11 of the NPPF.
- 5.5 The proposal is for the erection a new dwelling within an established residential and urban area. Both national and local planning policy are supportive of such development and weight can therefore be given to it being an acceptable form of development, subject to a detailed assessment below.
- 5.6 Design and Visual Amenity
The site proposed to be developed forms part of the rear garden for no. 149 Melrose Avenue, however the new dwellings would relate to and be accessed from Mercier Close. The surrounding estate has a mixture of render and brickwork, and the properties on Mercier Close show a mix of brick, hanging tile and render gable ends at a perpendicular angle to the main spine of the street. The proposed dwellings will also be two storey with a gable roof line, and a render finish with brick detailing, however there will also be coloured inert boarding, resulting in a more modern aesthetic. As only the west of Mercier Close is developed and these units are proposed on the east, the proposal does not relate closely to an existing street scene, and therefore some flexibility on the detailing is permissible. Officers therefore do not have any objection to the use of coloured boarding to create interest on the principal elevation.
- 5.7 The application as submitted showed that the front doors were to be located on the side elevation of the porch. Officers considered that moving them to the front elevation would improve the design of the dwellings and these amendments were received on 8th June 2018.
- 5.8 Comments have been received indicating that the estate should be grade II listed as an example of post-war housing. This process is undertaken by Historic England and cannot form part of a planning application, however officers consider it highly unlikely it would meet the criteria for listed status due to the number of alterations which have taken place. As the estate is not considered to be a heritage asset, the development does not need to be assessed against heritage policy.
- 5.9 Overall, the application is considered acceptable in design terms and is in accordance with policy CS1 of the Core Strategy.

5.10 Residential Amenity

Several objections have been received stating that the proposal is 'garden grabbing' and should therefore be resisted. The site does form part of the garden of no. 149 Melrose Avenue, however following development no. 149 will still benefit from over 100 square metres of useable and good quality amenity space. This is in excess of the policy requirements for gardens in policy PSP43. The proposed two-bedroom dwellings will have amenity space of 63 square metres and 72 square metres, which is also in excess of the 50 square metre requirement.

5.11 Regarding overlooking, the window to window distance is in excess of 20 metres, which is considered acceptable at two storey height in a high density residential area. All other views will either be into the highway or indirect views into neighbouring gardens which are common in built up areas, as well as a side window proposed at ground floor level of each dwelling which will be screened by the proposed boundary treatment. It is acknowledged that some overshadowing will occur into property along St Mary's Way to the north, however these properties benefit from large, lengthy gardens with only the end of the garden to be affected. Comments regarding the loss of a view have been given limited weight as the right to a view is not a planning consideration.

5.12 Letters received from local residents have suggested a working hours condition to restrict noise levels at night and at weekends, and given the location in close proximity to other residential properties it is reasonable to add this to the decision notice in the event the application is approved. Once construction is complete it is not considered that the development will cause a noise disturbance, as the vehicle movements to and from the site will be minimal.

5.13 Subject to conditions, it is considered that the residential amenities of the surrounding occupiers and the application site will be protected.

5.14 Transport

Whilst no visibility information regarding the new access has been submitted, Mercier Close is a short residential cul-de-sac and vehicles are likely to be travelling at low speed. Visibility splays are therefore not necessary. The grass verge over which the access is to be formed is the recorded path of Public Right of Way LYA/82, although it is not well utilised due to the availability of a tarmac footpath on the opposite side of Mercier Close. The vehicular crossover will not have an impact on footpath access however an informative will be put on the decision notice to remind the developer of their responsibilities regarding public footpaths.

5.15 The existing parking for the host property, no. 149, will not be affected by the development. Three parking spaces are proposed for the 2 no. two-bedroom dwellings, which is in accordance with the Residential Parking Standards SPD.

5.16 Ecology

An Ecological Appraisal has been submitted to support the application, and this has been considered by the Council's Ecology officer who has no objection to the development. In order to ensure biodiversity gain in accordance with policy

PSP19, a condition ensuring a bird box and an invertebrate home shall be added to the decision notice in the event the application is approved, as well as gaps in the boundary treatment to allow for hedgehogs to pass through.

5.17 Other Issues

Officers can confirm that the procedures within the Statement of Community Involvement have been followed, both in terms of the number and location of residents consulted and the amount of time given for comment.

5.18 Concerns have been raised regarding the lack of school places for new families which move into the proposed development. The development is CIL (Community Infrastructure Levy) liable and school places can be secured using CIL.

5.19 Comparisons have been drawn between a recently refused application in St Marys Way and the development proposed here. Each application must be determined on its own merits and does not set a precedent. One objection from a local resident indicated their concern about the individuals who would live in the development and whether they would pose a risk to their children. This is not a planning consideration.

5.20 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 864735

CONDITIONS

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

Reason

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

2. Prior to first occupation of the development hereby approved, one bird box and one invertebrate home per dwelling shall be installed, and as well as gaps within any new fencing to allow passage to hedgehogs. Evidence of their installation shall be submitted to the Local Planning Authority prior to first occupation for approval in writing.

Reason

To ensure that biodiversity gain is sought from the development, in accordance with policy PSP19 of the Policies Sites and Places Development Plan Document (Adopted) November 2017.

3. 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.

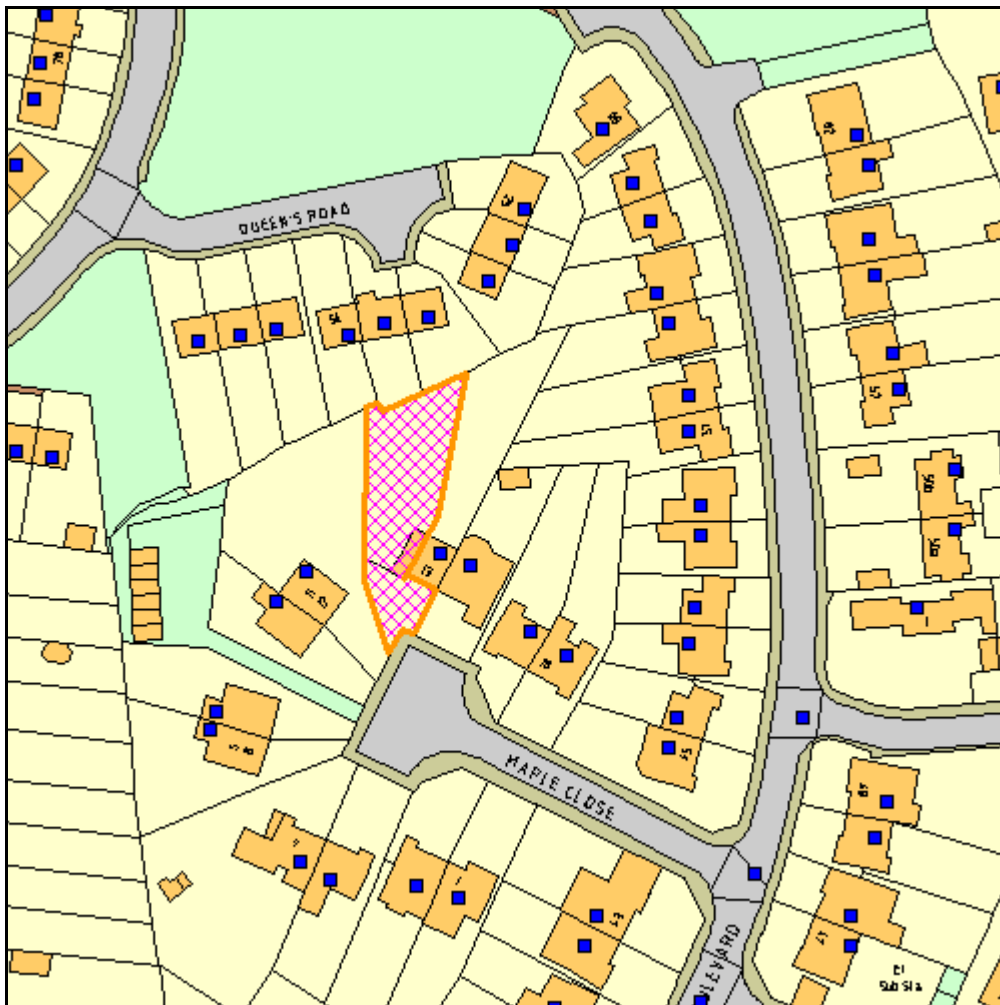
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.:	PK18/2498/F	Applicant:	Mr M Palmer
Site:	13 Maple Close Oldland Common Bristol South Gloucestershire BS30 9PX	Date Reg:	31st May 2018
Proposal:	Erection of 1no attached dwelling with parking and associated works.	Parish:	Oldland Parish Council
Map Ref:	366608 171720	Ward:	Oldland Common
Application Category:	Minor	Target Date:	20th July 2018



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 100023410, 2008. **N.T.S.** **PK18/2498/F**

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure, following objections received from members of the public which are contrary to the officer recommendation within this report.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of 1 no. attached dwelling with parking and associated works at 13 Maple Close, Oldland Common.
- 1.2 Currently the site forms a side garden to the existing property, and is located within an established residential area in the East Bristol urban fringe. The area is known to have been used for coal mining in the past.
- 1.3 Revised plans were requested and received on 10th July 2018, reducing the scale of the proposed dwelling and making changes to the design. A Coal Mining Risk Assessment was also submitted on 18th July 2018.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities of the East Fringe of Bristol Urban Area

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

PSP1 Local Distinctiveness
PSP5 Undesignated Open Spaces within Urban Areas and Settlements
PSP8 Residential Amenity
PSP16 Parking Standards
PSP22 Unstable Land
PSP38 Development within Residential Curtilages
PSP43 Private Amenity Standards

2.3 Supplementary Planning Guidance

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

3. **RELEVANT PLANNING HISTORY**

3.1 PK09/5348/F Approve with conditions 22/10/2009
Erection of 1no. attached dwelling with parking, cycle store and associated works. (Resubmission of PK08/0636/F).

3.2 PK08/0636/F Refusal 17/04/2008
Appeal Dismissed
Erection of 1 no. dwelling with associated works.

Refusal reason:

The proposed dwelling, due to its degree of separation from the host dwelling and the fact that it is detached, would be inappropriate in this regularly designed close, harmful to the street scene and visual amenity generally, contrary to policies H4 and D1 of the adopted South Gloucestershire Local Plan and the Design Checklist (adopted 2007).

3.3 PK04/0173/F Refusal 20/02/2004
Appeal Dismissed
Erection of single storey detached dwelling.

Refusal reasons:

1 - The proposed parking arrangement is such that it would create cramped pedestrian access. Poor pedestrian access and the cramped nature of proposed parking is such that if implemented would lead to on-street parking within the turning area thereby causing obstructions/nuisance for other residents and all to the detriment of highway safety. This would be contrary to policy T12 and H4 of south Gloucestershire Council Local Plan (revised deposit draft).

2 - The proposed dwelling would project in excess of 3 metres to the rear of the existing dwelling, in a position close to the proposed new boundary of that property, thereby having an overbearing effect upon the existing dwelling, contrary to the guidelines contained in the South Gloucestershire Council Supplementary Planning Guidance Note 2 'House Extensions', and policy H4 of the South Gloucestershire Local Plan (Revised Deposit Draft).

3 - The proposed dwelling, by virtue of its single storey design, would form an incongruent element in the established two storey street scene, to the detriment of visual amenity and contrary to policy KLP67 of the adopted Kingswood Local Plan, and policies D1 and H4 of the South Gloucestershire Local Plan (revised deposit draft).

4. **CONSULTATION RESPONSES**

4.1 Oldland Parish Council
The Parish Council objects to this application on grounds of over-development, unrealistic provision of off-street car parking and loss of residential amenity to neighbouring properties.

4.2 Other Consultees

Highway Structures

No comment.

Drainage

No objection subject to the following informative:

Public sewer location: The proximity of a public foul water sewer may affect the layout of the development. Refer the application to Wessex Water for determination.

Note: Private sewers were transferred to the water and sewerage company (Wessex Water PLC) on 1 October 2011 and are now of public sewer status. Maintenance of these sewers are now the responsibility of Wessex Water and will therefore be subject to 'building over' or 'building in close proximity to' restrictions. The applicant or agent is recommended to discuss this matter with Wessex Water PLC.

Sustainable Transport

No objection.

The Coal Authority

No objection, subject to a condition to ensure the recommendations within the CMRA are implemented on site prior to commencement of any other development.

Environmental Protection

No objection, assessment of air quality not required.

Tree Officer

The applicant will need to submit an Arboricultural Report with Tree protection plan in accordance with BS:5837:2012, For the protection of the existing adjacent trees.

Other Representations

4.3 Local Residents

Eight letters of objection have been received, making the following points:

- House will be erected in a view
- No enough room to accommodate the proposal
- Disproportionate compared to no. 13 and is overdevelopment
- No tree assessment has been submitted despite trees in neighbouring gardens
- On-site parking is unacceptable and will lead to additional cars parking on the highway, which is currently at full capacity. Space near entrance to close is now occupied by residents from Cedar Close following sale of garages
- Close is well spaced and symmetrical – terraced row proposed would be out of character in terms of appearance, visual impact and density
- Change in policy since previous approval expired

- Neighbours will experience loss of privacy, light pollution, noise, fumes, vibration with parking of cars outside no. 14's living room window and first floor bedroom – a health issue. No. 14 will not be able to open their windows
- Vehicles may park too close and encroach onto no. 14 – there is no boundary treatment to prevent this.
- Tandem parking rarely achieves the goal it is designed for
- Delivery of building materials and parking of construction vehicles will cause chaos
- No swept path analysis to demonstrate cars can access the parking spaces without impacting upon no. 14

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Although the principle of development was established on this site in 2009, this planning permission has now lapsed. Given the change in the Development Plan that has taken place since then, it is necessary to review the principle of development. The application site lies within the existing urban area of the east fringe of Bristol. Under policy CS5 which establishes the locational strategy for development, the site is considered to be a suitable site for development subject to site specific considerations and would therefore be supported in principle.

5.2 Policy CS17 would also allow for development within existing residential gardens and curtilages subject to an assessment on the impact of the development on the character of the area, transportation, and residential amenity.

5.3 Currently, the Council is unable to demonstrate a 5-year housing supply of deliverable housing land. Proposals for new residential development should in any event have regard to the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The presumption in favour of sustainable development states that proposals that accord with the development plan should be approved without delay. The location of development, within the East Bristol urban fringe, is compliant with policy CS5 of the Development Plan. Weight is also given in favour of increasing housing supply in light of the current shortfall, however this is limited as the contribution proposed of a single dwellinghouse would make a minor difference to the overall housing supply.

5.4 Having established the principle is acceptable, the impact of the proposed development should also be carefully assessed and this is set out in the remainder of this report. The overall design and impact on the character of the area is an important element of the assessment (Policy CS1); the impact on the existing residential amenity of the area (policy PSP8); and the transport implications (policy CS8 and PSP16). Full weight is given to policy CS1 which does not relate to the supply of housing, but controls the quality of new development within South Gloucestershire.

- 5.5 The proposal is for the erection a new dwelling within an established residential and urban area. Both national and local planning policy are supportive of such development and weight can therefore be given to it being an acceptable form of development, subject to a detailed assessment below.
- 5.6 Design and Visual Amenity
The existing property comprises a two-storey semi-detached house with brick and rendered elevations and a gable roof line. The property is located within a short cul de sac formed of similar semi-detached pairs, however a number of them have had large extensions, most notably the two-storey side and front extension at no. 14. It is therefore considered that this semi-detached pair has already been unbalanced.
- 5.7 The house previously approved under planning reference PK09/5348/F was much smaller than the design originally submitted under this application, with a lean-to single storey projection to the side and a much smaller two-storey extension to the rear. The dwelling proposed in this application is much larger, and the two-storey side extension element appears fussy and would be incongruous in the street scene. Amendments to address this were received on 10th July 2018, showing the proposal had been scaled back to the same form and massing as the development approved in 2009, although the single storey side element proposed has a larger footprint. The dwelling is at a slightly reduced ridge height and is stepped back from the principal elevation, so does not appear incongruous in the street scene.
- 5.8 Subject to a condition requiring that materials match the host dwelling, officers are satisfied that the amendments represent high quality design in accordance with policy CS1 of the Core Strategy.
- 5.9 Residential Amenity
No. 13 Maple Close benefits from a large corner plot, and so the subdivision of the site leaves behind an adequate garden for each property. The area of both the existing and proposed amenity space exceeds the requirements of policy PSP43. The proposed two-storey hipped gable on the rear of the proposed dwelling is flush to the boundary with no. 13, and whilst this may block light to the adjacent rear window, the room is also served by large glazed doors. As the gardens are north facing, the overshadowing caused would not be significantly different to the extant situation.
- 5.10 Turning to the impact on neighbouring properties, the proposed rear windows will provide only indirect or long distance views into surrounding gardens, which are common in high density residential areas. The windows on the principal elevation of the new dwelling look out across the Close and the front gardens of no. 11 or 12 which are not private amenity areas. Side windows are proposed facing north-west, and a condition on the decision notice will ensure that the window at first floor level will remain obscure glazed, so as to prevent overlooking issues in the future. Similarly, a condition restricting the installation of any new windows on the south-east elevation will protect the amenities of the host dwelling.

- 5.11 A number of letters have been raised concerns regarding the impact on air quality for the occupants of no. 14, as one of the proposed parking bays is adjacent to the boundary. The impact of the proposed development on local air quality is considered to be insignificant as the proposal includes parking for 4 vehicles only. The recognised guidance “Land-Use Planning & Development Control: Planning for Air Quality” produced by Environmental Protection UK (EPUK) /Institute of Air Quality Management (IAQM) (January 2017) includes criteria to help identify where there could be a risk of a significant air quality effect and when an assessment of air quality impacts is likely to be needed, for example, from a large development which would cause a significant change in traffic flows or a substantial combustion plant.
- 5.12 The application under consideration can be screened out by the initial Stage 1 criteria given in the above guidance of “10 or more residential units”, along with “more than 10 parking spaces”, so an assessment of air quality impacts would not be required and the effects would be considered to be insignificant.
- 5.13 Transport
Two parking spaces have been provided for each dwelling, and this is in accordance with the residential parking standards. Comments have been received criticising the use of tandem parking as it often leads to parking on the highway, however officers consider tandem parking to be an acceptable form of parking. Cycle parking and bin storage areas have also been provided, so there is no objection from a transportation perspective.
- 5.14 Coal Mining Legacy
The site has been utilised for coal mining in the past, however the Coal Mining Risk Assessment submitted on 18th July 2018 shows there is low risk to the development. The Coal Authority have recommended that the mitigation measures outlined within the report are implemented prior to commencement of any other development, and this can be conditioned.
- 5.15 Trees
The Tree Officer has requested additional information, however the site was seen to have been cleared during the officer site visit. There are some trees on the boundary to neighbouring gardens, however given the reduction in the footprint of the proposed development, these will not be affected by the proposal. Furthermore, the trees are either small and do not offer much in terms of visual amenity, or they are situated along the rear boundary and will be a significant distance from the development proposed.
- 5.16 Other Issues
Comments regarding the impact of construction traffic have been received, however this will be a temporary inconvenience and is not grounds for refusing the application. As the site is surrounded by residential properties, a working hours condition is appropriate.
- 5.17 Concerns have been raised that vehicles will encroach onto land at no. 14 Maple Close. This would be a civil matter between the land owners, however the applicant will be reminded on the decision notice that they cannot access land not under their ownership without the owner’s permission.

5.18 Consideration of likely impact on Equalities

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

5.19 The proposal is considered to have a neutral impact on equalities.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 864735

CONDITIONS

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

Reason

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

2. Development must proceed in accordance with the mitigation strategy proposed in section 4.0 of the Coal Mining Risk Assessment by Crompton Fear Partnership Ltd (July 2018) received on 16th July 2018 shall be implemented on site. If requested, evidence of these works should be submitted to the Local Planning Authority for written approval.

Reason

In the interests of public safety and to accord with policy PSP22 of the Policies Sites and Places Development Plan Document (Adopted) November 2017 and the National Planning Policy Framework.

3. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those used in the host dwelling known as 13 Maple Close.

Reason

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

4. No windows shall be inserted into the south-eastern elevation of the proposed dwelling at any time.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with policy PSP8 of the Policies Sites and Places Plan (Adopted) November 2017 and policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with policy PSP8 of the Policies Sites and Places Plan (Adopted) November 2017 and policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

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

Reason

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

7. 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.

