



**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. 12/18

Date to Members: 21/03/2018

Member's Deadline: 28/03/2018 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE 21 March 2018

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/3061/F	Approve with Conditions	Land East Of Normandy Drive And South Of Kennedy Way Yate South Gloucestershire BS37 4FJ	Yate Central	Yate Town
2	PK17/3614/F	Refusal	Land At Toghill Lane Doynton South Gloucestershire BS30 5TD	Boyd Valley	Doynton Parish Council
3	PK17/4260/RM	Approve with Conditions	Land North Of Brimsham Park Yate South Gloucestershire BS37	Yate North	Yate Town
4	PK17/5133/F	Approve with Conditions	Newton House Earlstone Crescent Cadbury Heath South Gloucestershire BS30 8AA	Parkwall	Oldland Parish Council
5	PK17/5724/CLE	Approve	Homeapple Cann Lane Oldland Common Bristol South Gloucestershire BS30 5NQ	Siston	Siston Parish Council
6	PK18/0392/CLP	Approve with Conditions	4 Fouracre Crescent Downend South Gloucestershire BS16 6PS	Emersons	Downend And Bromley Heath Parish Council
7	PK18/0530/F	Approve with Conditions	Challenge House Churchward Road Yate South Gloucestershire BS37 5NN	Ladden Brook	Iron Acton Parish Council
8	PT16/3450/NMA	No Objection	86 Durban Road Patchway South Gloucestershire BS34 5HN	Patchway	Patchway Town Council
9	PT17/3451/F	Approve with Conditions	Land At Box Hedge Farm Boxhedge Farm Lane Coalpit Heath South Gloucestershire BS36 2UW	Westerleigh	Westerleigh Parish Council
10	PT17/3836/F	Approve with Conditions	Field Cottage 2 Gloucester Road Almondsbury South Gloucestershire BS32 4AF	Almondsbury	Almondsbury Parish Council
11	PT17/3838/F	Approve with Conditions	Field Cottage 2 Gloucester Road Almondsbury South Gloucestershire BS32 4AF	Almondsbury	Almondsbury Parish Council
12	PT17/5061/ADV	Approve with Conditions	7 High Street Thornbury South Gloucestershire BS35 2AE	Thornbury North	Thornbury Town Council
13	PT17/5162/F	Approve with Conditions	Mundy Playing Fields Kington Lane Thornbury South Gloucestershire BS35 1NA	Thornbury North	Thornbury Town Council
14	PT18/0075/F	Approve with Conditions	Frampton Garage 6 The Causeway Coalpit Heath South Gloucestershire BS36 2PD	Frampton Cotterell	Frampton Cotterell Parish Council
15	PT18/0116/F	Approve with Conditions	173 Wheatfield Drive Bradley Stoke South Gloucestershire BS32 9DB	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
16	PT18/0184/RVC	Approve with Conditions	Land Adjacent To Crossland Cottage Severn Road Pilning South Gloucestershire BS35 4HW	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
17	PT18/0204/F	Approve with Conditions	Stanley Cottages 7 The Down Alveston South Gloucestershire BS35 3PH	Thornbury South And	Alveston Parish Council
18	PT18/0224/CLP	Approve with Conditions	12 Harcombe Road Winterbourne South Gloucestershire BS36 1HH	Winterbourne	Winterbourne Parish Council