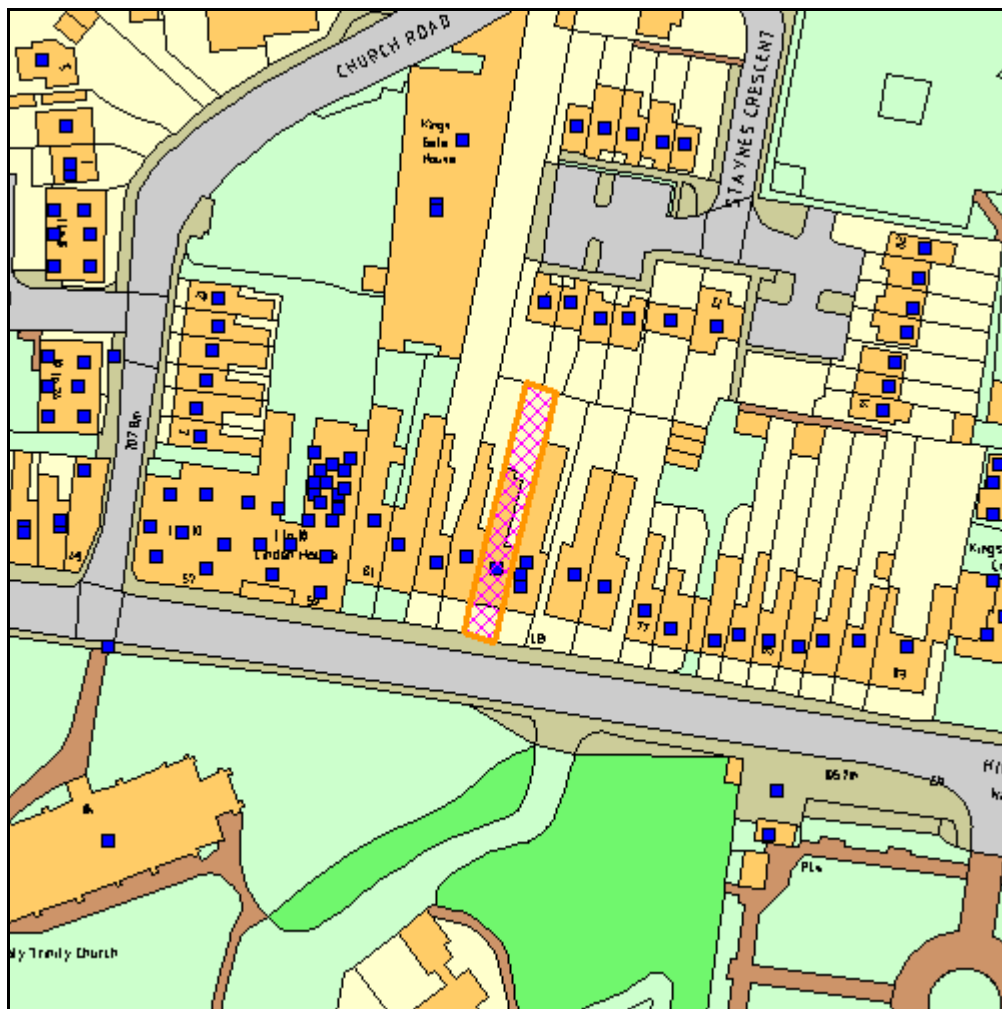
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with policy PSP8 of the Policies Sites and Places Plan (Adopted) November 2017 and policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.:	PK18/2556/F	Applicant:	Sarah Fuller
Site:	69 High Street Kingswood Bristol South Gloucestershire BS15 4AD	Date Reg:	5th June 2018
Proposal:	Subdivision of 1no. existing dwelling to form 2no. self contained flats with associated works.	Parish:	None
Map Ref:	365159 173845	Ward:	Kings Chase
Application Category:	Minor	Target Date:	25th July 2018



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REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule due to 2no. objections received which is contrary to the Officer's recommendation.

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The application seeks planning permission for the subdivision of an existing dwelling to form 2no. self-contained flats with associated works, at 69 High Street, Kingswood.
- 1.2 The development relates to a mid-terrace dwelling, which has rendered elevations, some brick detailing, and a flat roof. The property benefits from front and rear gardens. It is located within the settlement boundary of Kingswood.
- 1.3 During a site visit it was noted that adjacent properties have benefited from the same development as this proposal.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance 2014

2.2 Adopted Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS15 Distribution of Housing
CS16 Housing Density
CS29 Communities of the East Fringe of Bristol Urban Area

South Gloucestershire 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
PSP39 Residential Conversions, Sub-Divisions and Houses in Multiple Occupation
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007
Residential Parking Standard SPD (Adopted) December 2013
South Gloucestershire Waste Collection: guidance for new development SPD (Adopted) January 2015

3. RELEVANT PLANNING HISTORY

3.1 None relevant

4. CONSULTATION RESPONSES

4.1 Highway Structures
No comment

4.2 Lead Local Flood Authority
No objection.

4.3 Sustainable Transport
No objection.

Other Representations

4.4 Local Residents
2no. objections has been received. Comments as follows:
- Concerns regarding ownership of land

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Policy CS5 sets out the locational strategy for development in the district. New development is directed towards existing urban areas and defined settlements. As the site is located within the settlement boundary of a community on the east fringe of Bristol, development is supported in this location. As such, based solely on the location of the site, the principle of the development is acceptable.

5.2 Whilst the principle of the proposed development is acceptable under the provisions of policy CS5, the impacts of the development require further assessment to identify any potential harm. The harm identified will then be balanced against the benefits of the proposal. The further areas of assessment are design and visual amenity, residential amenity, and transportation.

5.3 Design and Visual Amenity
This application involves the subdivision of an existing dwelling to form 2no. self-contained flats. The ground and first floor flats would utilise the existing entrance, no external alterations are proposed in order to facilitate the conversion. Plans show that bike storage will be introduced to the front and rear of the property for use by the tenants of the first and ground floor flats respectively, bin storage would also be introduced to the front of the property

5.4 Given the above, it is considered that these changes would not harm the character or amenity of the surrounding area. Thus, no objection is raised in relation to design and visual amenity.

5.5 Residential Amenity

The introduction of bin/bike storage to the front of the property may be noticeable to nearby occupiers. However, no other external changes are proposed and it is not considered that this conversion to 2no. flats would result in harmful impacts to the residential amenity of neighbours.

5.6 PSP43 sets out guidance as to the level of private amenity space all new residential units are expected to have. The standards of such are as follows;

- 1 bedroom flat – 5sqm
- 2+ bedroom flat – 5sqm + private shared communal space
- 1 bedroom house 40sqm
- 2 bedroom house – 50sqm
- 3 bedroom house 60 sqm
- 4+ bedroom house 70sqm

5.7 The development would involve the creation of 1no. first floor flat and 1no. ground floor flat. Plans show that the ground floor flat would have access to the rear garden and approximately 80m² of private amenity space would be provided. No outdoor amenity space has been allocated to the proposed two bedroom first floor flat. PSP43 states that new residential development will be expected to have functional and safe outdoor amenity space; a two bedroom flat should have 5m² of outdoor amenity space.

5.8 Whilst this does not accord with policy PSP43, it is not unusual for flats to have no private amenity space, particularly in town centres. Furthermore, Officers note that there are playing fields to the front of the site and other open green areas within a 15 minute walking distance. Accordingly, the lack of private amenity space is therefore balanced against these nearby facilities.

5.9 Transportation

The existing dwellinghouse is a 3 bed property, submitted plans show that despite the sub-division, the number of bedrooms will remain the same. The existing property has no off-street parking provision and no parking is to be provided following development. PSP16 sets out that for a 2 bedroom flat 1.5 spaces would be required and a 1 further space would be required for a 1-bedroom flat. This would amount to a total of 2.5no. allocated spaces.

5.10 Overall whilst this counts against the proposal it is not considered that it amounts to a severe highway impact that would justify the refusal of the scheme. Furthermore, the site is located in the Town centre and transportation services run within the vicinity.

5.11 Other Matters

It is noted that concerns were raised regarding the ownership certificate provided as part of this application. Confirmation has been received that the applicant is the power of attorney for the land owner. Furthermore, Certificate B has been completed and served on the land owner.

5.12 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 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 conditions attached to the decision notice.

Contact Officer: Westley Little
Tel. No. 01454 862217

CONDITIONS

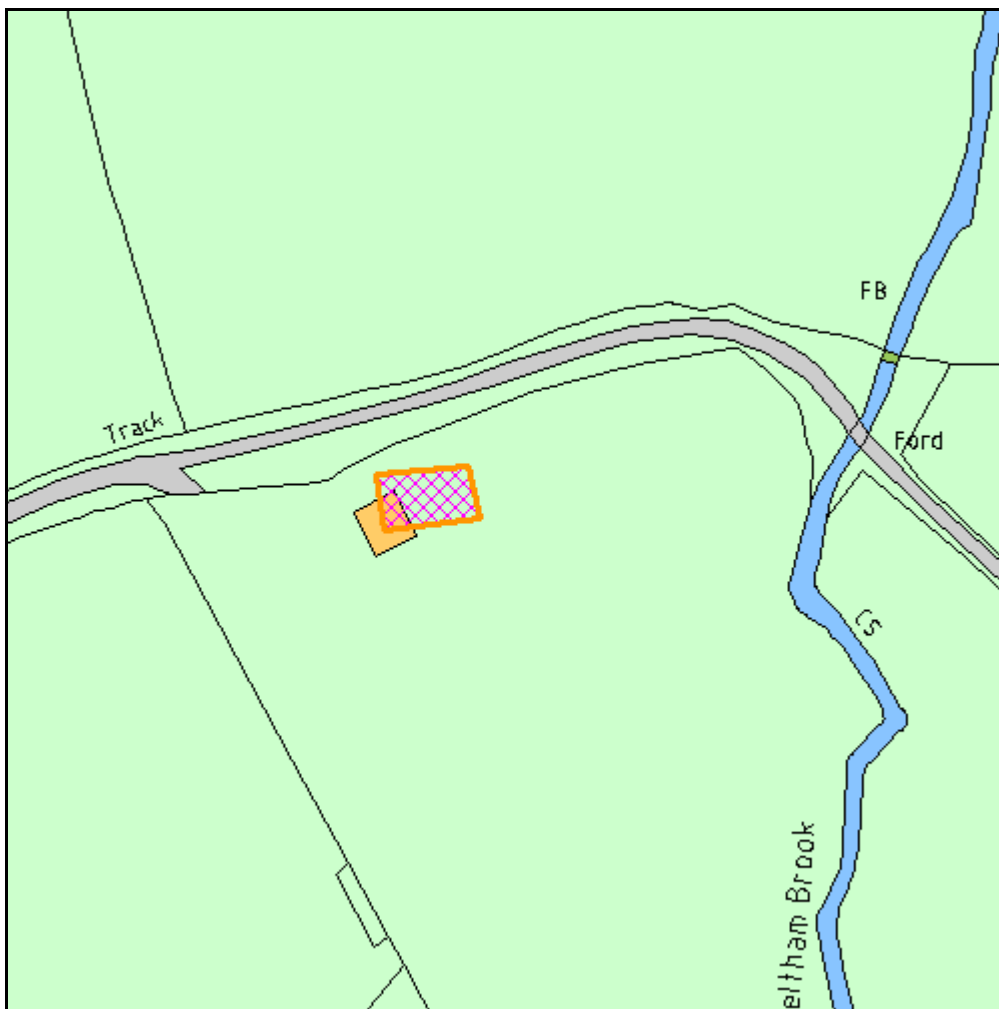
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.:	PK18/2677/F	Applicant:	Ms Sarah Hussey
Site:	Land Off Badgers Brook Lane Wick South Gloucestershire BS30 5TT	Date Reg:	12th June 2018
Proposal:	Erection of 1no. agricultural building to form storage for feed, hay and machinery.	Parish:	Wick And Abson Parish Council
Map Ref:	370130 175251	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	6th August 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 This application seeks planning permission for the erection of an agricultural barn on land off Badgers Brook Lane near Wick.
- 1.2 The proposed barn would measure 12.6m by 13.75m with an eaves height of 2.8m and an overall height of 3.4m. The barn would be finished externally in a mix of concrete blocks as a plinth and timber cladding above. The roof would be covered in profiled metal sheeting.
- 1.3 The site is outside of any defined settlement in the open countryside. This part of the district is within the Bristol and Bath Green Belt. A public footpath runs along the lane adjacent.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
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
PSP10	Active Travel Routes
PSP11	Transport
PSP17	Heritage Assets
PSP19	Wider Biodiversity
PSP29	Agricultural Development

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

Development in the Green Belt SPD (Adopted) 2007

Revised Landscape Character Assessment SPD (Adopted) 2014

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/3238/PNA
Prior notification of the intention to erect an agricultural building for the storage of hay, feed and machinery.
Objection
20.01.2009
- 3.2 PK01/1724/F
Erection of barn with hay loft
Approval
07.08.2001

4. CONSULTATION RESPONSES

4.1 Wick and Abson Parish Council

Objection

- overdevelopment; harmful to green belt
- no vehicular access; access off bridleway

4.2 Other Consultees

Public Rights of Way

No objection

- right of way running along lane needs to be made suitable for construction vehicle movements to and from the site; must be agreed with PROW team before work starts
- attach informative advising applicant of limitations regarding rights of way and development

Open Spaces Society

No comment

Highway Structures

No objection

Lead Local Flood Authority

No objection

Sustainable Transport

No objection

Archaeology Officer

No objection

Planning Enforcement

No comment

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of a new agricultural barn.

- 5.2 Principle of Development
Policy PSP29 dictates the Council's approach to agricultural buildings. This policy is supportive of agricultural development subject to an assessment of the purpose and siting of the building and consideration of alternative existing buildings. Consideration must also be given to the site's location in the green belt.

- 5.3 In terms of the principle, the proposed development is acceptable but should be determined against the analysis set out below.

- 5.4 Alternative Buildings
There are no identified available alternative agricultural buildings on site.

- 5.5 Green Belt
The site is located in the Bristol and Bath Green Belt where there is a general presumption against development in order to preserve the open nature of the land. However, the NPPF provides defined exception categories to the presumption against development in the green belt. One such category is the construction of new buildings for agriculture and forestry. There is no caveat to this exception category that explicitly discusses the impacts of the development on the openness or purposes of the green belt. Therefore, a new building of the size proposed would not be inappropriate development in the green belt. As such this does not support the Parish Council's case and in Officers judgement, its appropriateness is a key determinative factor.

- 5.6 In the interests of protecting the character and appearance of the area, a condition will be attached requiring the existing barn to be demolished prior to redevelopment.

- 5.7 Design
The new building would be larger than the existing barn on the site, but its design would have an adverse effect on the character and appearance of the site.

- 5.8 Amenity
The site is not located in close proximity to any dwellinghouse, therefore, the development would not have a significant impact on residential amenity.

5.9 Transport

It is understood that the proposal will replace an existing building which is similarly used but is no longer fit for purpose, therefore, it is unlikely to generate any additional travel demand. Moreover, as the site's access arrangements will not be altered in any way, Officers cannot comment further on this matter despite Parish Council concerns.

5.10 PROW

A right of way runs along the lane, providing access to the site. It will therefore need to be made suitable for construction vehicle movements whilst also remaining compatible for its current use as a bridleway. The applicant will be advised in an informative to agree this with the PROW team in advance of work starting.

5.11 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.

5.12 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.

5.13 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 That the application be APPROVED subject to the conditions listed below:

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

2. The first occupation of the building hereby permitted shall not take place before the building on the site at the date of this permission shown to be demolished on approved drawing Site Layout Plan (95.546-2A; received 02.06.2018) has been demolished and the debris and materials removed from the site.

Reason

To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory, and to accord with Policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP2, PSP7 and PSP29 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the Development in the Green Belt; and the National Planning Policy Framework July 2018.

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

Received 02.06.2018:

Site Layout Plan (95.546-2A)

Floor Plan & Elevation of Existing Building (95.546-3)

Floor Plan & Elevations of Proposed Buildings (95.546-4A)

Covering Letter

Received 11.06.2018:

Site Location Plan (95.546-1)

Reason

For the avoidance of doubt.

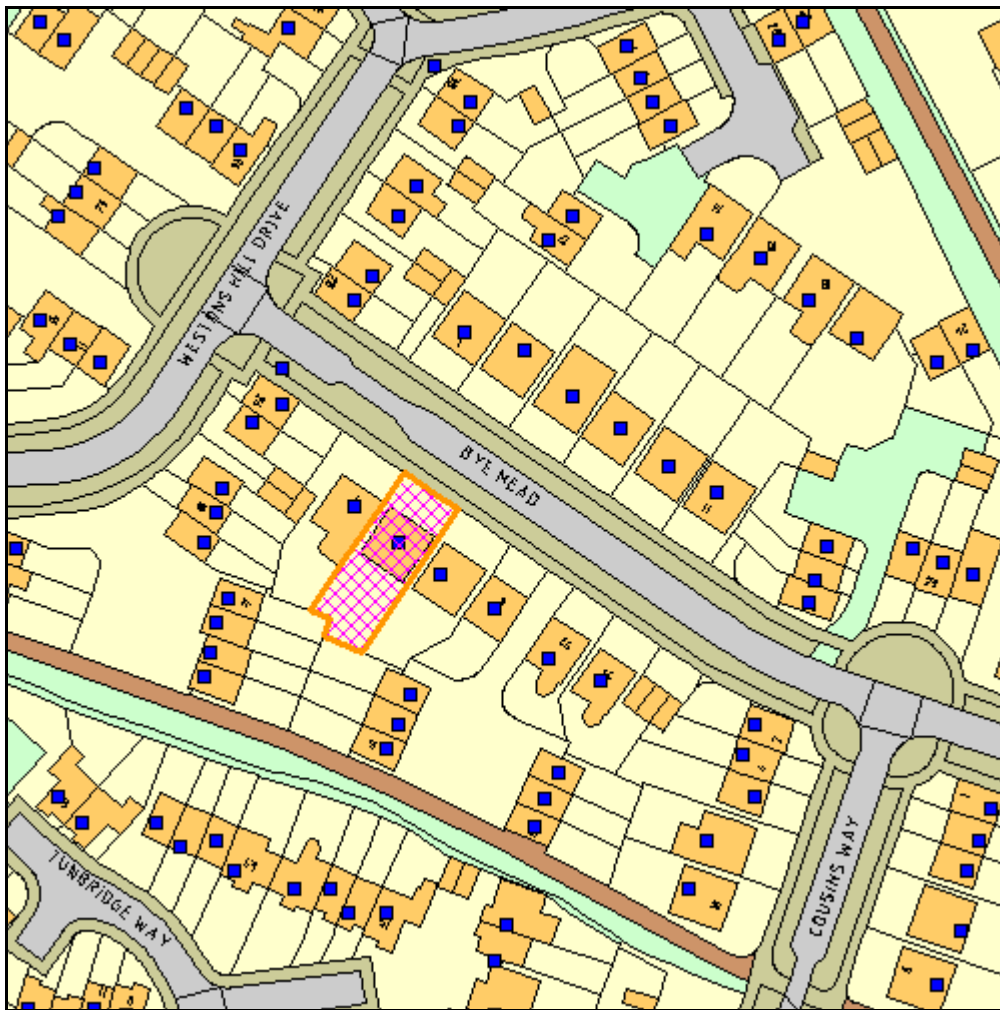
CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.: PK18/2755/PDR **Applicant:** Mr Martyn Buss

Site: 4 Bye Mead Emersons Green Bristol South Gloucestershire BS16 7DL **Date Reg:** 19th June 2018

Proposal: Erection of single storey rear extension to provide additional living accommodation. **Parish:** Emersons Green Town Council

Map Ref: 366444 177831 **Ward:** Emersons Green
Application Category: Householder **Target Date:** 21st August 2018



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REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule due to objection comments 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 single storey rear extension to provide additional living accommodation at 4 Bye Mead, Emersons Green.
- 1.2 The application site relates to a detached property which is located within a residential area of Emersons Green.
- 1.3 Planning permission is required because permitted development rights were restricted under application ref. P96/4731.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP11 Transport

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/1106/PDR – Approved - 05.05.2016
Conversion of existing garage to form additional living accommodation
- 3.2 P96/4731 – Approved - 29.05.1997
Erection of 140no. dwellings (Reserved Matters)

- 3.3 K7578 – Approved - 07.05.1996
Comprehensive development for residential, public house, commercial, school site, roads, footpaths, open space and other associated uses (outline). (prev id k7578)

4. CONSULTATION RESPONSES

- 4.1 Emersons Green Town Council
No objection

Sustainable Transport

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

Other Representations

- 4.2 Local Residents

This application received a total of 1 comment neither objecting nor supporting the proposal. This is outlined as follows.

- Can a condition be applied that prevents use of the extension until the building works are fully completed in accordance with the plans
- Can we ensure the proposal is built to a high specification
- The property has undergone previous work that has been left uncompleted with blocks exposed and untreated.

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 rear extension to form additional living accommodation.

- 5.3 The proposed single storey rear extension will have a maximum height of 3.5metres, extend approximately 3.1metres from the existing rear wall and have a width of approximately 8.1metres. The proposal will feature a flat roof with 1no roof lantern and 1no. window and bi-fold doors to the rear elevation. The proposal will use materials that match the existing dwellinghouse.