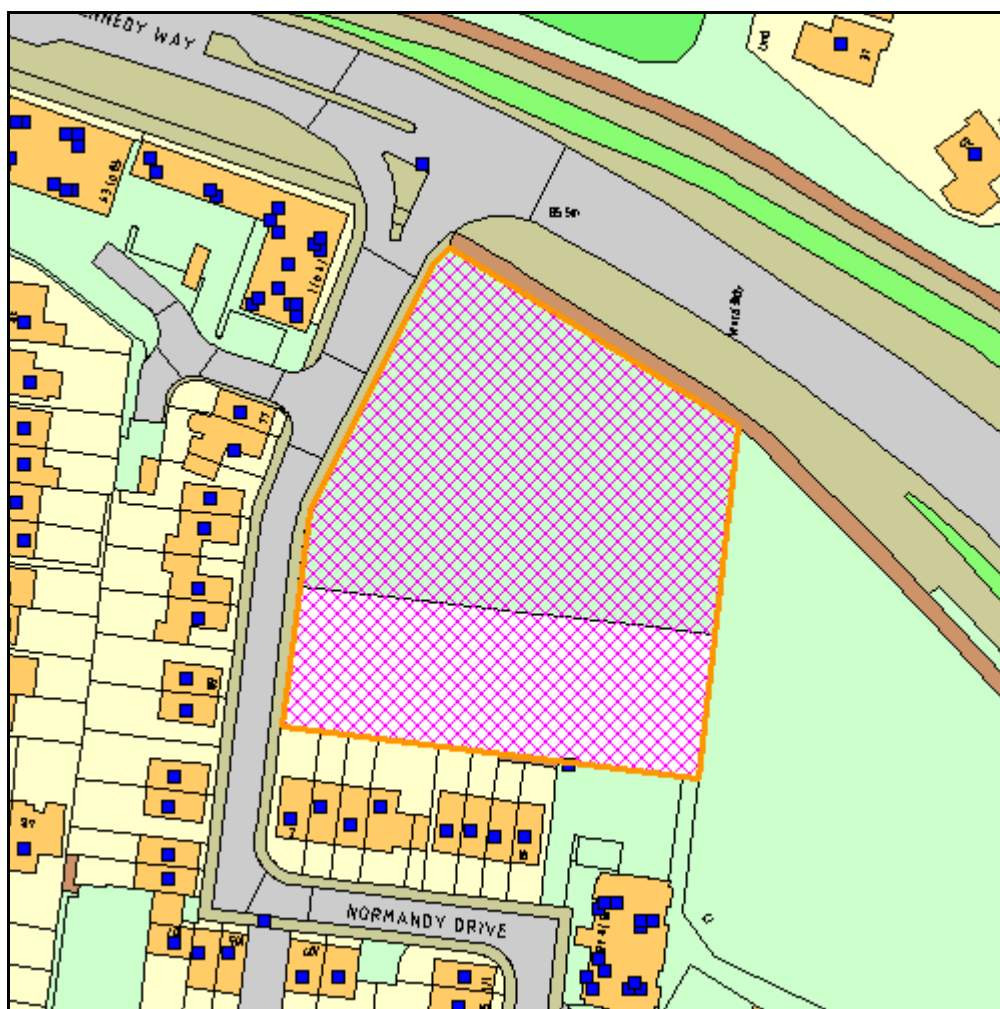
ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
19	PT18/0330/F	Approve with Conditions	4 May Grove Charfield Wotton Under Edge South Gloucestershire GL12 8SX	Charfield	Charfield Parish Council
20	PT18/0388/CLP	Approve with Conditions	9 Park Road Filton South Gloucestershire BS7 0RH	Filton	Filton Town Council

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
12/18	3pm Monday 19th March	09:00am Wednesday 21 st March	5pm Wednesday 28 th March	Thursday 29 th March
13/18	3pm Tuesday 27 th March	09.00am Thursday 29 th March	5pm Monday 9 th April	Tuesday 10th April

Dates and officer deadlines for Circulated Schedule Easter Bank Holidays 2018

CIRCULATED SCHEDULE NO. 12/18 – 21 MARCH 2018

App No.:	PK17/3061/F	Applicant:	Churchill Retirement Living
Site:	Land East Of Normandy Drive And South Of Kennedy Way Yate South Gloucestershire BS37 4FJ	Date Reg:	17th July 2017
Proposal:	Erection of 62 No. apartments for the elderly, guest apartment, communal facilities, new vehicular access, car parking, landscaping and associated works	Parish:	Yate Town Council
Map Ref:	371867 182161	Ward:	Yate Central
Application Category:	Major	Target Date:	16th October 2017