- 5.4 The case officer considers the proposal to be in keeping with the domestic character of the building and believes it will be a modest addition to the rear elevation.
- 5.5 Residential Amenity
Policy PSP38 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.6 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Due to the location of the extensions, it is not considered that its erection would materially harm the residential amenity at any of the adjoining properties. Due to levels of separation, it is not deemed that the proposed extensions would impact upon the residential amenity enjoyed at properties
- 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 Sustainable Transport and Parking Provision
The proposed development does not affect bedroom numbers, access or current parking provision. Therefore, there are no objections on highways grounds.
- 5.10 Other Matters
A neighbour has raised a number of issues regarding the construction and quality of work. The issues highlighted are not planning matters, but are more appropriately dealt with under Building Regulations. With regards to the requested condition, given the scale of the development the case officer does not feel it is appropriate to prevent the use of the extension until its completion.
- At the point when the extension becomes habitable it would be unreasonable to prevent its use as part of the dwelling as a whole. “Final tasks” and “making good” are matters for the occupier and not a material planning consideration.
- 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: Westley Little

Tel. No. 01454 862217

CONDITIONS

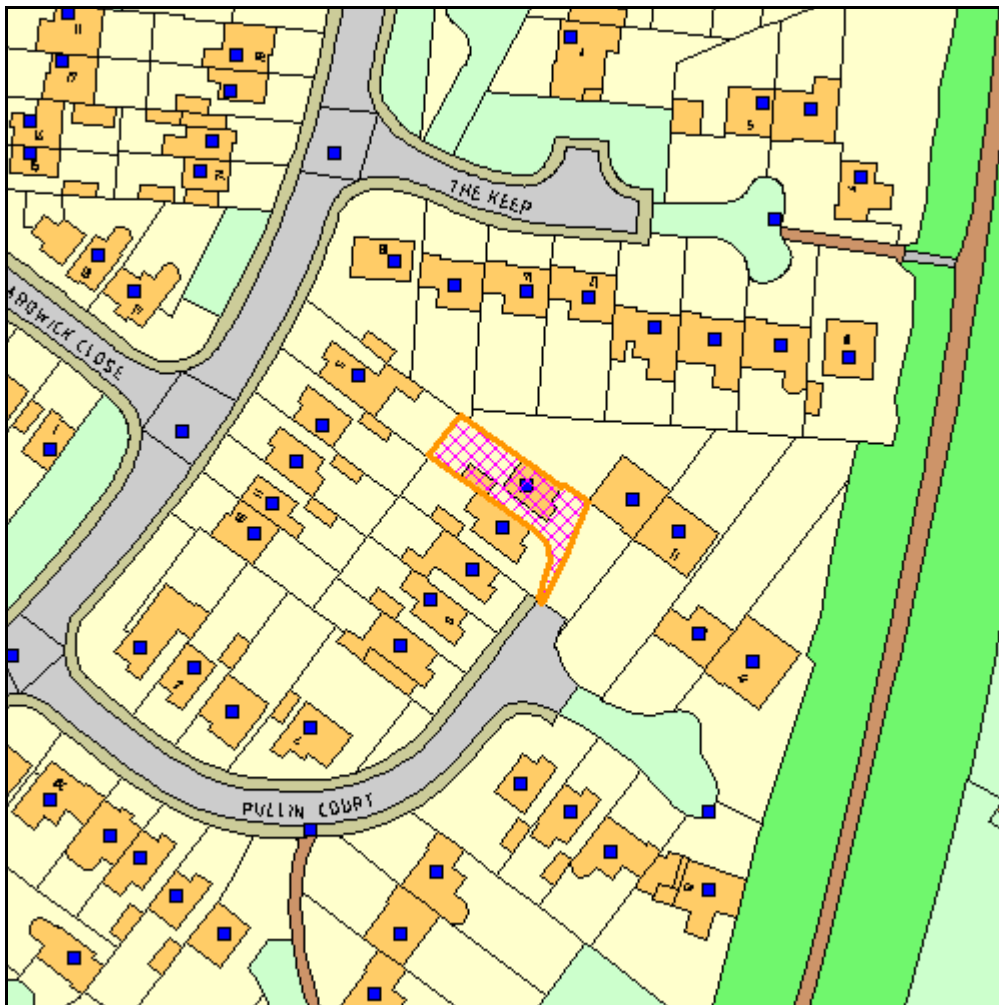
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.:	PK18/2822/F	Applicant:	Mr & Mrs Francis
Site:	9 Pullin Court North Common Bristol South Gloucestershire BS30 8YL	Date Reg:	28th June 2018
Proposal:	Installation of rear dormer to include flue to form loft conversion	Parish:	Bitton Parish Council
Map Ref:	367672 172027	Ward:	Oldland Common
Application Category:	Householder	Target Date:	22nd August 2018



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application received comments that are contrary to the Officer recommendation. 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 seeks full planning permission for the installation of a rear dormer and flue to form a loft conversion at 9 Pullin Court North Common.
- 1.2 The property site relates to a detached house located within the defined settlement boundary.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

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

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

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1. None

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
"No objection."

Other Representations

4.2 Local Residents

One letter of objection was received which stated "a full width dormer will be intrusive to my privacy. It will I believe also devalue my property and deter any

buyers of my property in the future. It is also a very unattractive extension which I do not want to see every hour of the day, every day.”

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design and Visual Amenity

The host dwelling is a detached house located within a cul-de-sac. The property has brickwork elevations with white UPVC windows and doors and a pitched tiled roof. It benefits from a front porch and a large drive to the side of the property.

5.3 It is proposed to install a dormer to the rear roof slope of the property. Its form would be set back from the all sides of the roof. In that regard the dormer is restrained within the existing built form. While the elevations of the dormer is proposed to be timber and not matching roof tiles, owing to its location to the rear of the property, which itself is located at the end of a cul-de-sac. Public views of the addition are very limited. Moreover, dormers of this type are common in residential areas such as these. As such the dormer is not considered to be harmful to the site or its surroundings and is deemed to accord with policies CS1 of the Core Strategy and PSP38 of the PSP Plan.

5.4 Residential Amenity

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

5.5 As previously noted the dormer is restrained within the existing built form of the roof of a detached house. As such it is highly unlikely that an overshadowing, overbearing, or loss of light impact will occur. In regards to the objectors comment that the dormer would be intrusive to their privacy. When considering that the dormer windows would be in line with the existing windows on the rear of the host dwelling, that one window would be obscure glazed, and that the dormer would be some 23m from the nearest rear elevation of the objector's property. It is highly unlikely that the addition of a dormer would result in a detrimental impact on the objectors, or the occupiers of neighbouring properties privacy. Therefore, the development is deemed to comply with policies PSP8 and PSP38 of the PSP Plan.

5.6 Following the development, over 70m² of private outside amenity space would remain. This exceeds the requirements of policy PSP43.

5.7 Sustainable Transport

Post development the property will increase from three bedrooms to four. Policy PSP16 requires four bedroom properties to have two off street parking spaces within the site boundary. The property currently has a large drive that would accommodate two cars. Therefore sufficient parking would be present at the property and there are no transport objections.

5.8 Equalities

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

5.9 Other matters

The objector also stated that the dormer would devalue their property and deter future buyers. The private value of property is not a consideration in this application. As such it carries no weight.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: David Ditchett
Tel. No. 01454 863131

CONDITIONS

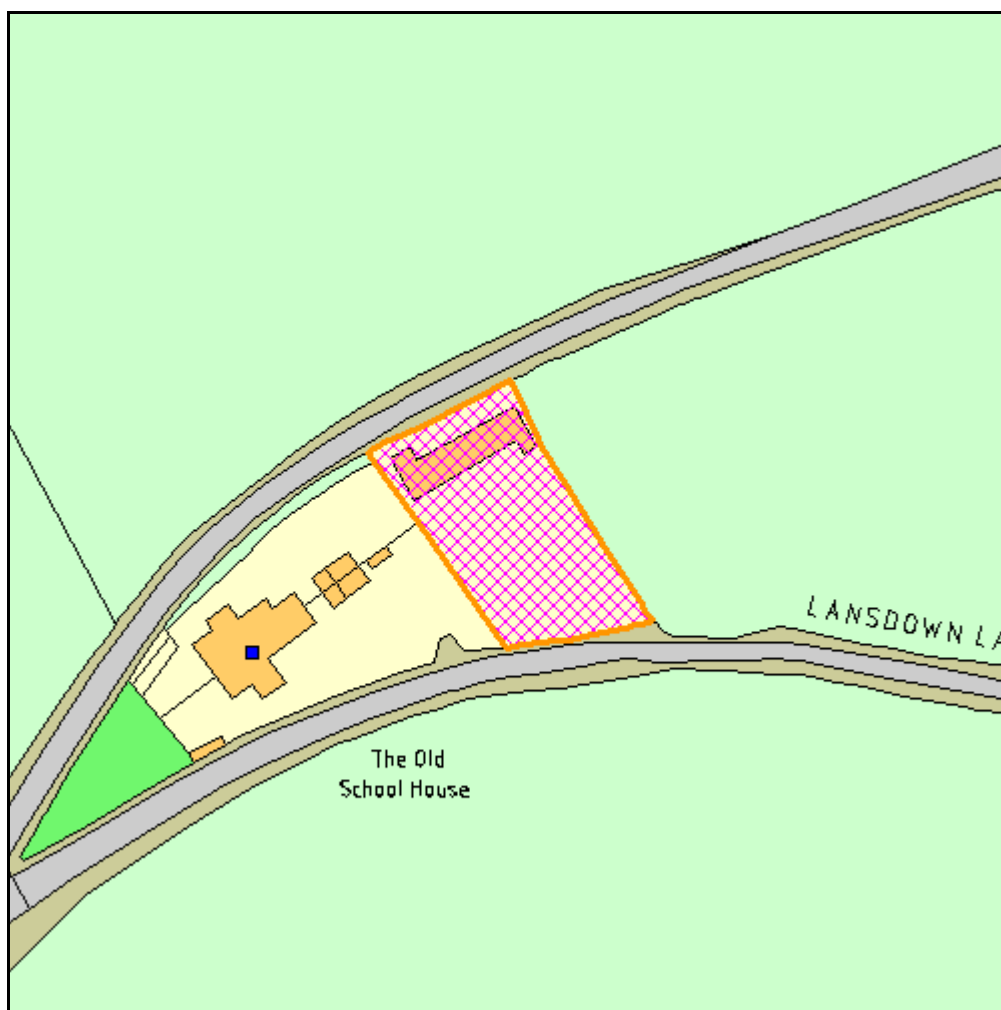
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.:	PK18/2978/CLE	Applicant:	Mr Stuart Braley
Site:	Land To The North Side Of Lansdown Lane Upton Cheyney	Date Reg:	10th July 2018
Proposal:	Application for use of land as Class B8 Use for storage and cutting of firewood for sale off site.	Parish:	Bitton Parish Council
Map Ref:	369116 169769	Ward:	Bitton
Application Category:	Building for the storage of equipment.	Target Date:	30th August 2018



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REASON FOR REFERRAL TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the existing use of land as Class B8 for the storage and cutting of firewood for sale off site. The site is Land to the North Site of Landsdown Lane, Upton Cheyney. The application therefore seeks to demonstrate that the land has been used as such for a period in excess of 10 years prior to the date of submission (27.6.18).
- 1.2 The site consists of a small grassed area surrounded by trees and situated on the edge of the village of Upton Cheyney. The site lies outside any settlement, within the Cotswold Area of Outstanding Natural Beauty and within the Bristol/Bath Green Belt.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history.

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council

The Council is not in a position to comment on this application for a certificate of lawfulness.
- 4.2 Highway Officer

This application relates to Certificate of Lawfulness which involves determination of facts about existing use on the site and it is a test of legal issues. As such, there are no transportation comments on this application.

Other Representations

- 4.3 Local Residents

None received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 In support of the application,
 - i) Statutory declaration by Gloria Maureen Moore (owner of the land).

- ii) Statutory declaration by Peter Fosh (the tenant)

6. **SUMMARY OF CONTRARY EVIDENCE**

6.1 The Local Planning Authority has no contrary evidence to submit.

7. **EVALUATION**

7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.

7.2 In this instance it must be proven that the land in question has been used for commercial purposes for a period 10 years (or more) prior to the date of this application.

7.3 Assessment of Evidence

The application is supported by evidence in the form of 2 separate pieces of information comprising a sworn statement from the owner of the land and from the tenant of the land.

7.4 Summary of Statutory Declaration given by Gloria Maureen Moore dated 10.11.17

1. Gloria Maureen Moore has been the registered owner of the land since 15.5.01.
2. Peter Fosh has been the tenant and occupied the land for approximately 11 years during which time he has used the land to store and sell firewood.

7.5 Summary of Statutory Declaration given by Peter Fosh dated 1.12.17

1. Peter Fosh is the tenant of the land
2. He has been using the land to cut and store firewood for 12 years plus.
3. He has been storing tools and equipment for the splitting and preparation of firewood in a container located on-site for 12 years plus.
4. He confirms he has been storing the wood and other materials related to a personal building restoration project on site for 12 years plus.
5. He states he grew many varieties of fruit trees and installed fencing to protect young and growing trees from deer and other wildlife.

7.6 Conclusion

The evidence provided by the applicant is considered to demonstrate the continuing use of the land for the purposes of cutting and storing wood for the purpose of selling as firewood during the 10 year period preceding this application. No contrary evidence has been provided by third parties and similarly the Local Planning Authority has no evidence that the land has not been used for the stated purposes for that time frame. On this basis, officers

consider that on the balance of probability, the land has been used for the stated purposes for a period in excess of ten years; and as such is lawful.

8. CONCLUSION

8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the land subject of this application has been used for cutting and storing wood for the purpose of selling as firewood for a continuous period in excess of ten years.

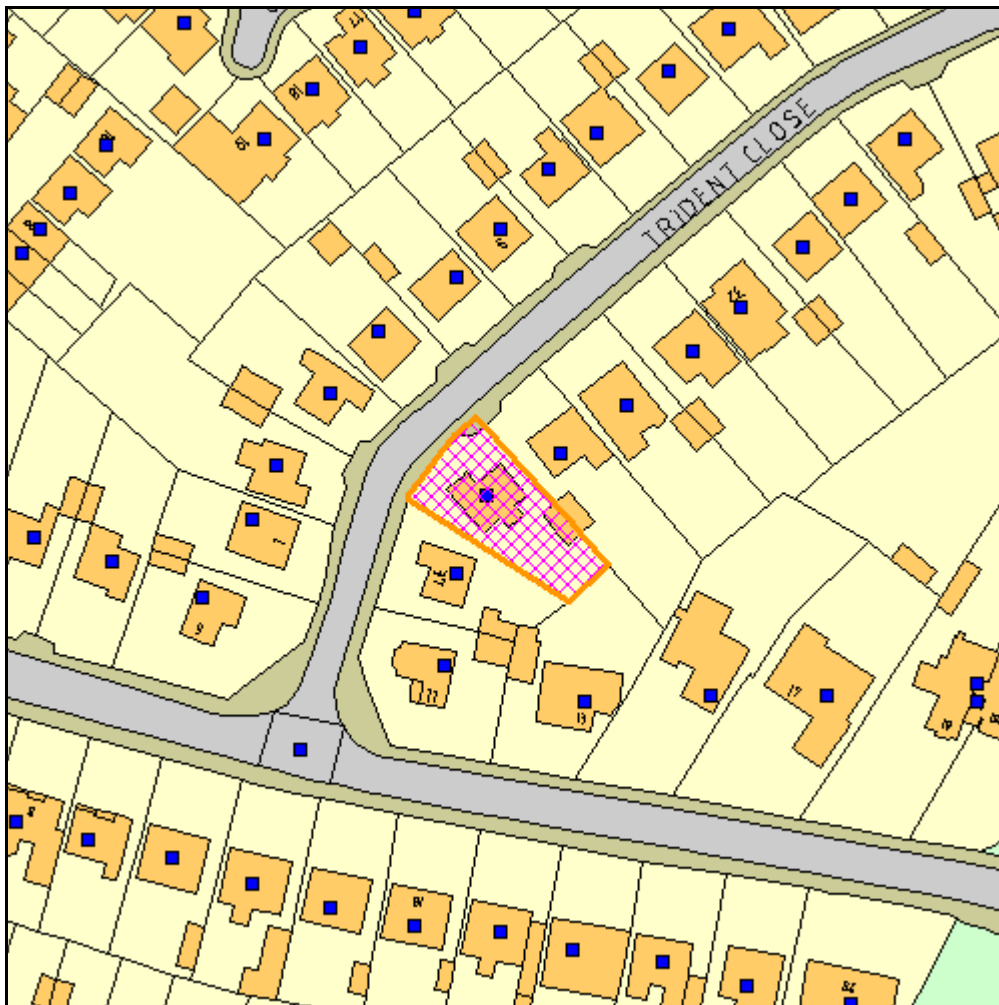
9. RECOMMENDATION

9.1 The Certificate of Existing Lawful Use be approved.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.:	PK18/3005/CLP	Applicant:	Mr And Mrs Mundy
Site:	36 Trident Close Downend Bristol South Gloucestershire BS16 6TS	Date Reg:	29th June 2018
Proposal:	Erection of single storey rear extension to form additional living accommodation	Parish:	Emersons Green Town Council
Map Ref:	366095 178032	Ward:	Emersons Green
Application Category:	Certificate of Lawfulness	Target Date:	23rd August 2018



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PK18/3005/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 single storey rear extension 36 Trident Close, Downend would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

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 None Relevant

4. CONSULTATION RESPONSES

- 4.1 Emersons Green Town Council
No Objection

Other Representations

- 4.2 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Existing Plans and Elevations
Proposed Plans and Elevations
Site Location Plan
Received by Local Planning Authority 28th June 2018

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO (2015).

6.3 The proposed development consists of a single storey extension to the rear of property. This development would fall within Schedule 2, Part 1, Class A, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

A.1 **Development is not permitted by Class A 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) As result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The total area of ground covered by buildings (other than the original dwellinghouse) would be less than 50% of the total area of the curtilage.

(c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The height of the rear extension would not exceed the height of the roof of the existing dwellinghouse.

(d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The height of the eaves of the rear extension would not exceed the height of the eaves of the existing dwellinghouse.

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—**
- (i) forms the principal elevation of the original dwellinghouse; or**
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

The extension does not extend beyond a wall which fronts a highway or forms the principal elevation of the original dwellinghouse.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
 - (ii) exceed 4 metres in height;**

The proposal does not extend beyond the rear wall of the original dwellinghouse by more than 4 metres, or exceed 4 metres in height.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
 - (ii) exceed 4 metres in height;**

Not applicable.

- (h) The enlarged part of the dwellinghouse would have more than a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
 - (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**

The extension would be single storey.

- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**

The extension would be within 2 metres, however, the eaves would not exceed 3 metres in height.

- (j) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—**
- (i) **exceed 4 metres in height,**
 - (ii) **have more than a single storey, or**
 - (iii) **have a width greater than half the width of the original dwellinghouse; or**

The proposal does not extend beyond a side wall of the original dwellinghouse.

- (k) **It would consist of or include—**
- (i) **the construction or provision of a verandah, balcony or raised platform,**
 - (ii) **the installation, alteration or replacement of a microwave antenna,**
 - (iii) **the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
 - (iv) **an alteration to any part of the roof of the dwellinghouse.**

The proposal does not include any of the above.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) **it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**
- (b) **the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- (c) **the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.**

The application site does not fall on article 2(3) land.

A.3 Development is permitted by Class A subject to the following conditions—

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

The submitted plans indicate that the proposed extension would be finished in materials to match existing. As such, the proposal meets this criterion.

- (b) **Any upper-floor window located in 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; and**

Not applicable.

- (c) **Where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

Not applicable.

7. RECOMMENDATION

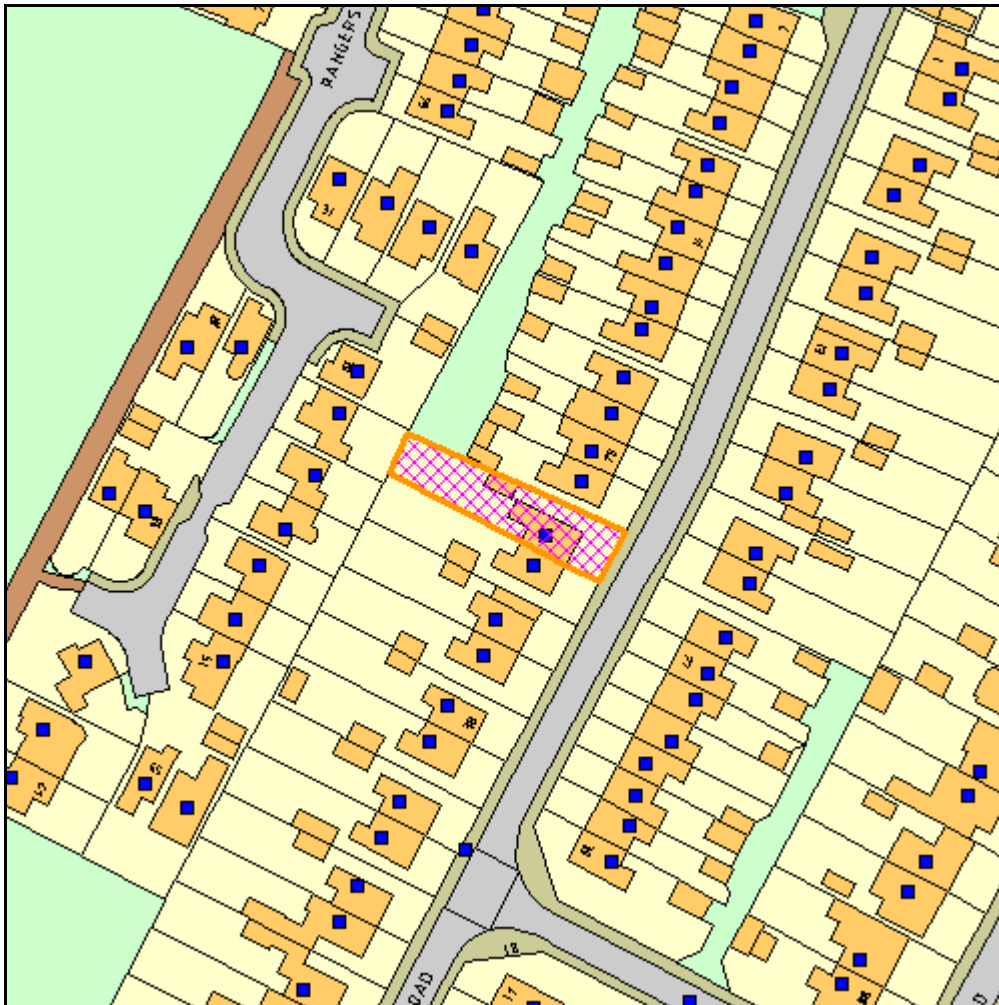
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed erection of a single storey rear extension would fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Westley Little
Tel. No. 01454 862217

CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.:	PK18/3045/CLP	Applicant:	Mr & Mrs Bodkin
Site:	30 Samuel White Road Hanham Bristol South Gloucestershire BS15 3LZ	Date Reg:	5th July 2018
Proposal:	Erection of a single storey rear extension.	Parish:	None
Map Ref:	364345 171737	Ward:	Hanham
Application Category:	Certificate of Lawfulness	Target Date:	27th August 2018



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at 30 Samuel White Road, Hanham would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit; the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (as amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) 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 P98/4959
Erection of two storey rear extension
Approved: 11/02/1999

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
No comment
- 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 2nd July 2018:
Location Plan
Existing Ground Floor Plan, Section & Elevations
Proposed Ground Floor Plan, Sections & Elevations

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 erection of a single storey rear extension. The proposed extension would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria set out below:

A.1) Development is not permitted by Class A 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) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**

The total area of ground covered by buildings (other than the original dwellinghouse) would be less than 50% of the total area of the curtilage.

- (c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**

The height of the rear extension will not exceed the height of the roof of the existing dwellinghouse.

- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**

The height of the eaves of the rear extension would not exceed the eaves of the existing dwellinghouse.

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—**
(i) forms the principal elevation of the original dwellinghouse; or
(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

The extension would not extend beyond a wall which forms the principal elevation; or fronts a highway and forms a side elevation, of the original dwellinghouse.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**
(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse,
(ii) or exceed 4 metres in height;

The host property is semi-detached and the proposal would extend beyond the rear wall of the original dwelling by 3 metres and have a height of 3.6 metres.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**
(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;

Not applicable.

- (h) The enlarged part of the dwellinghouse would have more than a single storey and—**
(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;

The extension would be single storey.

(i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

The extension would be within 2 metres of the boundary but would have an eaves height of 2.4 metres.

(j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
(i) exceed 4 metres in height,
(ii) have more than a single storey, or
(iii) have a width greater than half the width of the original dwellinghouse; or

The extension would not extend beyond a wall forming a side elevation of the original dwellinghouse.

(ja) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j)

The total enlargement does not exceed the limits set out in sub-paragraphs (e) to (j).

(k) It would consist of or include—
(i) the construction or provision of a verandah, balcony or raised platform,
(ii) the installation, alteration or replacement of a microwave antenna,
(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
(iv) an alteration to any part of the roof of the dwellinghouse.

The development would not include any of the above.

A.2) In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**
- b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**

- c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.
- d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c);

The application site does not fall on article 2(3) land.

A.3) Development is permitted by Class A subject to the following conditions—

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

The submitted information indicates that the proposal will be finished in materials to match the exterior finish of the existing dwellinghouse.

- b) any upper-floor window located in 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; and

Not applicable.

- c) Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Not applicable.

7. RECOMMENDATION

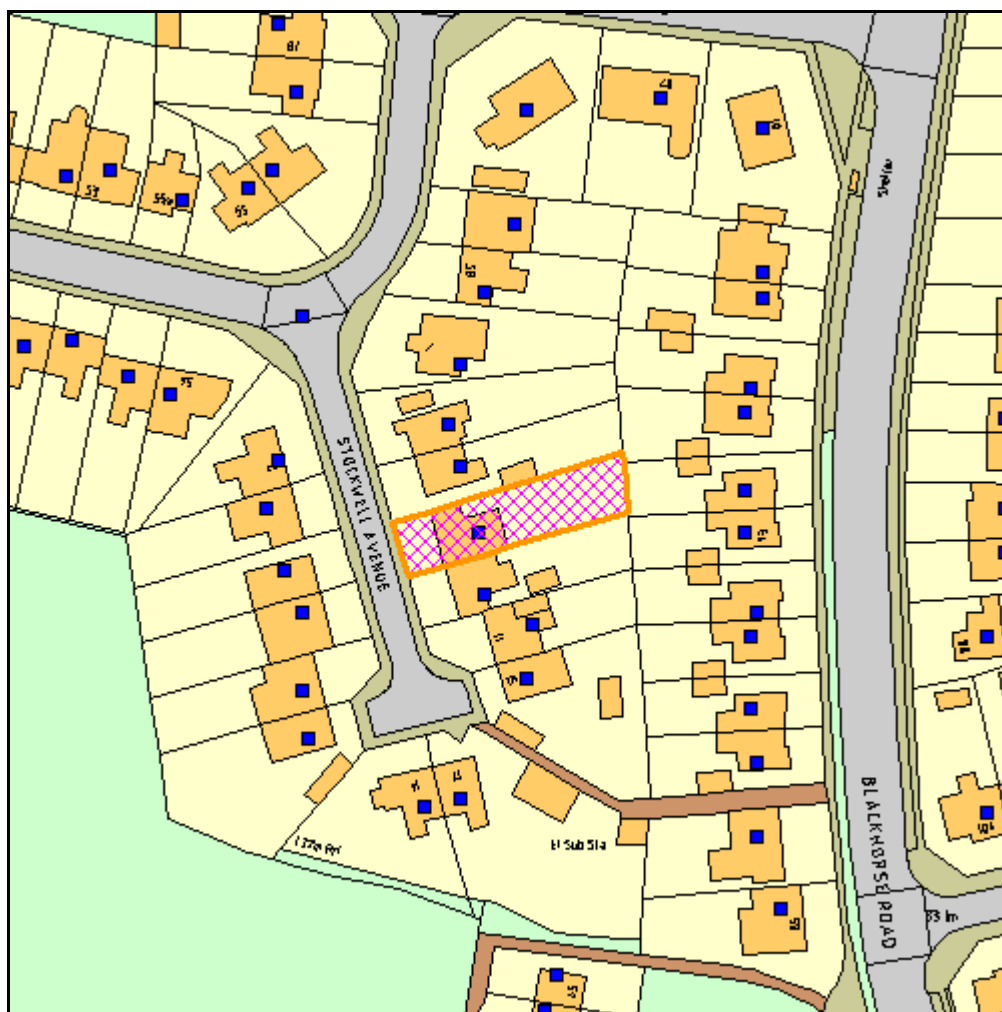
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the erection of a single storey rear extension falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Contact Officer: James Reynolds
Tel. No. 01454 864712

CIRCULATED SCHEDULE NO. 33/18 - 17 AUGUST 2018

App No.:	PK18/3076/F	Applicant:	Mr S Baker
Site:	7 Stockwell Avenue Mangotsfield Bristol South Gloucestershire BS16 9DR	Date Reg:	10th July 2018
Proposal:	Erection of single storey rear and side extension to provide additional living accommodation. Raising garage roof.	Parish:	Emersons Green Town Council
Map Ref:	366297 176839	Ward:	Rodway
Application Category:	Householder	Target Date:	28th August 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 single storey rear and side extension to provide additional living accommodation and the raising of the garage roof at 7 Stockwell Avenue, Mangotsfield.
- 1.2 The application site relates to a two storey, semi-detached property which is located within the defined settlement boundary of Mangotsfield.

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 Emersons Green Town Council
No objection, however members have noted the neighbour's comments regarding the possible loss of light into their kitchen and ask that it is taken into consideration.

Other Representations

4.2 Local Residents

Objection comments received from 1no neighbour, summarised as follows;

- Proposal will block natural daylight to my two side kitchen windows.
- Height of garage would block light to hallway window.
- Extension is proposed to be built on the boundary line, would this need my permission?
- Loss of privacy- the gap between the properties is reducing and concerns of windows being installed on the side elevation in the future.
- No7 appears to be at a slightly higher elevation to my property and would increase loss of light impact.
- Concerned the proposal may lower my property value.
- Would the applicant require my permission to access my driveway during construction?
- Would any part of my driveway need to be dug up and would the applicant require my permission.
- Would any damage to my property be repaired by the applicant?
- Would the applicant require my permission to remove the boundary fence?
- I require 24hr access to my driveway due to my job as a care worker and would not want it obstructed during building work.

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 single storey side and rear extension which would raise the height of the existing garage roof. The host property includes an existing attached single garage which measures approximately 2.7 metres in width, 3.1 metres in height and 5.1 metres in length. The proposal would extend the existing garage to the rear by a further 5.8 metres to meet the rear building of an existing single storey rear extension. The proposal would consist of a hipped roof with an eaves height of approximately 3 metres and an overall height of approximately 4 metres, the height of the existing garage would increase to match.

5.3 The materials to be used for the external finish of the proposal include rendered elevations, concrete roof tiles and white UPVC windows. All materials would match those used on the existing property and are therefore deemed acceptable.

- 5.4 Overall, it is considered that the proposed extension would not be detrimental to the character of 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 Concerns have been raised by the neighbouring occupier at no.5 Stockwell Avenue of loss of light to the side windows serving the kitchen and hallway. They have expressed that the subject property lies at a higher gradient so the impact would be greater. Although it is agreed that the subject property is at a higher gradient to no.5 and the proposal would have some impact on light, the difference in height is minimal and due to the single storey nature of the proposal it is not considered to significantly affect the light currently afforded to the neighbouring occupier to such a degree as to warrant a refusal, nor is it considered to result in a material overbearing impact. Concerns of loss of privacy have also been raised, the proposal includes only 1no. side elevation roof light, which due to the height and angle is not considered to result in a material overlooking impact. That said, it is deemed necessary by the Officer to include a condition to restrict the insertion of any future side elevation windows to protect the privacy of the neighbouring occupier.
- 5.7 The proposal will occupy additional floor space, however it is considered that sufficient private amenity space for the occupiers of the host dwelling would remain following development.
- 5.8 Overall, the subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal is not considered to result in an unacceptable impact on the residential amenity of its neighbouring occupiers or the host dwelling. Therefore, the development is deemed to comply with Policy PSP8 of the PSP Plan.
- 5.9 Sustainable Transport and Parking Provision
The application is not proposing any additional bedrooms, nor is it impacting the existing access and parking provision. As such, no objections are raised in terms of transport.
- 5.10 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations.

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

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

5.11 Other Matters

If the applicant requires access or works to be carried out on the neighbouring land then permission must be sought from the owner of the land in question. An informative will be included on the decision notice to state this.

5.12 Any damage incurred to neighbouring properties during construction is a civil matter and is therefore not a material planning consideration.

5.13 Removal of a shared boundary is a civil matter, requiring a party wall agreement.

5.14 The value of neighbouring properties is not a material planning consideration and is therefore not a reason for refusal.

5.15 The storage of materials and access to driveways during construction is not a material planning consideration, however it is hoped the applicant would be considerate to the neighbouring occupiers.

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 elevation of the extension hereby approved.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

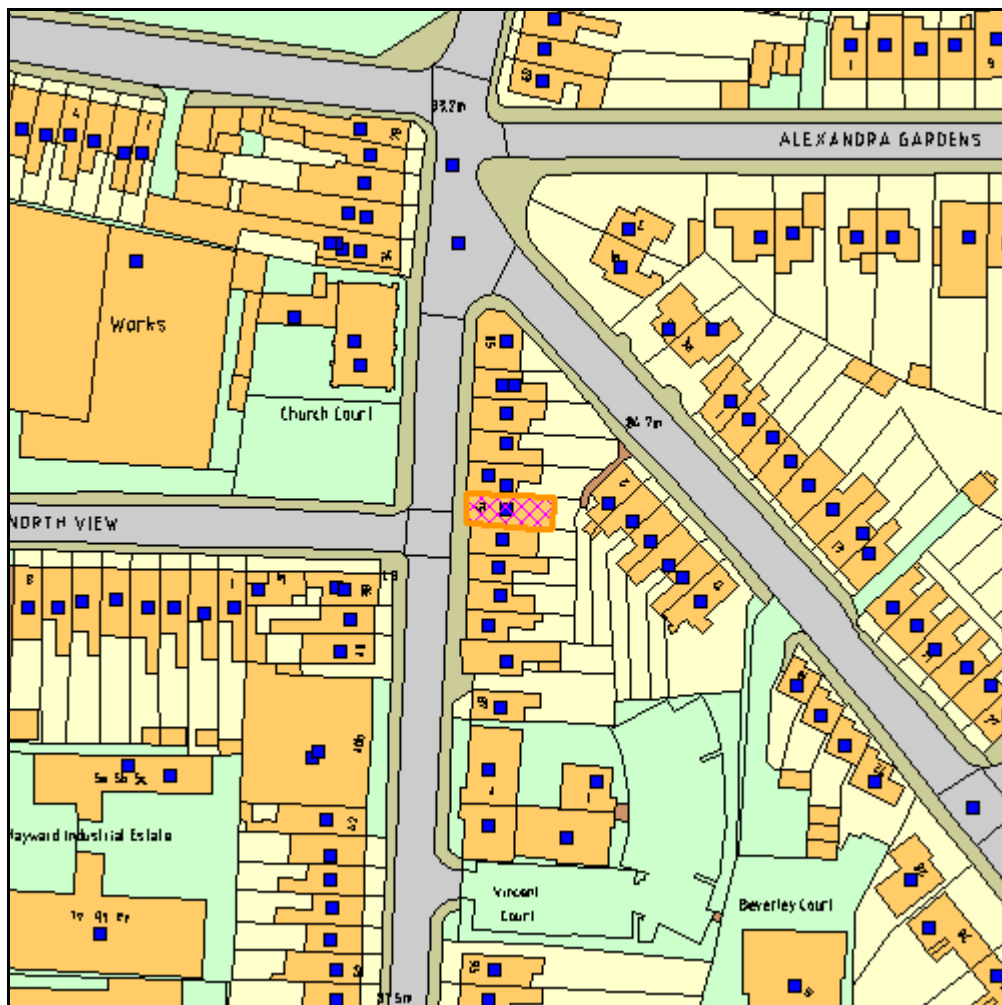
CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.: PK18/3082/PNC **Applicant:** The Elliott Group

Site: 75 Soundwell Road Soundwell Bristol South Gloucestershire BS16 4QR **Date Reg:** 6th July 2018

Proposal: Prior Notification of Change of use from Hairdressers (Class A1) to 1no. residential 2 bed and 2 no. 1 bed flats (Class C3) as defined in the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 **Parish:** None

Map Ref: 364838 175531 **Ward:** Staple Hill
Application Category: **Target Date:** 30th August 2018



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The prior notification 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 consists of a prior notification to the Local planning Authority of a proposed change of use of the ground floor of a building from a hairdressers (use Class A1) to 1no residential 2 bed flat and 2no. residential 1 bed flats (use Class C3) under Class M of Part 3 of Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 This is not a planning application. The proposed change of use is deemed acceptable in principle, under the provisions of the Order. The Local Planning Authority is required to make an assessment of the impacts of the proposed development under the specific criteria listed in the Order.
- 1.3 The application relates to 75 Soundwell Road, Soundwell. The site is located within the defined settlement boundary of Soundwell.

2. POLICY CONTEXT

- 2.1 National Guidance
 - i. National Planning Policy Framework July 2018
 - ii. The Town and Country Planning (General Permitted Development) (England) Order 2015- Class M

3. RELEVANT PLANNING HISTORY

- 3.1 K7986
Change of use of first floor from residential (C3) to hairdressers (A1) and single storey rear extension.
Approved: 10/10/1995

4. CONSULTATION RESPONSES

- 4.1 Town/Parish Council
Unparished area
- 4.2 Sustainable Transport
The proposal involves conversion of an existing building (used as business/retail premise) into 3no. residential flats. There is currently no off-street parking for the existing business and the applicant proposes no parking for the new flats. The main transportation/highway issue is therefore considered to be parking.

According to the SG Council's residential car parking standards the minimum number of car parking spaces for the proposed residential development of 1 x 2-bed flat and 2no. 1-bed flat is three. With no parking

proposed for the new development then, the proposal can be considered to be contrary to the Council's residential parking standards.

In assessing parking impact of the development, it is also appropriate to take into account the parking requirement for the extant use of the building. In this context, reference is made to the Council's Parking guidance for business uses. The parking requirement for the extant use, when assessed against the Council parking guidance, is 1 space per 35m² of floor area. Total floor space of the existing building, all of which to be converted to C3 residential dwellings, is approximately 140m² and this equates to total of 4 parking spaces for the extant use of the building, which has been used as hairdressers business.

From the above comparison of parking, it can be concluded that the overall parking demand for the proposed residential use would be less compared to the extant use. Of course, the officer acknowledges that the parking pattern between these different uses would vary - it is acknowledged that the residential use of the building would likely to create greater demand for parking during the evening and weekends compared with the business use. There is likely to more demand for parking during the day when the business is operational.

Comments of local residents who are objecting to this application on the basis of parking are noted. However, I note that the site is in a very sustainable location with the application site being approximately 300m south of Staple Hill High Street where there are a variety of shops, services and public transport infrastructure within walking distance. There are two bus stops approximately 85 metres (a 1 minute walk) to the south of the property on Soundwell Road and there are two further bus stops approximately a 160 metres (a 3 minute walk) from the application site on Morley Road. These stops provide frequent services into Bristol City Centre, Bristol Parkway Station, UWE Frenchay Campus, Cribbs Causeway, Southmead, Kingswood, Bath City Centre, Keynsham and neighbouring location in South Gloucestershire area. Given the sustainable location of this site together with the fact the proposed development is likely to result in less impact on the surrounding area during the day then, it is considered unreasonable to refuse this application on transportation and highway ground and it is felt that the refusal of this application on parking could not be substantiated in the appeal situation. The transportation DC officer also confirms that the parking on the immediate public highway is controlled by way of yellow lines and hence, the risk of inappropriate parking is partially mitigated by legal status of this measure outside the application site.

In view of the above-mentioned and on balance judgement, I would not wish to pursue highway objection to this application.

If the council is minded to approve this application then, the officer recommends that a planning condition is imposed so that cycle parking is provided for each residential unit on site with all details to be submitted for written approval of the Council.

Other Representations

4.3 Local Residents

Objection comments received from 2no. neighbours, summarised as follows;

- It seems they are intending to use the rear access as access to all the flats which will mean residents parking on Morley Road when the address is Soundwell Road.
- The closest non-restricted parking area is Morley Road where parking is already extremely bad and is getting worse.
- The proposal is offering no off-street parking.
- Morley Road is a bus route and a very narrow road. With the current volume of parked cars, the road is effectively a 'one way street', with more cars there will be little or no room for cars to pass each other.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Class M of Part 3 of the Second Schedule of the Town and Country Planning (General Permitted Development) Order 2015 sets out that:

M. Development consisting of:

(a) A change of use of a building from –

- i) A use falling within class A1 (shops) or class A2 (financial and professional services) of the Schedule to the Use Classes Order**

to a use falling within Class C3 (dwellinghouses) of that Schedule, and

- (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.**

Development not permitted:

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

- (a) the building was not used for one of the uses referred to in Class M(a) –**
 - (i) on 20th March 2013, or**
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;**

The building was granted permission for change of use of the first floor from residential to a hairdressers in 1995. Therefore, the property was in use as a hairdressers prior to March 2013.

- (b) permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part;**

The Council records show full planning consent was given to change the use of the property to Class A1. Therefore the case officer does not consider that permission to use the building as a Class A1 has been granted only by Part 3 of the Order. As such the proposal meets this criterion.

(c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;

The floor space for the area changing use is 144m³. Therefore, the proposal meets this criterion.

(d) the development (together with any previous development under Class M) would result in more than 150m³ of floor space in the building having changed use under Class M;

No other floors or units within the building have changed use under Class M. The floor space for the area changing use is 144m³. Therefore, the proposal meets this criterion.

(e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

The development does not propose an extension of the existing building and is therefore in accordance with this criterion.

(f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 of the Schedule to the Use Class Order); or

No demolition is proposed.

(g) The building is-

- (i) on article 2(3) land;**
- (ii) in a site of special scientific interest;**
- (iii) in a safety hazard area;**
- (iv) in a military explosives storage area**
- (v) a listed building; or**
- (vi) a scheduled monument.**

The site does not fall under any of the above categories or designations.