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PK17/3061/F

CIRCULATED SCHEDULE

This report appears on the Circulated Schedule because it is a major application and due to comments received from local residents, both in support and objecting to the scheme and objection comments from Yate Town Council, Dodington Parish and Old Sodbury Parish Councils.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of 62no. apartments for the elderly, a guest apartment, communal facilities, new vehicular access, car parking, landscaping and associated works. The application site relates to Land East of Normandy Drive and South of Kennedy Way, Yate. The site is therefore situated within the settlement boundary.
- 1.2 During the course of the application amended plans have been received to address concerns expressed by the landscape officer and by the waste engineer.
- 1.3 Amended plans were also received to make some alterations to the fenestration pattern and to remove the footpath from Kennedy Way and to install an extra lift. Given these are regarded as minor alterations to the apartment block scheme the plans were not put out for re-consultation.
- 1.4 The proposal is for a retirement housing development built exclusively for sale to the elderly, specifically over 60s, but it is stated the average age of purchasers being 80. The scheme offers self-contained accommodation with a manager, alarm system, communal facilities including lounge and gardens.
- 1.5 The site is approximately 0.47 hectares and lies to the south-east of Yate's central shopping areas. It fronts onto Kennedy Way and is accessed from Normandy Drive which leads to Elswick Park, a modern housing development comprising of semi-detached and terraced properties ranging from 2 and a half to 4 storeys high. To the east is an open park/grassed area.
- 1.6 It is noted that under planning application PK09/1388/F the application site under consideration here was initially ear marked as land for a community building and an associated financial contribution was calculated for this purpose. However, the final report stated that *after rigorous testing and consideration of the wider viability issues, this contribution is recommended for removal*. The reason given was that the Council was not in a position to demonstrate that the contribution would be reasonably related to the proposed development. To be clear the planning permission for the adjacent housing granted in 2010 did not include any provision/or requirement for this land to be used for community purposes.

2. POLICY CONTEXT

2.1 National Guidance

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National Planning Policy Framework March 2012
Technical Guidance to the National Planning Policy Framework 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS12	Safeguarded Areas for Economic Development
CS13	Non-Safeguarded Economic Development Sites
CS14	Town Centres and Retailing
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS20	Extra Care Housing
CS23	Community Infrastructure and Cultural Activity
CS24	Green Infrastructure, Sport and Recreation Standards
CS30	Yate and Chipping Sodbury

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP22	Unstable Land
PSP37	Internal Space Standards
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites (Adopted) Nov. 2005.
Design Checklist (Adopted) 2007)
Residential Parking Standards (Adopted) 2013
Affordable Housing SPD (Adopted) Sept.2008.
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
SPD – (Adopted) March 201
Residential Parking Standards (Adopted) December 2013
Affordable Housing and Extracare (Adopted) May 2014

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/1388/F Proposed erection of 228 residential units and associated works.
Approved 27.9.10

4. CONSULTATION RESPONSES

4.1 Yate Town Council

Objection:

Overdevelopment of site

Layout and density of buildings. Massing of this 4 storey apartment block in relation to existing houses on Normandy Drive

No safe easy access to the local amenities for pedestrian. Access from development to local shops and amenities is via long detour to use the safe crossing points.

Highway issues. Development will increase traffic pressure at Scott Way roundabout

Money needs to be spent on lane markings at Scott Way roundabout to make it safe.

Scheme will need regulation given we know there are already serious parking issues in Normandy Drive and existing residents will use the parking spaces meant for the new apartments.

Inadequate off street parking

Highway safety. Vehicle access and turning movement is inadequate.