5.2 The proposal adheres to the above criteria and is considered to be 'permitted development'. As permitted development under Class M, it therefore stands to be considered whether prior approval is required for the following:

- (a) transport and highways impacts of the development,**
- (b) contamination risks in relation to the building,**
- (c) flooding risks in relation to the building,**

- (d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) because of the impact of the change of use-**
 - (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or Class A2 (financial and professional services) of that Schedule or, as the case may be, a building used as a launderette, but only where there is a reasonable prospect of the building being used to provide such services, or**
 - (ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and**
- (e) the design and external appearance of that building.**

5.3 Transport

The objection comments from the neighbouring occupiers relating to parking provision and highway safety have been noted. The proposal would not provide any off-street parking, in that sense it is no different from the previous use as a hairdressers. South Gloucestershire residential parking standards would require 2no. 1 bed flats and 1no. 2 bed flat to provide a total of 3 off-street parking spaces. That said, it must be taken in to consideration the parking requirement for the previous business use which would have been 4 parking spaces for a total floor space measuring 144m³. Therefore, the required parking provision for the proposed residential units would be less compared to the hairdressers. Furthermore, the site is located within close proximity to a number of bus stops with services to Bristol City Centre, Parkway Station, UWE Frenchay Campus, Cribbs Causeway, Kingswood and Bath City Centre. It is also located within walking distance to Staple Hill High Street where a range of shops, services and public transport can be found. Therefore, as the application site is considered to be in a sustainable location and the proposal is considered to result in less traffic during the day, on balance the proposal would not detrimentally impact transport to an unacceptable level. The concerns of inappropriate parking on the public highway are mitigated by yellow lines in the immediate areas surrounding the site. As such, no objections are raised in terms of transport.

5.4 Contamination Risks

There are no known contamination risks associated with the site and it is unlikely that the previous use as a hairdresser would have given rise to any contamination.

5.5 Flooding

The site is located within Flood Zone 1 and is not vulnerable to flooding. As such, no objections are raised in terms of flood risk.

5.6 Provision of Services

The site is not located within the key retail centres of Staple Hill or Downend. The business vacated the property two months ago and due to its isolated location and lack of parking it is not considered that the site would be occupied by another business.

5.7 Design and External Appearance

The applicant has indicated that there would be no external alterations to the property.

6. CONCLUSION

6.1 The proposed development satisfies Paragraph M.1 of Class M, Part 3, Schedule 2 of the Town and Country planning (General Permitted Development) Order 2015.

6.2 An assessment of the impact of the proposed development, in accordance with the criteria stipulated in paragraph M.2, has been undertaken and there are no objections under the specified criteria.

7. RECOMMENDATION

7.1 That prior approval is **GRANTED**.

Contact Officer: **James Reynolds**
Tel. No. **01454 864712**

CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.:	PT18/0729/F	Applicant:	Warburtons Limited
Site:	Warburtons Bakery 8010 Western Approach Distribution Park Severn Beach Bristol South Gloucestershire BS35 4GG	Date Reg:	19th February 2018
Proposal:	Installation of an on-site 999KW Combined Heat and Power Plant.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	354660 183700	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	13th April 2018



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CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to an objection received from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the Installation of an on-site 999KW Combined Heat and Power Plant.
- 1.2 The application site relates to Warburtons Bakery, Western Approach Distribution Park, Severn Beach and known as Plot 8010. The application site is located at Severnside beyond any settlement boundary and within a Safeguarded Employment Area. The area is located within Flood Zone 3a, but benefits from flood defences.
- 1.3 During the course of the application additional information was requested by the Environmental Health Officer and as a result a special air dispersion modelling report was commissioned and the findings submitted to the LPA for consideration.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS3	Renewable and Low Carbon Energy Generation
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS11	Distribution of Economic Development Land
CS12	Safeguarded Areas for Economic Development
CS13	Non-Safeguarded Economic Development Sites
CS34	Rural Areas
CS35	Severnside

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP6	Onsite Renewable and Low Carbon Energy
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
PSP26	Enterprise Areas
PSP27	B8 Storage and Distribution Uses

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

3. RELEVANT PLANNING HISTORY

The site has an extensive planning history – the most recent schemes are listed below.

3.1	PT13/4587/RVC Approved	Removal of condition no. 19 attached to PT12/0677/F 17.3.14
3.2	PT12/0677/F Approved	Erection of a single wind turbine with a maximum blade tip height of 67m with associated infrastructure. 10.7.12
3.3	PT11/044/SCR EIA not required	Installation of 1no. wind turbine and ancillary development. 16.11.11
3.4	PT11/024/SCR EIA not required	Wind Turbine 53.4 metre and maximum capacity of 330kw. 17.6.11
3.5	PT09/0461/RM Approved	Erection of a distribution warehouse with ancillary offices, parking areas and landscaping. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission P94/0400/8 amended by PT05/3568/RVC). 14.12.09
3.6	PT08/2799/F Approved	Relocation of vehicle wash unit with associated enclosure and equipment ancillary to bakery use. (Amendment to previously approved scheme PT07/3599/F). 28.11.08
3.7	PT08/2790/ADV Approved	Display of 1 no. static illuminated fascia sign and 1 no. free standing sign. 28.11.08

- 3.8 PT07/3599/F Erection of building for use as a bakery (Class B2) with associated despatch (Class B8) and office (Class B1) areas; formation of access, vehicle parking areas and landscaping.
Approved 16.5.08

4. **CONSULTATION RESPONSES**

- 4.1 Pilning and Severn Beach Parish Council
Objection:
Pilning & Severn Beach Parish Council strongly object to this application. It will cause more noise and more pollution. In addition to this, the history of the site is that their wind turbine continues to cause noise pollution to the residents of Severnwood Gardens.

Internal Consultees

- 4.2 Environmental Protection: Noise
No objection in principle subject to an informative regarding construction practices
- 4.3 Environmental Protection: Air quality
More details required regarding air quality

Updated comments:
No objection
- 4.4 Highway Structures
No objection
- 4.5 Drainage Team
No objection
- 4.6 Transport Team
No objection
- 4.7 Local Residents
None received

5. **ANALYSIS OF PROPOSAL**

- 5.1 The proposal is for the Installation of an on-site 999KW Combined Heat and Power Plant. The intention of the unit is to provide efficient electricity and reduce the environmental impact from operations at the Warburtons site. It is stated in the application details that the proposed 999KW CHP plant will offer a significant reduction in the overall carbon impact of the operation. The system will be natural gas fuelled producing electricity, steam and hot water to be consumed by the bakery; is designed to have a noise output of 75DB @ 1m; will operate 24/7, averaging 8000 hours per year after maintenance and will be

maintained by a specialist company to meet manufacturer and regulatory requirements.

5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Policy PSP6 states that the Council will take a positive account of and support development that provides further energy reduction, efficient, renewable and low carbon energy measures. The NPPF also supports schemes which use natural resources prudently, minimise waste and pollution, mitigate and adapt to climate change, including moving to a low carbon economy. Policy CS1 dictates that proposals must demonstrate the highest quality design standards in order to be acceptable. New development must be informed by, respect and enhance the character and distinctiveness of the site and its context.

5.3 Paragraph 149 of the updated NPPF indicates new development should be planning for in ways that:

- a. Avoid increased vulnerability to the range of impacts arising from climate change
- b. Help to reduce greenhouse gas emissions such as through location, orientation and design
- c. plans should take a proactive approach to mitigating and adapting to

5.4 The proposal is considered to accord with the principle of development.

5.5 Design

The proposed combined heat and power plant would be positioned to the top north side of the existing Warburtons building, close to the existing car park, and in a small area stepped in from the footprint of the main building. In total the compound to accommodate the plant would be around 311 square metres. In terms of overall size and scale the proposed plant would be appropriate to its setting and there are no objections to its appearance.

5.6 Transportation

Details included with the application state that the number of additional vehicle movements generated by the introduction of this plant unit would be related to maintenance/service visits which are estimated at 1 visit by 2 engineers every 14 days. Furthermore, unnecessary service visits would be minimized by incorporating 24/7 remote telemetry monitoring.

5.7 Given the above, the installation of an on-site combined heat and power plant at this existing bakery located on a busy distribution park at Severnside would not materially alter travel demand to this site or raise highway safety concerns. There are therefore no objections to this proposal.

5.8 Residential Amenity

The site is located some distance away from closest neighbours, located over 400 metres to the north of the site, and separated by the A403. On this basis there would be no adverse impact resulting from the proposal in terms of overlooking, over-shadowing or over-bearing and the scheme therefore complies

with Policy PSP8. However, comments made by the Parish regarding the noise are noted and covered in the below section.

5.9 Environmental Protection

The Parish has stated that the existing wind turbine causes a disturbance to local residents and consider that this proposed combined heat and power plant has the potential to add to noise disturbance levels. Planning application PT12/0677/F granted permission for the erection of the wind turbine and as an existing situation, is not something that can be dealt with under this application. Any noise disturbance should be reported to the Environmental Protection Team to investigate.

Noise:

5.10 With regards to the potential for additional disturbance from the proposed combined heat and power plant room the agent has cited another example of such a unit on a different site but located close to residential dwellings where no instances of noise nuisance have been reported. This is noted but given the concern raised, Officers obtained specific advice from Environmental Health Officers with regards to this particular site. The professional opinion has used the data submitted with this application and confirms that the sound pressure level given as 75dB at 1m would convert to a sound power level of 21.5dB at 400m (the nearest residential property) which would not be considered a problem in terms of noise. Officers are therefore satisfied that there would be no adverse impact on neighbours resulting from the proposed combined heat and power plant in this location.

5.11 *Air Quality:*

Following initial comments, the applicant has worked with environmental protection officers and prepared and submitted an Air Dispersion Modelling Report (dated June 2018).

5.12 The assessment report considers the impacts of the proposed CHP plant emissions on local air quality and considers the relevant pollutant, nitrogen dioxide (NO₂). The assessment follows appropriate guidance and has been undertaken on the basis of a worse-case scenario, with the potential impacts considered at the maximum point of impact and at specific sensitive human and ecological receptors. The inclusion of a map of the modelled receptor locations in the report would have been helpful, however, this shortcoming does not affect the report conclusions.

5.13 The report concludes in respect of the potential CHP emissions that the maximum predicted process contributions (PC) are within the short-term nitrogen dioxide objective and further screening demonstrates the predicted environmental concentrations (PECs) can be classed as not significant in terms of the long-term nitrogen dioxide objective. The assessment of impacts at the specific human and ecological receptors is also concluded to be not significant at all of the receptors considered.

5.14 In summary, the potential emissions from the new CHP unit will not have a significant impact on local air quality so there is no basis to object to the proposed development in relation to air quality.

5.15 Drainage

It is noted that the site lies within Flood Zone 3. A Flood Risk Assessment (FRA) has been included as part of the submitted details to support this application. Confirmation was sought and received from the agent that the report dated 2008 remains valid as the land, building and drainage remain the same. This is accepted.

5.16 The objectives of the FRA are been stated as being: to establish the sources of the flooding which are likely to affect the development site, both now and in the future; to assess whether the site will increase flood risk elsewhere; and to establish whether the proposed measures to mitigate any of these effects and risk are appropriate.

5.17 The development site is covered by the Severn Estuary Shoreline Management Plan (2000) and the Tidal Severn Flood Risk Management Strategy (2004). The submitted report confirms the site is relatively flat with ground levels in the range 5.5 to 6.5mAOD (Metres above ordnance datum levels). Drainage is provided by a network of rhines crossing the site which flow into a main rhine running along the northern site boundary and discharge into the Severn Estuary at New Pill outfall to the south.

5.18 Minimum proposed floor levels would correspond with those quoted in the FRA and ones implemented in the main factory area. On this basis there are no additional flood concerns and no objections to this proposal.

5.19 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.

5.20 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.

5.21 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.

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 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. 1. Any existing buildings on site shall be assessed for asbestos materials prior to demolition. Any asbestos must be removed in full consultation with the Health & Safety Executive and safely disposed of providing a full audit trail of waste disposal.
2. Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, shall not take place outside the hours of;
Monday - Friday.....7.30 - 18.00
Saturday.....8.00 - 13.00.
No noisy activities on Sundays or Bank Holidays.
3. All plant and equipment shall be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means shall be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.
4. Pneumatic tools shall be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.
5. In periods of dry weather, dust control measures shall be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance. Lorries carrying waste material from the site shall be covered or sheeted at all times.

6. Where the site is adjacent to residential or business premises, all waste materials shall be removed from site and suitably disposed of. No burning of waste material is permitted.
7. Radio noise shall not be audible at the boundary of the nearest neighbouring property.
8. Any temporary oil storage tanks shall be safely and securely sited so as to prevent pollution in the events of spills or leakage. It is also strongly recommended that any oil storage tank should be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank.
9. Neighbouring residential premises shall be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works shall be notified to the Environmental Services Department on (01454) 868001 prior to commencement.

Reason

To minimise disturbance to nearby occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.:	PT18/1819/O	Applicant:	Century Spaces
Site:	Land Adjacent To 2 Stanley Cottages Off Bonnington Walk Stoke Gifford South Gloucestershire BS7 9YU	Date Reg:	18th April 2018
Proposal:	Erection of 3no detached dwellings (Outline) with access to be determined. All other matters reserved.	Parish:	Stoke Gifford Parish Council
Map Ref:	360825 177913	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	12th June 2018



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 100023410, 2008. **N.T.S.** **PT18/1819/O**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule for determination as an objection has been received from Stoke Gifford Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of 3 dwellings on land to the southwest of 2 Stanley Cottages, which are off Bonnington Walk in Stoke Gifford. As stated, the application is in outline form with only access to be determined; all other matters are reserved. Therefore the plans and information submitted with the application (aside from those relating to the access) are indicative in nature only.
- 1.2 In terms of the constraints of the site, the site is located within the north fringe of Bristol. However, the site is within an area identified on the district's title maps which is of archaeological importance and furthermore it falls within the setting of Stanley Farm, which is a grade II listed building. Access would be provided from Bonnington Walk which is within Bristol City Council's authority.
- 1.3 A design and access statement has been submitted with this application. The proposal is to erect 3 detached 4-bedroom dwellings in a linear layout. All the proposed units would be 2 storeys high. The first would have a 130sq metre garden to the rear whilst the middle would have a 143sq metres and the last 207sq metres.
- 1.4 During the course of the application an archaeological desk-based assessment and field evaluation were submitted try to overcome Officer concerns.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2018

- 2.2 Adopted Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland

PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets
PSP20	Flood Risk, Surface Water & Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space

- 2.3 Supplementary Planning Guidance
 Design Checklist SPD (Adopted) 2007
 Residential Parking Standards SPD (Adopted) 2013
 Revised Landscape Character Assessment SPD (Adopted) 2014
 Waste Collection SPD (Adopted) 2015
 CIL Charging and S106 SPD (Adopted) 2015

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT18/1820/O
 Erection of 4no detached dwellings (Outline) with access to be determined. All other matters reserved.
Pending
- 3.2 PRE17/1104
 Erection of 3no. dwellings
 Complete
 12.03.2018
- 3.3 PRE16/0966
 Retention of existing house and sub-division of plot for proposed development of 4 no. new houses; 3 no. 2 storey 3 bedroom units and 1 no. 1 storey 2 bedroom unit together with associated car parking, bin storage, bicycle storage and landscaping
 Complete
 18.10.2016
- 3.4 PRE15/1497
 Erection of 5no. dwellings
 Complete
 23.03.2016
- 3.5 PT02/3230/F
 Erection of two storey side extension to form study, toilet and living room with bathroom, bedroom and ensuite facilities over.
 Refusal
 14.08.2003
- 3.6 P89/1198
 Erection of two storey front extension to provide porch with bathroom above
 Approval
 16.03.1989

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

Objection

- access via an unadopted road which is outside the authority of South Gloucestershire Council
- uncertainty posed by leaving all other matters reserved including layout, dwelling size, parking and potential for HMOs

4.2 Filton Parish Council

No comment

4.3 Bristol City Council

No objection

- access from the north is acceptable
- must be ensured the site cannot be accessed from the south as to avoid the creation of a thoroughfare

4.4 Other Consultees

Lead Local Flood Authority

No objection

- conditions requiring details for surface water and foul disposal

Sustainable Transport

No objection

Archaeology Officer

No objection

Other Representations

4.5 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 This application seeks outline planning permission for the erection of 3 dwellings on land within the north fringe of Bristol.

5.2 Principle of Development

The site lies within the existing urban area of the north fringe of Bristol where, under policy CS5, new development is directed. As such the principle of development in this location is acceptable. However, the site has been identified as being of high archaeological potential which without formal assessment can act as a significant constraint to development as is the case here. All development must also demonstrate it reaches a high standard of design, and would not prejudice living conditions or have a severe impact on highway safety.

- 5.3 Whilst the principle of development in this location is acceptable, at present the Council cannot demonstrate a 5-year supply of deliverable housing land. As a result, applications should be assessed against the presumption in favour of sustainable development, as set out in paragraph 11 of the NPPF. This states that planning permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits of the proposal or specific guidance in the NPPF indicates development should be resisted.
- 5.4 In reality, the current housing under supply has limited impact on the determination of this application; the principle of residential development on this site is not disputed. However, weight must be attributed to the positive impact of additional housing and any adverse impact must be balanced against this.
- 5.5 Archaeology
Amongst other matters, paragraph 189 of the NPPF refers to the need for developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation in respect of a development site which includes heritage assets with archaeological interest. Paragraph 190 says that the particular significance of any heritage asset should be assessed, and the assessment taken into account when considering the impact of the proposal on the asset, to minimise conflict between the asset's conservation and any aspect of the proposal. Paragraph 197 goes on to say that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, and that in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm of loss and the significance of the asset.
- 5.6 Here, the applicant's archaeological consultant has produced a desk-based assessment. In addition, trial trenching has taken place.
- 5.7 The applicant's consultant, in a field evaluation, considered that the identified remains were of high archaeological potential and of local significance. However, the evaluation went on to say that the remains had been impacted upon by modern dumped material.
- 5.8 This was accepted by the Council and as such Officers no longer have an objection to the application.
- 5.9 Transport, Design and Layout
These three issues will be considered as one as they each impact upon the other and the overall potential to harm the visual amenity of the locality.
- 5.10 The application site consists of part of the residential curtilage of 2 Stanley Cottages. Development along the road predominately relates to sporting facilities. The application site has a secluded and verdant character and appearance is largely hidden from view in the street scene. However, on the site are a number of ramshackle structures which will be removed as part of the proposal.

- 5.11 As the layout and appearance of the dwellings are matters reserved for future consideration, the question for the Authority is whether there is an in principle objection to development on this site due to the impact on the character and appearance of the area. Weight, as part of these considerations, must be attached to the fact that the site forms part of an existing residential curtilage and within the Bristol north fringe.
- 5.12 The surrounding open space, sports facilities and cottage pair themselves are all important factors in these considerations. The existing dwellinghouse appears to originally been composed of twin dual pitch roofs orientated north-south with gable ends. Both 2 storey and single storey extensions have subsequently been added to the northwest and south sides. The building's original character has therefore been somewhat eroded. However, its isolated siting and large plot, like its neighbour, remains unaltered and immediate sporting development adjacent has only reinforced this. The building's modest origins are therefore still apparent.
- 5.13 The proposed scheme, as mentioned above would demolish a number of small structures on the site in order to develop 3 two storey dwellings in a linear row. Several trees would need to be removed from the northwest portion of the site to make way for accesses, parking and bin storage in association with the development. The proposed units at each end appear to be of similar design with protruding gables whilst the one in the middle is larger with front dormers. Gardens would be to the rear only.
- 5.14 The proposal would result in a row of three detached dwellings set fairly close to the road. This would represent a significant contrast to the main house which is positioned directly on its southeast boundary and exhibits a well sized, defined front garden area.
- 5.15 As a consequence of this arrangement, the buildings in the development would project noticeably forward of the existing cottage. Whilst this is unlikely to be visible or perceivable when stood in front of the new dwellings, the removal of trees along the southwest boundary will allow views on the approach and the extent of forward projection would nonetheless appear abrupt, leading to a poor visual relationship between the old and new properties. Furthermore, the uniformity of built form and linear layout would be uncharacteristic of the generally spacious, loose-knit and random qualities of established development in the area. However, as layout and appearance are reserved matters, such concerns could be addressed at a later stage requiring an improved and more in keeping layout. Furthermore, it is considered that the site is capable of accommodating 3 dwellings and therefore no objection is raised to the quantum of development.
- 5.16 However, access is a matter to be determined and this can have an impact on design. As aforementioned, each dwelling will have their own driveway with tandem parking, but off a road which starts in Bristol, not South Gloucestershire. As such advice was sought from the Highway Officers in both Bristol City Council and South Gloucestershire Council in order to establish the suitability of the access and local highway network.

- 5.17 Looking at the proposal, the access meets the Authority's expectations and is considered unlikely to negatively impact on the local highway network. Whilst concerns about the potential for a thoroughfare if a south access was ever created are noted, Officers consider that this could be adequately controlled by condition.
- 5.18 Officers are therefore satisfied based on the evidence before them that safe access can be provided and that the traffic generated can be safely accommodated on the highway network.
- 5.19 Residential Amenity
Taking note of the outline nature of this application, it is not considered that the proposal would have an adverse impact on residential amenity or fail to provide the future occupiers of the dwellings with satisfactory living conditions.
- 5.20 Drainage
The Lead Local Flood Authority argues that both surface water and foul drainage should be dealt with through planning conditions. However, Officers consider such issues are covered under Building Regulations. Therefore, such conditions would merely duplicate existing controls and as such are unnecessary and unreasonable.
- 5.21 Impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.22 With regards to the above this planning application is considered to have a neutral impact on equality.
- 5.23 Overall Planning Balance
In determining this application, the presumption in favour of sustainable development must be applied.
- 5.24 The benefits of the proposal would be to provide 3 detached dwellings in a district that cannot demonstrate a five year supply of housing. Whilst not a high number of dwellings, it is nonetheless a positive contribution and a clear benefit.
- 5.25 The site is in a sustainable location being within the north fringe of Bristol, which has a suitable level of services and facilities. There are also other benefits to the scheme, such as the bringing more people to the area to potentially underpin the local economy, plus the economic benefits of the

construction work. There are also social benefits by providing new housing in an accessible location.

- 5.26 Overall Officers consider that there are no adverse impacts that significantly and demonstrably outweigh the benefits. As such, the presumption in favour of sustainable development as envisaged by the NPPF applies and the application should therefore be approved.

6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the South Gloucestershire 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 planning permission is GRANTED subject the conditions listed below.

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

5. There shall be no vehicular or construction vehicle access to the site from Barton Walk, Stoke Gifford.

Reason

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

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

Reason

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

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

Received 17.04.2018:

Site Location Plan

Design & Access Statement

Site Plan (OUT 1371/001 Rev A)

Received 24.05.2018:

Archaeological Desk Based Assessment

Received 25.07.2018:

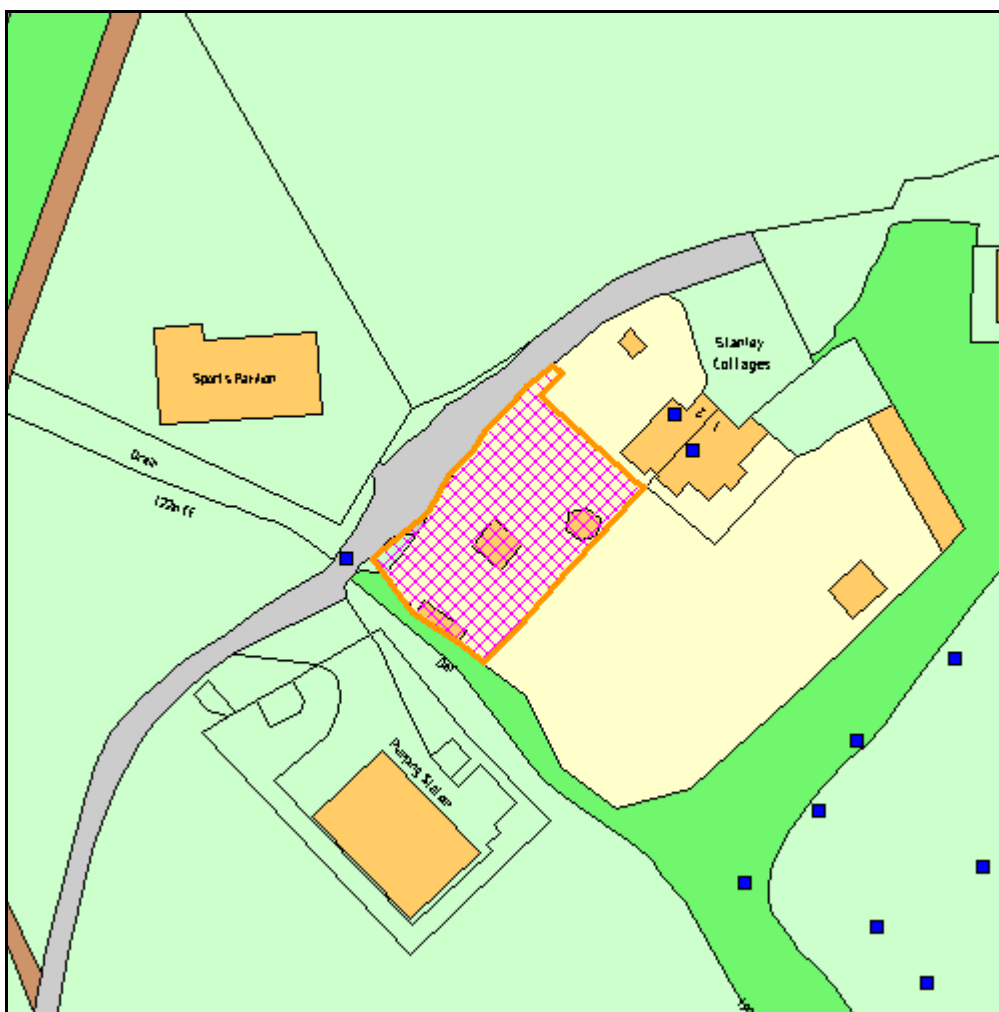
Archaeological Field Evaluation

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.:	PT18/1820/O	Applicant:	Century Spaces
Site:	Land Adjacent To 2 Stanley Cottages Off Bonnington Walk Stoke Gifford South Gloucestershire BS7 9YU	Date Reg:	18th April 2018
Proposal:	Erection of 4no detached dwellings (Outline) with access to be determined. All other matters reserved.	Parish:	Stoke Gifford Parish Council
Map Ref:	360825 177913	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	12th June 2018



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 100023410, 2008. N.T.S. PT18/1820/O

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule for determination as an objection has been received from Stoke Gifford Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of 4 dwellings on land to the southwest of 2 Stanley Cottages, which are off Bonnington Walk in Stoke Gifford. As stated, the application is in outline form with only access to be determined; all other matters are reserved. Therefore the plans and information submitted with the application (aside from those relating to the access) are indicative in nature only.
- 1.2 In terms of the constraints of the site, the site is located within the north fringe of Bristol. However, the site is within an area identified on the district's title maps which is of archaeological importance and furthermore it falls within the setting of Stanley Farm, which is a grade II listed building. Access would be provided from Bonnington Walk which is within Bristol City Council's authority.
- 1.3 A design and access statement has been submitted with this application. The proposal is to erect 4 detached 4-bedroom dwellings in a linear layout. All the proposed units would be 2 storeys high. Three of them would have 94sq metre gardens to the rear with the remaining one being provided with 159sq metres.
- 1.4 During the course of the application an archaeological desk-based assessment and field evaluation were submitted to try to overcome Officer concerns.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2018

- 2.2 Adopted Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity

PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets
PSP20	Flood Risk, Surface Water & Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007
 Residential Parking Standards SPD (Adopted) 2013
 Revised Landscape Character Assessment SPD (Adopted) 2014
 Waste Collection SPD (Adopted) 2015
 CIL Charging and S106 SPD (Adopted) 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PT18/1819/O
 Erection of 3no detached dwellings (Outline) with access to be determined. All other matters reserved.
Pending
- 3.2 PRE17/1104
 Erection of 3no. dwellings
 Complete
 12.03.2018
- 3.3 PRE16/0966
 Retention of existing house and sub-division of plot for proposed development of 4 no. new houses; 3 no. 2 storey 3 bedroom units and 1 no. 1 storey 2 bedroom unit together with associated car parking, bin storage, bicycle storage and landscaping
 Complete
 18.10.2016
- 3.4 PRE15/1497
 Erection of 5no. dwellings
 Complete
 23.03.2016
- 3.5 PT02/3230/F
 Erection of two storey side extension to form study, toilet and living room with bathroom, bedroom and ensuite facilities over.
 Refusal
 14.08.2003
- 3.6 P89/1198
 Erection of two storey front extension to provide porch with bathroom above
 Approval
 16.03.1989

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

Objection

- access via an unadopted road which is outside the authority of South Gloucestershire Council
- uncertainty posed by leaving all other matters reserved including layout, dwelling size, parking and potential for HMOs

4.2 Filton Parish Council

No comment

4.3 Bristol City Council

No objection

- access from the north is acceptable
- must be ensured the site cannot be accessed from the south as to avoid the creation of a thoroughfare

4.4 Other Consultees

Lead Local Flood Authority

No objection

- conditions requiring details for surface water and foul disposal

Sustainable Transport

No objection

Archaeology Officer

No objection

Other Representations

4.5 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 This application seeks outline planning permission for the erection of 4 dwellings on land within the north fringe of Bristol.

5.2 Principle of Development

The site lies within the existing urban area of the north fringe of Bristol where, under policy CS5, new development is directed. As such the principle of development in this location is acceptable. However, the site has been identified as being of high archaeological potential which without formal assessment can act as a significant constraint to development as is the case here. All development must also demonstrate it reaches a high standard of design, and would not prejudice living conditions or have a severe impact on highway safety.

- 5.3 Whilst the principle of development in this location is acceptable, at present the Council cannot demonstrate a 5-year supply of deliverable housing land. As a result, applications should be assessed against the presumption in favour of sustainable development, as set out in paragraph 11 of the NPPF. This states that planning permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits of the proposal or specific guidance in the NPPF indicates development should be resisted.
- 5.4 In reality, the current housing under supply has limited impact on the determination of this application; the principle of residential development on this site is not disputed. However, weight must be attributed to the positive impact of additional housing and any adverse impact must be balanced against this.
- 5.5 Archaeology
Amongst other matters, paragraph 189 of the NPPF refers to the need for developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation in respect of a development site which includes heritage assets with archaeological interest. Paragraph 190 says that the particular significance of any heritage asset should be assessed, and the assessment taken into account when considering the impact of the proposal on the asset, to minimise conflict between the asset's conservation and any aspect of the proposal. Paragraph 197 goes on to say that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, and that in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm of loss and the significance of the asset.
- 5.6 Here, the applicant's archaeological consultant has produced a desk-based assessment. In addition, trial trenching has taken place.
- 5.7 The applicant's consultant, in a field evaluation, considered that the identified remains were of high archaeological potential and of local significance. However, the evaluation went on to say that the remains had been destroyed by modern truncation.
- 5.8 This was accepted by the Council and as such Officers no longer have an objection to the application.
- 5.9 Transport, Design and Layout
These three issues will be considered as one as they each impact upon the other and the overall potential to harm the visual amenity of the locality.
- 5.10 The application site consists of part of the residential curtilage of 2 Stanley Cottages. Development along the road predominately relates to sporting facilities. The application site has a secluded and verdant character and appearance is largely hidden from view in the street scene. However, on the site are a number of ramshackle structures which will be removed as part of the proposal.

- 5.11 As the layout and appearance of the dwellings are matters reserved for future consideration, the question for the Authority is whether there is an in principle objection to development on this site due to the impact on the character and appearance of the area. Weight, as part of these considerations, must be attached to the fact that the site forms part of an existing residential curtilage and within the Bristol north fringe.
- 5.12 The surrounding open space, sports facilities and cottage pair themselves are all important factors in these considerations. The existing dwellinghouse appears to originally been composed of twin dual pitch roofs orientated north-south with gable ends. Both 2 storey and single storey extensions have subsequently been added to the northwest and south sides. The building's original character has therefore been somewhat eroded. However, its isolated siting and large plot, like its neighbour, remains unaltered and immediate sporting development adjacent has only reinforced this. The building's modest origins are therefore still apparent.
- 5.13 The proposed scheme, as mentioned above would demolish a number of small structures on the site in order to develop 4 two storey dwellings in a linear mid-plot row. Several trees would need to be removed from the northwest portion of the site to make way for parking and bin storage in association with the development. The proposed units at each end appear to be of similar design with protruding gables as also are the two in the middle with front dormers. Gardens would be to the rear only.
- 5.14 The proposal would result in a substantial intensification of development on the plot – not only in terms of potential massing and site coverage, but also in terms of the extensive area of hardstanding that would be installed adjacent to the roadside. These aspects of the scheme, taken together with the removal of trees would impart a cluttered complexity to the plot, and a harder, more urban appearance, strongly out of kilter with the generally more verdant and spacious character of its surroundings. However, as layout and appearance are reserved matters, such concerns could be addressed at a later stage requiring an improved and more in keeping layout. Furthermore, it is considered that the site is capable of accommodating 4 dwellings and therefore no objection is raised to the quantum of development.
- 5.15 However, access is a matter to be determined and this can have an impact on design. As aforementioned, each dwelling will have a street frontage, but off a road which starts in Bristol, not South Gloucestershire. As such advice was sought from the Highway Officers in both Bristol City Council and South Gloucestershire Council in order to establish the suitability of the access and local highway network.
- 5.16 Looking at the proposal, the access meets the Authority's expectations and is considered unlikely to negatively impact on the local highway network. Whilst concerns about the potential for a thoroughfare if a south access was ever created are noted, Officers consider that this could be adequately controlled by condition.

- 5.17 Officers are therefore satisfied based on the evidence before them that safe access can be provided and that the traffic generated can be safely accommodated on the highway network.
- 5.18 Residential Amenity
Taking note of the outline nature of this application, it is not considered that the proposal would have an adverse impact on residential amenity or fail to provide the future occupiers of the dwellings with satisfactory living conditions.
- 5.19 Drainage
The Lead Local Flood Authority argues that both surface water and foul drainage should be dealt with through planning conditions. However, Officers consider such issues are covered under Building Regulations. Therefore, such conditions would merely duplicate existing controls and as such are unnecessary and unreasonable.
- 5.20 Impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.21 With regards to the above this planning application is considered to have a neutral impact on equality.
- 5.22 Overall Planning Balance
In determining this application, the presumption in favour of sustainable development must be applied.
- 5.23 The benefits of the proposal would be to provide 4 detached dwellings in a district that cannot demonstrate a five year supply of housing. Whilst not a high number of dwellings, it is nonetheless a positive contribution and a clear benefit.
- 5.24 The site is in a sustainable location being within the north fringe of Bristol, which has a suitable level of services and facilities. There are also other benefits to the scheme, such as the bringing more people to the area to potentially underpin the local economy, plus the economic benefits of the construction work. There are also social benefits by providing new housing in an accessible location.

5.25 Overall Officers consider that there are no adverse impacts that significantly and demonstrably outweigh the benefits. As such, the presumption in favour of sustainable development as envisaged by the NPPF applies and the application should therefore be approved.

6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the South Gloucestershire 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 planning permission is GRANTED subject the conditions listed below.

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

5. There shall be no vehicular or construction vehicle access to the site from Barton Walk, Stoke Gifford.

Reason

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

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

Reason

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

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

Received 17.04.2018:

Site Location Plan

Design & Access Statement

Site Plan (OUT 1271/001 Rev A)

Received 24.05.2018:

Archaeological Desk Based Assessment

Received 25.07.2018:

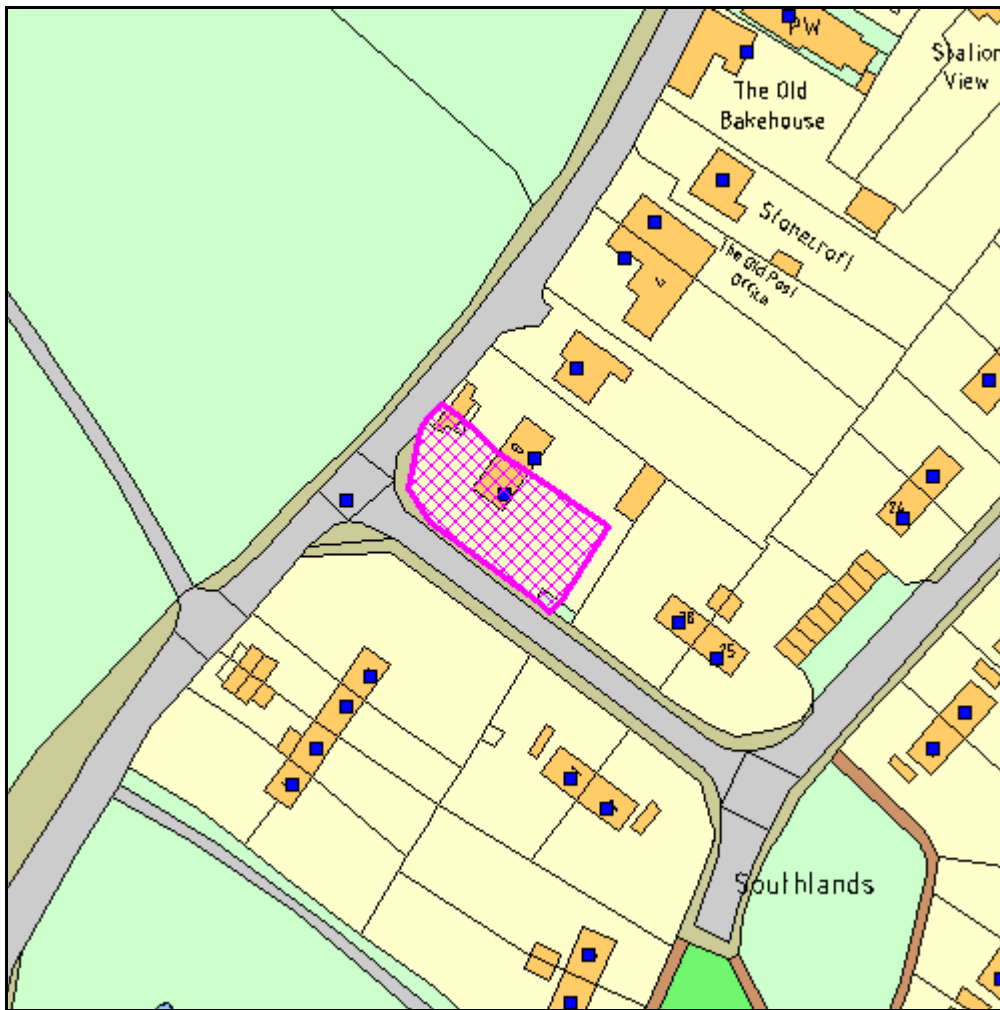
Archaeological Field Evaluation

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.:	PT18/2456/F	Applicant:	Mr P Hoplin
Site:	Corner Cottage Itchington Road Tytherington Wotton Under Edge South Gloucestershire GL12 8QE	Date Reg:	31st May 2018
Proposal:	Erection of 1 no semi-detached dwelling with associated works.	Parish:	Tytherington Parish Council
Map Ref:	366777 187976	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	24th July 2018



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100023410, 2008. N.T.S. PT18/2456/F

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure, following objections received from local residents which are contrary to the officer recommendation detailed in this report.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of 1 no. attached dwelling and associated works at Corner Cottage, Itchington Road, Tytherington.
- 1.2 Currently the site forms the side garden of Corner Cottage, which is located within the settlement boundary of Tytherington. This part of the village is washed over by the Bristol/Bath Green Belt.
- 1.3 During the course of the application, concerns were raised about the scale of the dwelling. Amendments were received on 24th July 2018, and a period of re-consultation was not deemed necessary as the proposal had reduced in size. A landscape scheme was received on 10th August 2018, and improved visibility splays were also requested and received.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP5 Undesignated Open Spaces within Urban Areas and Settlements
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Standards

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 There is no recent or relevant planning history at the site.

4. **CONSULTATION RESPONSES**

- 4.1 Tytherington Parish Council
No comment.

4.2 Other Consultees

Archaeology
No comment.

Sustainable Transport

No detail on existing or proposed visibility splays have been provided. It is essential that adequate visibility is provided. A revised plan needs to be submitted which clearly shows existing visibility splays and also proposed splays after development. These should be measured from a 2.4m set back.

Detail of boundary walls/vegetation has not been provided for the boundary along Southlands. Before final comment can be made revised plans addressing the above need to be submitted.

Landscape

No landscape objection apart from the concern that the extension of Corner Cottage will visually squeeze the approach to Southlands. Landscaping scheme recommended if approved.

Highway Structures

Informative recommended.

Lead Local Flood Authority

No connection is to be made to the existing highway drain located in Itchington Road for the purpose of discharging either surface water runoff or foul water.

Other Representations

4.3 Local Residents

Four letters of objection have been received, making the following points:

- Concerned about drainage. Sewer outlets from Heathlands House and Corner Cottage go into the same trap which runs along the back of 25 and 26 Southlands. Is there sufficient capacity? Might be better to have a direct

- line into the main which runs through the gardens of Heathlands House and no. 26.
- Only one parking space proposed for new dwelling, what about visitors? Parking is difficult on Southlands and there are access issues
 - Three driveways clustered together is dangerous, a number of other applications in the area have been refused for that reason
 - There is limited pavement here and children walk around this junction to get the school bus
 - Proposed cottage will extend building line nearer to the road, all other buildings along Southlands are set back from the highway
 - Lack of advertisement about the application

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site lies within the established settlement boundary of Tytherington. Under policy CS5 which establishes the locational strategy for development, the site is considered to be a suitable site for development subject to site specific considerations and would therefore be supported in principle.

5.2 Policy CS17 and PSP38 would also allow for development within existing residential gardens and curtilages subject to an assessment on the impact of the development on the character of the area, transportation, and residential amenity.

5.3 Currently, the Council is unable to demonstrate a 5-year housing supply of deliverable housing land. Proposals for new residential development should in any event have regard to the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The presumption in favour of sustainable development states that proposals that accord with the development plan should be approved without delay. However where the development plan is out of date, planning permission should be granted unless the adverse impacts of doing so *significantly and demonstrably* outweigh the benefits or when specific guidance in the NPPF or non-housing policies in the development plan indicate that planning permission should be refused. Where there is a failure to demonstrate a 5 year supply of housing, then policies that relate to the supply of housing should be considered out of date. Nevertheless the starting point remains the adopted development position, with the advice in the NPPF constituting an important material consideration. In this instance whilst policy CS5 does relate to the supply of housing and so would be out of date for NPPF purposes, it would in any event support the principle of residential development at this location. However additional weight is given in favour of increasing housing supply in light of the current shortfall, however this is limited as the contribution proposed of a single dwellinghouse would make a minor difference to the overall housing supply.