Loss of community use on the site from the original plan

Unclear whether amenity land shown is public space or private to developers

4.2 Dodington Parish Council

Objection:

1) Overdevelopment of site / area

2) Layout and density - despite some of Normandy Drive properties being 4 storey - the massing of these proposals being 3 and 4 storey aren't in keeping with the surrounding area

3) Highway issues and concerns - increasing pressure on Scott Way roundabout which is already very busy

4) Inadequate parking proposed - there are already issues with parking on Normandy Drive – and lack of parking proposed will exacerbate these problems or push parking onto other neighbouring streets (namely Heron Way, Mallard Way) There were other concerns too - namely vehicle access / turning is inadequate and fact it is unclear whether amenity land shown is public space or private to developers. A lot of the properties on Normandy Drive are first time buyers - and there is concern as to whether they want to be next to a retirement facility

4.3 Sodbury Town Council

Objection:

Adequacy of parking is insufficient. Parking problems already exist in the locality

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The area is at risk of flooding

Other responses:

4.4 Local Member

When consulted specifically on the priorities for Planning Obligations in the event of a viability issue Cllr Ruth Jones has confirmed that in her view the priority should be in relation to the provision of Affordable Housing.

4.5 Housing Enabling Comments

This application generates an affordable housing requirement of 21 affordable homes, of these affordable homes 15 are social rent (7 x 1 bed at 50m² and 8 x 2 bed flats at 70m²) and 6 are shared ownership (3 x 1 bed at 50m² and 3 x 2 bed flats at 70m²) to be provided on site at nil public subsidy (full head of terms are set out in the full comments available on the web-site).

4.6 Waste Engineer

Whilst it is expected that single and twin bedroom retirement apartments will produce less refuse than average the bin store does appear to be small and the bins shown on plan are close together. Residents may find the bins difficult to access. The Design and Access statement states that the lodge manager will move the bins from the store to the kerbside for collection. Consideration should be given to the directness and the practical width of the pathway to be taken and whether or not it is desirable to have a presentation point near the road instead of, for example, presenting the bins on the public.

Updated comments:

No objections following revised details.

4.7 Landscape Officer

The car park and the main entrance area is devoid of any soft landscaping which is a shame considering the high quality across the rest of the site. The parking area will need to be extended into the open area to the east in order to provide planting beds for shrubs and trees, especially either side of the access to the main entrance.

Updated comments:

No objection following submission of revised plans.

4.8 Strategic Economic Development

No objection

4.9 Crime Prevention Officer

No objection

4.10 Environmental Protection - noise

No objection subject to conditions regarding noise mitigation as per the submitted Noise Impact Assessment and conditions regarding construction hours on site.

- 4.11 Environmental Protection – contamination
No objection subject to a condition regarding ground investigation.
- 4.12 Drainage Comments
Additional details have addressed areas of concern. No objections subject to a SUDS condition.
- 4.13 Wessex Water
Bristol Water is responsible for water supply in this location. Separate systems of drainage are required. Planned connections and capacity is available to serve development proposals at this site.
- 4.14 Sustainable Transport
Holding objection:
Officers are satisfied that it is possible to accommodate the full parking facility (in line with the SG Council parking standards SPD) on site without impact on the design of the building. Revised plans showing parking on site closely akin to the council's parking standards are requested.
- Updated comments:*
Following the submission of revised plans which show additional parking spaces, on balance there is no objection to the scheme subject to a condition.
- 4.15 Avon Fire Service
Additional infrastructure in the form of suitable mains and fire hydrants is required.
- 4.16 Arts and Development
The Officer has recommended a condition requiring a public art programme relevant and specific to the development and locality and commensurate with its size to the integrate into the site.
- 4.17 Ecology
No objection subject to conditions.
- 4.18 Community Infrastructure – public open spaces
No objection in principle subject to the following requirements.

Summary of s 106 request:

Off site POS provision/enhancement Contribution	£30,878.53
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Off site POS maintenance contribution	£31,115.54
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The financial contributions are to be directed to :

- Natural and semi natural open space – Ridge Wood Local Nature Reserve
- Outdoor sports facilities – Chipping Sodbury Tennis Club
- Allotments – Robin Way (Goldcrest) allotments

4.19 Highway Structure

No objection subject to an informative being attached to the decision notice.