5.4 Having established the principle is acceptable, the impact of the proposed development should also be carefully assessed and this is set out in the remainder of this report. The overall design and impact on the character of the area is an important element of the assessment (Policy CS1); the impact on the

- existing residential amenity of the area (policy PSP8); and the transport implications (policy CS8 and Residential Parking Standards SPD). Full weight is given to policy CS1 which does not relate to the supply of housing, but controls the quality of new development within South Gloucestershire. Policy CS8 and the residential parking standard SPD supporting it are considered to be up to date. Full weight is also given to Green Belt policy, which is considered in more detail below. These are therefore considered up to date in terms of paragraph 11 of the NPPF.
- 5.5 The proposal is for the erection a new dwelling within an established residential area in an existing settlement. Both national and local planning policy are supportive of such development and weight can therefore be given to it being an acceptable form of development, subject to a detailed assessment below.
- 5.6 Green Belt
Part of the village of Tytherington is washed over by the Bristol/Bath Green Belt. Paragraph 145 of the NPPF sets out a number of instances where development in the Green Belt is not inappropriate, subject to certain criteria. Core Strategy policy CS5 identifies ones of these instances as limited infilling within the settlement boundaries of villages shown within the Policies Map. As the proposed dwelling is to continue a linear pattern of properties along Itchington Road, it can be considered to be limited infilling, and it is within the settlement boundary of the village. The development is considered to be appropriate development in the Green Belt.
- 5.7 In terms of the impact on the openness of the Green Belt, the site is surrounded by built form and would be extending an existing semi-detached pair to form a terrace of three dwellings. The proposed dwelling is small scale and the impact on the openness of the Green Belt is therefore limited.
- 5.8 Design and Visual Amenity
The semi-detached cottage this application relates to is unusual as although the address is Itchington Road, Corner Cottage and its attached neighbour face south-east. The character of the properties in the area is strong, particularly surrounding this junction between Southlands and Itchington Road, with large gaps maintained between the buildings and stepped back from the highway, making a positive contribution to the open nature of the estate. The cottages on the opposite side of Southlands facing onto Itchington Road are significantly set back to the south, with Corner Cottage being much closer to the road than the surrounding units currently. This proposal would further close this gap, having a negative impact on the visual amenity, and the semi-rural character that the open countryside to the north provides.
- 5.9 During the course of the application, amendments to the scale of the proposed dwelling were received to propose a small property set further back from the south-west boundary of the site. The proposed dwelling is to continue the ridge line of the existing semi-detached pair and will also have a two-storey pitched roof extension on the north-west elevation. The detailing mirrors the existing dwelling and, should the application be approved, a condition on the decision notice will ensure that all materials match the appearance of the host dwelling.

5.10 Residential Amenity

The site is proposed to be subdivided, however the gardens that will remain for future occupiers are in excess of the minimal garden standards within policy PSP43. Due to the amount of vegetation to be retained and also planted on site, both the front and rear gardens can be considered useable, private amenity space. The development requires a kitchen window of the existing dwelling to be blocked up, although this room benefits from another window so there is no harm to the amenities of the application site.

5.11 Due to the location of the development within a corner plot, it is unlikely there will be any harm to the residential amenities of neighbouring occupiers. No. 26 Southlands to the east is the closest affected property, however the rear windows proposed will not overlook no. 26 as the distance is too large. There is no objection on the grounds of residential amenity.

5.12 Landscaping

During the course of the application a landscaping scheme has been submitted, to show the extension of the existing boundary hedge and the planting of small/medium native trees in the corner of the garden adjacent to the new parking spaces. A new tree is also proposed to the front of the site along Itchington Road. With the exception of the rear boundary treatment separating the site from no. 26 Southlands, the site is to be subdivided by a low fence (0.9 metres) and taller hedging to provide privacy. Subject to this landscaping scheme being conditioned the development is acceptable in terms of policy PSP2.

5.13 Transport

The level of parking proposed is in accordance with the Residential Parking Standards SPD. The Transport officer initially had concerns that visibility reversing out of the proposed parking space for the new dwelling was poor, however the landscaping scheme submitted on 10th August 2018 demonstrates that the hedge will be set back slightly allowing for an adequate visibility splay. Each house has been allocated space for cycle parking as well as waste storage, so there is no objection from a transportation point of view, subject to a condition requiring the parking spaces and visibility splay is maintained.

5.14 Drainage

Comments have been received querying whether the mains drainage system will be able to cope. The Lead Local Flood Authority have indicated that they have no objection to the scheme, subject to an informative that the development will not connect to the highway drain on Itchington Road.

5.15 Planning Balance

Whilst a slight harm has been identified due to the narrowing of the gap between the existing dwelling and Southlands, which is considered to contribute positively to the open character of the area, this does not outweigh the benefits of providing an additional unit of housing. On balance, it is recommended that the application is approved.

5.16 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 864735

CONDITIONS

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those used in the existing dwelling known as Corner Cottage.

Reason

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

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

Reason

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

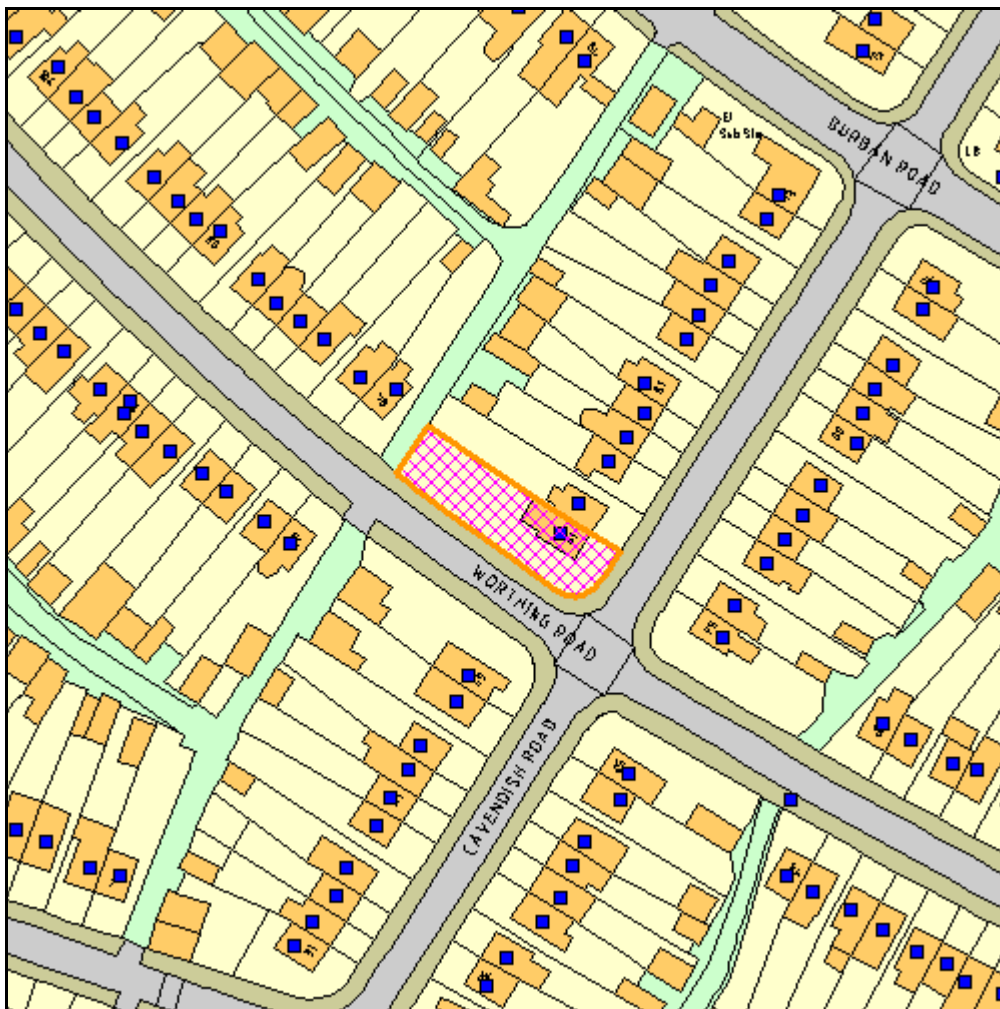
4. All hard and soft landscape works shall be carried out in accordance with the approved details in the plan titled Proposed Landscaping Site Layout drg no. 17/0195/108 received on 10th August 2018. The works shall be carried out prior to the occupation of the dwelling hereby approved, or in the first planting season following first occupation.

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; policy PSP2 of the Policies Sites and Places Development Plan Document (Adopted) November 2017 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.:	PT18/2668/F	Applicant:	Mr Luke Bragg
Site:	51 Cavendish Road Patchway Bristol South Gloucestershire BS34 5HJ	Date Reg:	12th June 2018
Proposal:	Erection of single and two storey side extension to form 1 no. semi detached dwelling with new access and associated works	Parish:	Patchway Town Council
Map Ref:	359746 181727	Ward:	Patchway
Application Category:	Minor	Target Date:	6th August 2018



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 100023410, 2008. N.T.S. PT18/2668/F

CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following comments received from the local town council contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for the erection of a single storey and two storey side extension to form 1no. attached dwelling with access and associated works at 51 Cavendish Road, Patchway
- 1.2 The host property is a three bedroom, two storey dwelling located in the built up and residential area of Patchway. The new attached dwelling is proposed to be a two storey, two bed dwelling built on the south-west side of no.51 Cavendish Road, within the large garden to the side of the host dwelling. The proposed new dwelling would also have a single-storey element to the rear.
- 1.3 During the course of this application revised plans were requested and received to address design concerns and parking issues.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS25 Communities of the North Fringe of Bristol

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

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

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

3. RELEVANT PLANNING HISTORY

3.1 No relevant planning history.

4. CONSULTATION RESPONSES

4.1 Patchway Town Council

Patchway Town Council is concerned that there will be insufficient amenity space for an additional house on this site once two parking spaces have been incorporated.

Archaeology

No comment

Highway Structures

No comment

Lead Local Flood Authority

No objection

Sustainable Transportation

Although I do not have a transportation objection to the principle of a new dwelling being erected on this land, I do have concerns over the vehicular parking proposed for the site. The plans submitted only show two parking spaces which does not comply with the Council's residential parking standards which state that a dwelling with up to four bedrooms requires two parking spaces. As both the existing and the new dwellings will have three bedrooms each a minimum of four parking spaces would be required, two for each dwelling.

As this appears to be a new vehicular crossover onto Worthing Road, a minimum of 2m x 2m pedestrian visibility splay would be required.

Subject to revised plans being submitted addressing the above, I would raise no transportation objection.

Other Representations

4.2 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is located within the established urban area and is within the defined settlement boundary. This application stands to be assessed against the

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

5.2 Housing Contribution

At present, the Council cannot demonstrate a five year housing land supply. The proposal will have one tangible and clear benefit, this would be the modest contribution of 1no. new residential dwelling towards the Council's 5 year housing land supply.

5.3 Design and Visual Amenity

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

5.4 The application site relates to the side garden of a semi-detached two-storey dwellinghouse situated within the settlement boundary of Patchway. It is set amongst a mix of terraced properties, which make up the bulk of the street scene, and semi-detached properties which occupy the corner plots. The application site is positioned at the end of Cavendish Road, in a corner position, where Cavendish Road and Worthing Road meet.

5.5 The existing dwelling is of a simple design with modest proportions. The design of the new dwelling largely mimics the design of the existing dwelling, with the entrance way to the front, a hipped roof to the side and similar windows. In addition, the overall layout should be well integrated with the existing adjacent development

5.6 The proposal would have red facing brickwork, with a tiled roof and white UPVC windows and doors. These materials would match those present on the original dwellinghouse and nearby properties.

5.7 Overall, it is considered that the proposed alterations would not harm the character or appearance of the area and as such are considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1 and PSP38 and conforms to the criteria in the adopted Local Plan.

5.8 Residential Amenity

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

- 5.9 Although it is accepted that this is a residential area, careful consideration still needs to be given to the impact of the proposal both on existing neighbouring occupiers and also the intended future residents.
- 5.10 The proposed new dwelling will be attached to the side of an existing dwelling with windows looking directly to the front, rear and side. These windows would result in no more of an impact on residential amenity than the existing windows on the host dwelling. As such, the existing level of overlooking for neighbouring dwellings will not be exacerbated, and privacy would not be impacted by the proposed new dwelling. A single storey rear element would be located to the rear of the proposed dwelling. This is located next to an existing rear extension to no. 51, Cavendish Road. This is very modest, and would not result in any overbearing or overshadowing on the neighbouring property.
- 5.11 The parish council raised concerns that insufficient amenity space will remain on site once two parking spaces are incorporated. PSP43 states that new residential development will be expected to have functional and safe outdoor amenity space; a two bedroom house should have 50m² of outdoor amenity space. The available amenity space would measure around 85 square metres for each dwelling. This is considered acceptable, and would offer sufficient space for future occupiers of the properties.
- 5.12 The proposal would not appear overbearing or such that it would prejudice existing levels of outlook or light afforded to neighbouring occupiers. Additionally, privacy would not be affected. Therefore, the proposed development is not considered to be detrimental to residential amenity; and is deemed to comply with policy PSP38 of the South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan (November 2017).
- 5.13 Transport
Currently the property does not benefit from off-street parking, parking is predominantly on street with some of the properties choosing to convert their front gardens to provide vehicular parking. Revised plans show that no.51 plans to alter the existing frontage to provide 1 number vehicular parking space. Residential Parking Standards SPD outlines that properties with 3bedrooms must make provision for the parking of a minimum of 2 vehicles, with each parking space measuring a minimum of 2.4m x 4.8m. It seems that the property is currently deficient by two parking spaces, and this would be reduced by one if this proposal were to be permitted.
- 5.14 It is not considered that in these circumstances it would be reasonable to reject the proposal on the basis that there is a lack of parking (which already exists) when the requirement for parking would not be materially different in policy terms. The property remains in a predominantly residential area meaning that any additional on-street parking may be inconvenient to other road users but is unlikely to cause a highway safety problem. Overall whilst this counts against the proposal it is not considered that it amounts to a severe highway impact that would justify the refusal of the scheme.

- 5.15 A revised plan has now been submitted which shows two parking spaces are to be provided to the rear of the new dwelling, South Gloucestershire Residential Parking Standards SPD outlines that properties with 2 bedrooms must make provision for the parking of a minimum of 1.5 vehicles It is therefore considered that sufficient parking will remain at the property. However in order to secure this provision, a condition will be attached to any decision requiring a minimum of 2 parking spaces to be provided on-site and thereafter retained for that purpose
- 5.16 The comments of the transport officer have been taken in to account. However in this instance it is not deemed that the impacts would be significantly greater than that already present on site
- 5.17 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 (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is **GRANTED** subject to the Condition(s) on the decision notice.

Contact Officer: 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).

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

Reason

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

- 3. 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.

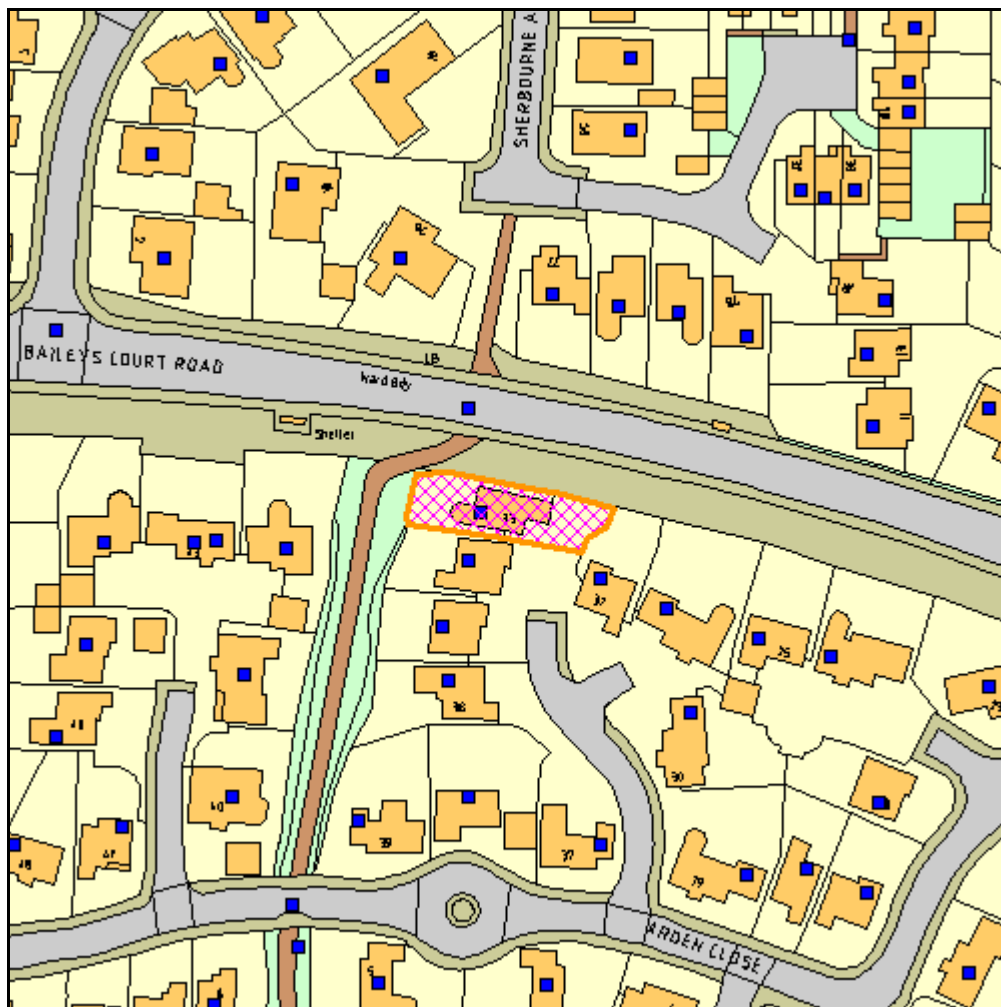
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

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

CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.:	PT18/2672/CLP	Applicant:	Mr David Raynor
Site:	33 Arden Close Bradley Stoke Bristol South Gloucestershire BS32 8AX	Date Reg:	5th July 2018
Proposal:	Erection of single storey rear extension to form additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	362337 180898	Ward:	Stoke Gifford
Application Category:	Certification of Lawfulness	Target Date:	28th August 2018



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at 33 Arden Close, Bradley Stoke 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 Act 1990 (as amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) 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 PT09/1380/F
Erection of two storey front extension to form additional living accommodation with integral garage (resubmission of PT09/0807/F)
Approved: 11/09/2009
- 3.2 PT00/0396/F
Erection of rear conservatory
Approved: 22/03/2000

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objections
- 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 5th June 2018:
Proposed Plans
Proposed Elevations

Received by the Council on 3rd July 2018:
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 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 relating to extensions at the subject property. As such permitted development rights are intact and exercisable

6.3 The proposed development consists of the erection of a single storey rear extension. The proposed extension would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria set out below:

A.1) Development is not permitted by Class A 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) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The total area of ground covered by buildings (other than the original dwellinghouse) would be less than 50% of the total area of the curtilage.

- (c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**

The height of the rear extension will not exceed the height of the roof of the existing dwellinghouse.

- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**

The height of the eaves of the rear extension would not exceed the eaves of the existing dwellinghouse.

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—**
(i) forms the principal elevation of the original dwellinghouse; or
(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

The extension would not extend beyond a wall which forms the principal elevation; or fronts a highway and forms a side elevation, of the original dwellinghouse.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse,**
(ii) or exceed 4 metres in height;

The host property is detached and the proposal would extend beyond the rear wall of the original dwelling by 4 metres and have a height of 2.9 metres.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
(ii) exceed 4 metres in height;

Not applicable.

- (h) The enlarged part of the dwellinghouse would have more than a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
- (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**

The extension would be single storey.

- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**

The extension would not be within 2 metres of the boundary.

- (j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—**
 - (i) exceed 4 metres in height,**
 - (ii) have more than a single storey, or**
 - (iii) have a width greater than half the width of the original dwellinghouse; or**

The extension would not extend beyond a wall forming a side elevation of the original dwellinghouse.

- (ja) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);**

The proposed single storey rear extension would not be joined to any existing enlargement of the original dwellinghouse. Therefore, the total enlargement does not exceed the limits set out in sub-paragraphs (e) to (j).

- (k) It would consist of or include—**
 - (i) the construction or provision of a verandah, balcony or raised platform,**
 - (ii) the installation, alteration or replacement of a microwave antenna,**
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
 - (iv) an alteration to any part of the roof of the dwellinghouse.**

The development would not include any of the above.

A.2) In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**

- b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.
- d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c);

The application site does not fall on article 2(3) land.

A.3) Development is permitted by Class A subject to the following conditions—

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

The submitted information indicates that the proposal will be finished in materials to match the exterior finish of the existing dwellinghouse.

- b) any upper-floor window located in 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; and

Not applicable.

- c) Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Not applicable.