4.20 Local Residents

Four comments in support and four of objection have been submitted by local residents. The comments are summarised below:

Support:

- Nice and close to all the amenities – ideal location to build apartments for the elderly
- We live directly opposite the western elevation of the building and like the landscaping proposals which will enhance the street scene along Normandy Drive. It will make a positive contribution to the look and feel of the surrounding area
- Residential development such as this is the most appropriate use of this land bearing in mind the density of the surrounding development
- There has been talk in the past about community uses for the site but we feel a residential use would be the most appropriate neighbour, particularly for those most affected by it
- The land was reserved for Council needs – the elderly population is growing so there is a need and this is a perfect location
- No concern regarding the height as it matches what is built in the area already. Makes sense to have the higher proportion of the building towards the front and lower buildings to the rear
- Whilst car parking is clearly an issue on Normandy Drive this is down to the initial planning approval and an awful design by the original developers plus people not using their garages for parking
- Consider the amount of parking proposed as appropriate for the age group who will live there have some concerns regarding parking when it is under construction – need adequate site worker parking
- Surprised a comment about age is an objection – any community should have a mixed age group and people will not be concerned about living next door to a retirement property

Objection:

- Parking will be limited
- The buildings should be 2 or 3 storey which will match the surrounding houses on the other side of the by-pass
- Area is now known for its anti-social behaviour, drug dealing and taking, poorly designed road and pavements
- During the development of the Normandy Drive estate, those living opposite in Highfield Road suffered dust, noise and increased traffic noise
- I want the Council to reduce my community charge to half of what it currently is to compensate
- Junction of Kennedy Road/Normandy Drive needs a re-think as daily and frequently drivers turn right causing near accidents
- The council has done nothing to enforce the 30mph speed limit which is always flouted
- The Council was given money by the previous developers to provide something for the community – what has happened to that money?

- Increase in road rain water will dump into the River Frome which is already overgrown, poorly maintained and on occasions struggling not to burst its banks and flood the cinema
- Additional dwellings will place further pressure on infrastructure – doctors, dentist and have an environmental effect on the wildlife in the area
- It is not the place for the elderly or retired persons to live
- The design appears to replicate the existing block which has already deteriorated and appears damaged and water logged
- The increase in residents will have an effect on the local community at the edge of Chipping Sodbury
- Noise consultation document does not take into account the noise which will be generated and bounced to houses opposite
- Parking and increased traffic is already a serious concern for children playing outside. Recently added double yellow lines has helped on blind corners but has added to cars parking on pavements

5. **ANALYSIS OF PROPOSAL**

- 5.1 This application seeks full planning permission for the erection of 62no. apartments for the elderly, guest apartment, communal facilities, new vehicular access, car parking, landscaping and associated works.
- 5.2 **Principle of Development**
The National Planning Policy Framework (NPPF) makes a strong presumption in favour of Sustainable Development. In respect of decision making, paragraph 14 of the NPPF sets out that Local Planning Authorities should approve development proposals without delay where they accord with the local development plan, unless other material planning considerations indicate otherwise.
- 5.3 The South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 together with the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 form the adopted local development plan. Policy CS5 and CS15 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013 encourage new residential development into the Urban Areas, whilst policy CS29 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013 encourages the provision of new housing in the East Fringe of Bristol Urban Area in line with Housing policy CS15 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013.
- 5.4 The application site lies within the settlement boundary of Yate. Accordingly, the proposed development is consistent with the scope of the above planning policies and the development is acceptable in principle; subject to the detailed consideration set out below
- 5.5 **Five Year Housing Land Supply**
At this time, South Gloucestershire Council cannot demonstrate that it has a five year supply of housing land. The proposed development would provide 62 dwellings towards the current deficit. Furthermore, it is likely that the developer

would deliver the proposed dwellings within 5 years. Whilst the purchase of this type of housing will be limited to those persons over the age of 60, the delivery of the scheme would bring a positive benefit to which officers afford considerable weight. The fact that this housing is designed and aimed at providing a specific type of housing for older residents also weighs in its favour.

5.6 Design, Layout and Landscape

The proposal would comprise an L shape building of 3 and 4 storeys in heights of a scale and massing to respect adjacent buildings on Elswick Park. The highest 4 storey element would occupy the northwest corner of the site reinforcing its position at the head of the access driveway, acknowledging its immediate neighbours and whilst being respectful of the different scale properties within Elswick Park.