7. RECOMMENDATION

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

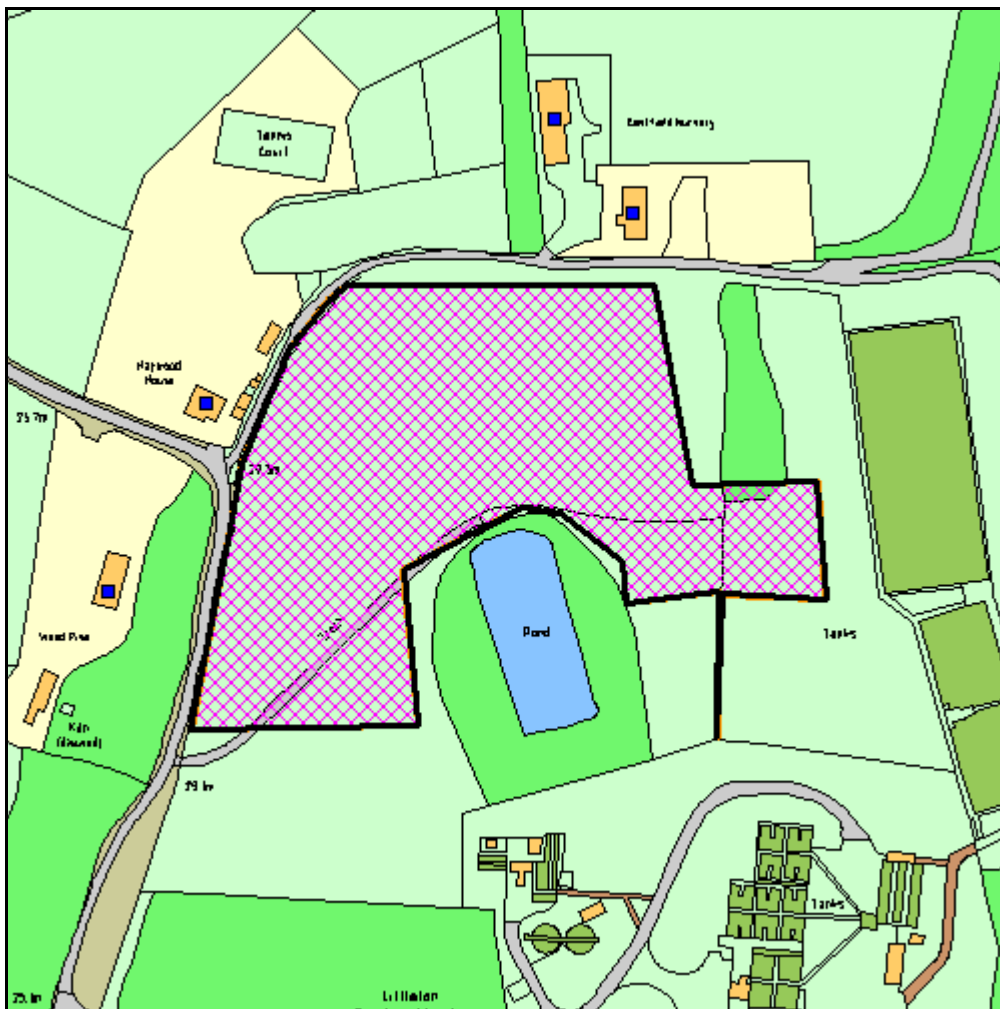
Evidence has been provided to demonstrate that on the balance of probabilities the erection of a single storey rear extension falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Contact Officer: James Reynolds

Tel. No. 01454 864712

CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.:	PT18/2731/CLP	Applicant:	Bristol Water
Site:	Bristol Water Village Road Littleton Upon Severn South Gloucestershire BS35 1NT	Date Reg:	26th June 2018
Proposal:	Installation of ground mounted solar pv panels and associated works to service water treatment plant.	Parish:	Aust Parish Council
Map Ref:	360330 189265	Ward:	Severn
Application Category:	Certificate of Lawfulness	Target Date:	17th August 2018



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of ground mounted solar pv panels and associated works to a service water treatment plant would be permitted development.
- 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 the following applications for similar proposals at other Local Planning Authorities have been found to be permitted development.

LPA	SITE	APPLICATION NUMBER	DATE
Wigan Council	Leigh Wastewater Treatment Works	A/15/80171/LUCP	09/03/2015
Knowsley Borough Council	Prescot Clean Sater Treatment Works	15/00228/CLD	11/06/2015
Bury Council	Bury Waste Water Treatment Works Crossfield Street, Bury	59020	24/08/2015
Lancashire County Council	Hyndburn Treatment Works Mill Lane Great Harwood	CRT/2015/0109	22/12/2015

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (as amended)

Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 13, 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 None.

4. CONSULTATION RESPONSES

4.1 Aust Parish Council

“This is a sensitive rural location and the site has considerable wildlife value. It is very close to three houses, and a bridle way. This application should not be allowed to proceed without a planning application being submitted to public consultation on the merits of the development. The applicant states that the land where the panels would be sited is part of their operational land. So far as is known, it has never been used for their operational purposes. It was farmed by a succession of local farmers for many years, until about 10 years ago, since when it has been unused and uncultivated. Please make sure that the merits of the applicants' claims that it is permitted development are properly examined.

Aust parish council does not in principle oppose the installation of solar panels on this (or any other site), but considers that the matter should be properly examined by a formal planning application.”

Archaeology

“No comment.”

Ecology

More information requested.

Transport

“No objection subject to a set of conditions.”

Environmental Protection

“No comment.”

Landscape

More information requested.

Drainage

“No objection.”

Trees

None received.

Councillor Matthew Riddle

“I write confirm that I fully support Aust Parish Council’s view that this should dealt with as a full planning application so that the proposal can be fully examined, like any other solar farm application. A solar farm producing 993kw is a large piece of infrastructure in the parish.

I am also concerned that unlike many renewable proposals and applications, there is no mention of ‘Community Benefit’. For example a recent proposal that was passed in Over Lane, resulted in Almondsbury Parish Council receiving

benefits to the value of over J125,000 during the life time of the project, for hosting a 4,625 kw solar farm in the parish (see agreement), plus other enhancements.”

Other Representations

4.2 Local Residents

One support comment was received which highlighted the need for more renewable energy sources in the UK which could keep utility bills down. Also that the proposal is screened by trees and the existing water works.

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

5.1 Land Registry Map

Title Number GR278499

Received by the Council on 8th June 2018

Supporting Statement

Received by the Council on 8th June 2018

Site Location Plan

Drawing No. BW LIT LP01

Received by the Council on 8th June 2018

Site Access Plan

Drawing No. BW LIT AP01

Received by the Council on 11th June 2018

Site Layout Plan

Drawing No. BW LIT SL01

Received by the Council on 11th June 2018

Typical Metering Cabinet

Drawing No. BW MC01

Received by the Council on 11th June 2018

Typical Mounting Structure Detail

Drawing No. BW MF01

Received by the Council on 11th June 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 proposed development consists of the installation of ground mounted solar pv panels and associated works to a service water treatment plant. The proposed installation would fall within Schedule 2, Part 13, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits development for the purposes of their undertaking by statutory undertakers for the supply of water subject to the criteria set out below:

6.3 **Permitted development**

- A.** *Development for the purposes of their undertaking by statutory undertakers for the supply of water or hydraulic power consisting of—*

The expression 'statutory undertakers' is defined in s 262(1) of the 1990 Act to mean "persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of hydraulic power and a relevant airport operator....."

In addition, for the purposes of some of the Act's provisions the term may be deemed to include other bodies such as the Civil Aviation Authority, postal service providers, telecommunications operators, public gas transporters, and water and sewerage undertakers. For the purposes of this application therefore Bristol Water is considered to be a statutory undertaker.

- (a) *development not above ground level required in connection with the supply of water or for conserving, redistributing or augmenting water resources, or for the conveyance of water treatment sludge;*

Not applicable.

- (b) *development in, on or under any watercourse and required in connection with the improvement or maintenance of that watercourse;*

Not applicable.

- (c) *the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation;*

Not applicable.

- (d) *the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;*

Not applicable.

- (e) *the installation in a water distribution system of a booster station, valve house, meter or switch-gear house;*

Not applicable.

- (f) *any works authorised by or required in connection with an order made under section 73 of the Water Resources Act 1991 (power to make ordinary and emergency drought orders)(55);*

Not applicable.

- (g) *any other development in, on, over or under operational land other than the provision of a building but including the extension or alteration of a building.*

The key areas of assessment for the purposes of this application are whether the land to which the solar array would be installed is 'operational land' and if any of the installation is a 'building'.

Operational Land

Operational land in relation to statutory undertakers is defined in s 263 of the 1990 Act to mean:

- (a) Land which is used for the purpose of carrying on their undertaking; and
- (b) Land in which an interest is held for that purpose.

The applicant has submitted a Land Registry document showing the site in question is owned by Bristol Water. Information has also been supplied that shows the site (Littleton Reservoir, Littleton-Upon-Severn) is used for the treatment and supply of water. As such the Officer is satisfied that the site is used for the purposes of carrying on their undertaking as a statutory water provider; and that an interest is held for that purpose.

Building

S 336(1) of the Town and Country Planning Act 1990 (as amended) defines the term 'building' as "any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building".

The key here is the exclusion of 'plant and machinery'. When calculating planning application fees, Local Authorities consider a solar PV array to be plant and machinery. Indeed, the fee requested by this LPA when registering this application charged the applicant as such. Thus the proposal is already endorsed as plant and machinery by this Authority.

Notwithstanding the above, various case law exists when defining what a 'building' is for the purposes of the 1990 Act. *Barvis Ltd v Secretary of State for the Environment* (1971) 22 P & CR 710 is the strongest authority for assessing what constitutes a 'building'. Coming from this decision are the key elements to consider; which are its permanence, size, and physical attachment to the land.

Permanence

The relevance of permanence was considered in *Skerritts of Nottingham Ltd v Secretary of State for the Environment transport and the Regions* [2000] JPL 1025. The term, according to the court, carried with it a degree of flexibility on one hand and everlasting on the other. In this case the array would be delivered to the site in ready-made condition. Requiring only assembling. In that sense, any part of the array, either fully or partially could be removed and the land restored to its former situation. This indicates its lack of permanence.

Size

When considering the size of the array and whether it constitutes a building, the decision in *Cheshire CC v Woodward* [1962] 2 QB 126 is an important consideration. Lord Parker CJ stated that to be considered a structure or erection and thus a building is to change the physical character of the land. When considering the site in which the array would be located, far from changing the character of the land, the array would enforce its use as a large scale industrial and operational water treatment plant. It is acknowledged that built form would be introduced into where there currently is little. However, the site is clearly bounded by fencing and other boundary treatments which clearly marks the limits of the site. As such the array would read as an extension to what is already there. As such the size of the array is not considered to warrant labelling as a 'building' or 'structure' for the purposes of the Town and Country Planning Act 1990 (as amended).

Physical attachment to the land

In regards to the attachment of the solar array to the land. A decision by the Secretary of State which was later upheld in *Britton* [1997] JPL 617, stated that a framework anchored to land by posts driven into the ground was not operational development and thus could not be a building. This decision bears a strong correlation to how the proposed array would be fixed to the ground. In that the array would also be fixed to the ground using posts (albeit metal) and would not require foundations. By proxy, Officers consider that the attachment of the solar array to the land is also tenuous as they can be removed at any time and the land restored, without remedial works to its former state. In this regard they would lack a significant attachment to the land and would not be considered as operational development on these facts and therefore not a building for the purposes of the act.

Development not permitted

A.1 *Development is not permitted by Class A if—*

(a) *in the case of any Class A(a) development, it would include the construction of a reservoir;*

Not applicable.

(b) *in the case of any Class A(e) development involving the installation of a station or house exceeding 29 cubic metres in capacity, that installation is carried out at or above ground level or under a highway used by vehicular traffic;*

Not applicable.

(c) *in the case of any Class A(g) development, it would consist of or include the extension or alteration of a building so that—*

(i) *its design or external appearance would be materially affected;*

(ii) *the height of the original building would be exceeded, or the cubic content of the original building would be exceeded by more than 25%, or*

(iii) *the floor space of the original building would be exceeded by more than 1,000 square metres; or*

Not applicable.

(d) *in the case of any Class A(g) development, it would consist of the installation or erection of any plant or machinery exceeding 15 metres in height or the height of anything it replaces, whichever is the greater.*

The proposed array and ancillary equipment (including the security fence) will not exceed 15m in height. The installation is 2.53m high at its maximum and therefore meets this criterion.

Condition

A.2 *Development is permitted by Class A(c) subject to the condition that, on completion of the survey or investigation, or at the expiration of 6 months from the commencement of the development, whichever is the sooner, all such operations cease and all such buildings, plant, machinery and apparatus are removed and the land restored as soon as reasonably practicable to its former condition (or to any other condition which may be agreed with the local planning authority).*

Not applicable.

6.4 Other matters

Several consultees requested further information and that conditions be applied to any permission. As noted this application is for a certificate of lawfulness, as such there is no assessment of planning merit. The proposal is either lawful development, or not, based on the information provided. Accordingly, information relating to ecology, traffic, landscape, or public benefit are not of relevance to this assessment.

6.5 Conclusion

An assessment of lawfulness is a matter of fact and degree based on the facts presented in any given case. In this case the Officer has found in line with other similar schemes as listed in section 1.3 that the proposed installation of a solar array (plant and machinery) by Bristol Water as a statutory undertaker on its operational land is permitted development.

7. RECOMMENDATION

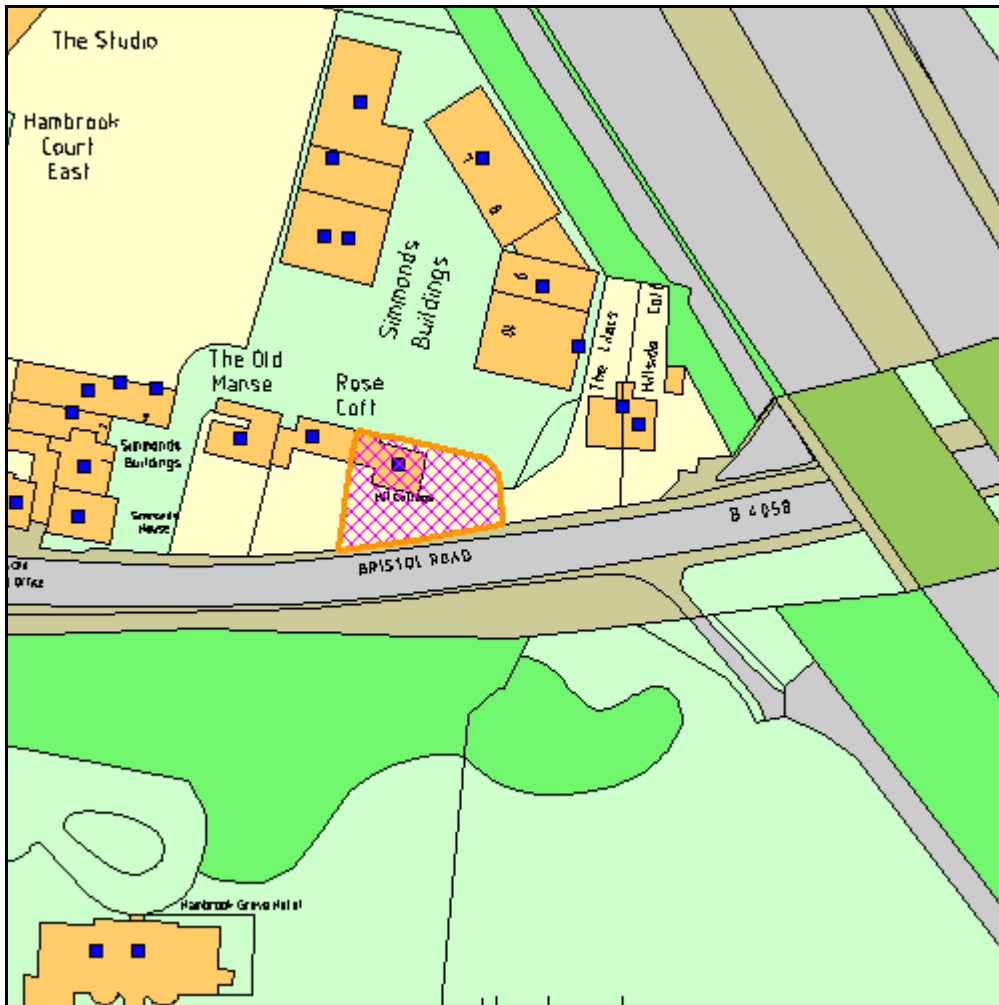
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed installation of ground mounted solar pv panels and associated works does fall within the permitted rights afforded to statutory undertakers under Schedule 2, Part 13, Class A of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: David Ditchett
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 33/18 – 17 AUGUST 2018

App No.:	PT18/2745/F	Applicant:	Mr P Smith
Site:	Hill Cottage Bristol Road Hambrook Bristol South Gloucestershire BS16 1RY	Date Reg:	12th June 2018
Proposal:	Erection of conservatory to South West elevation.	Parish:	Winterbourne Parish Council
Map Ref:	364264 178995	Ward:	Winterbourne
Application Category:	Householder	Target Date:	6th August 2018



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100023410, 2008. **N.T.S.** **PT18/2745/F**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following comments received from the parish council contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a conservatory to the principal elevation to form additional living accommodation at Hill Cottage, Bristol Road, Hambrook.
- 1.2 The application relates to a large semi-detached dwelling house, the site is within the Bristol/Bath Green Belt and the Hambrook Conservation Area.
- 1.3 During the course of this application revised plans were requested and received to address design concerns.

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
CS34 Rural Areas

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

PSP1 Local Distinctiveness
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP11 Transport
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Standards

- 2.3 Supplementary Planning Guidance
 - (a) South Gloucestershire Design Checklist (Adopted) August 2007
 - (b) Development within the Green Belt (Adopted) June 2007
 - (c) Residential Parking Standard (Adopted) December 2013
 - (d) Landscape Character Assessment (Adopted) November 2014

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. **CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council

The comments of the Parish Council is Objection. The Parish Council has noted the listed buildings and conservation officers comments and are in agreement.

Listed Building & Conservation Officer

Hill Cottage is unlisted but is located within the Hambrook Conservation Area. The use of Upvc is not acceptable as a matter of principle in a conservation area. The proposed structure is to be positioned on the prominent front elevation which would exacerbate the considered harm caused by the use of this material.

I would advise that timber or aluminium should be considered instead, as along with being considered traditional materials appropriate to a conservation area, this would allow for the dimensions of the various structural components of the conservatory to be reduced thus giving a more refined appearance.

Therefore as proposed there is an objection to the proposal on heritage grounds. Refusal is recommended

Other Representations

4.2 Local Residents

No comments received

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 Green Belt

The NPPF allows for limited extensions to buildings within the Green Belt providing that they do not result in disproportionate additions over and above the size of the original building (the volume of the dwelling at construction or its volume on July 1st 1948). PSP7 states that an addition resulting in a volume increase of between 30%- 50% will be subject to careful consideration and assessment. Any proposed development over and above 50% or more of the original dwelling would be considered in excess of any reasonable definition of 'limited extension'. Whether an addition is considered disproportionate or not, depends on the individual circumstances and what type of addition is proposed.

- 5.3 It has been calculated that the proposed extension represents a volume increase of approximately 16%. Given that the proposed extension is minor in scale and will be tucked up adjacent to the existing dwelling, the proposal will maintain the openness of the green belt. It is not therefore considered that the extension represents a disproportionate addition over and above the volume of the original dwelling.
- 5.4 Design and Visual Amenity
The application seeks full planning permission for the erection of a conservatory to the principal elevation to form additional living accommodation.
- 5.5 The single storey front extension will extend approximately 2.5 metres from the existing principal wall, have a maximum height of 2.9metres and have a maximum width of 3.7metres. The proposal will feature a lean-to roof with aluminium profiles and glazing all round.
- 5.6 The case officer considers the proposal to be in keeping with the domestic character of the building and believes it will be a modest addition to the principal elevation.
- 5.7 An objection was raised regarding the use of UPVC, more specifically that the use of this material is unacceptable in a conservation area. A conservation officer advised that Aluminium, a more traditional material would be preferred. The agent has confirmed that the windows and doors will be slim aluminium profiles with a powder coat finish and that the lean-to roof will feature slim sections and Aluminium profiles.
- 5.8 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.
- 5.9 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
- 5.10 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.
- 5.11 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).

5.12 Conservation

The application site is a two storey semi-detached property located within the Hambrook Conservation Area. The proposal will be tucked up to the south west elevation which fronts onto Hill Cottage. The conservation officer's principal objection was the use of UPVC within the Hambrook conservation area. The agent has confirmed that the proposal will use aluminium, this more traditional material will allow for a more refined and aesthetically pleasing appearance and address the conservation officers concerns.

5.13 Whilst no revised plans have been received, the proposal will feature materials that complement the existing dwelling and will be substantially obscured from neighbouring properties due to the height of the existing boundary walls, Furthermore, the property is adjacent the M4 corridor and backs onto Simmonds Trading Estate.

5.14 The case officer feels this material is considerate of the setting and draws upon local character and distinctiveness, on this basis there would be no harm and no adverse impact on the conservation area.

5.15 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.

5.16 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).

2. The extension hereby permitted shall be erected in aluminium as agreed in writing received by the local planning authority on 03/08/2018.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP17 of the South Gloucestershire: Policies, Sites and Places Plan (Adopted) 2018 and the National Planning Policy Framework.