5.7 The 4 storey block next to Kennedy Way, which subsequently reduces to 3 storeys, would be set back from the roadsides. Private gardens would be to the rear away from the busy main road and car parking would be to the southern end of the site.

5.8 The 4 storey building would be comprised 1 and 2 bed apartments, each with own kitchen and bathroom to facilitate independent living and positioned back to back either side of a central circulation corridor. In addition communal facilities including lounge, coffee bar, guest suite and refuse room would be available facilitating interaction between occupiers. A lift would provide access to all floors. Materials and detailing have taken cues from this part of Yate and would use a palette of red and buff coloured bricks and render. Window heads and cills would be buff brick and the roof will be a slate and clay effect tiles.

5.9 Having regards to the above, officers are satisfied that the general layout and appearance would facilitate a distinct development which complements the general character of the locality and that the represents good quality design. As such the proposed development is consistent with the scope of Policy PSP1 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017; and Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013.

5.10 *Landscape:* The proposed development is for retirement housing of 62 apartments on a derelict plot of land of around 0.47 hectares. The apartments are for people over the age of 60 with the average age of purchasers being 80. It is therefore important to consider how the gardens will cater to the specific requirements of aging occupants.

5.11 The main gardens for the development are located to the south east and will receive plenty of sunlight. A pergola and a number of trees have been proposed to provide shade and a looped walkway through the garden, with a bench to rest on half way round makes the gardens attractive and easy to navigate. In addition, interesting features including planting with seasonal interest and raised beds to enable less mobile residents to garden are also included in the scheme. There is space in the south east corner that could be developed for further horticultural activities if there was ever an interest.

- 5.12 It is proposed to have a *Viburnum tinus* ornamental evergreen hedge with additional ornamental planting on the boundary with Kennedy Way and Normandy Drive. Clause 5.9 of Policy CS1 states that "Soft landscape schemes should promote biodiversity and food cultivation as opposed to pure visual amenity and traditional recreational objectives." To satisfy this policy the planting on the boundary would need to contain a variety of planting, including native and edible shrubs.
- 5.13 Original plans indicated the car park and the main entrance area being devoid of any soft landscaping. Given the high quality of the landscaping across the rest of the site this was discussed with the applicant and revised plans to include changes to the scheme were submitted for consideration.
- 5.14 The revised plans addressed the initial concerns and the proposed landscape scheme is considered to be well thought out for this development. The scheme is supported and appropriate conditions will be attached to the decision notice.
- 5.15 Residential Amenity
The site is closely enclosed by existing residential development on its southern and eastern sides. The existing dwellings associated with Elswick Park back onto the site with rear gardens sharing the site boundary others are separated from it by Normandy Drive itself. The design and layout of the proposed development is such that good distances are maintained between existing properties and the proposed development. The landscaping of the development facilitates this and whilst it is acknowledged that the outlook of existing dwellings will be altered, the relationship of the existing dwellings and new dwellings within the proposed development would be consistent with the suburban characteristics.
- 5.16 The design and layout of the proposed development is such that adequate private amenity space is provided for the proposed development. Policy PSP43 of the South Gloucestershire Policies, Sites and Places Plan (adopted November 2017) requires that 1 and 2 bed flats include a minimum of 5 square metres of private amenity space (with additional private shared communal space for 2 bed flats). Given that this is a development for elderly residents the provision of open space is taken as a whole. The communal gardens would provide good quality on-site gardens for the use of residents, but within the area there is access to wider open space, including walking and cycling routes and other recreational facilities. On this basis, officers are satisfied that the provision of good quality open-space within the site itself is acceptable.
- 5.17 Drainage Issues
The site is in Flood Zone 1 and is not at risk of flooding from fluvial or tidal water bodies. The site is located in an area with adequate drainage facilities. Following extensive discussions, the Lead Local Flood Authority are satisfied that the development can connect appropriately to existing systems and do not raise objection. The provision of adequate drainage within the site and the connection to existing systems is a matter for Building control Regulations and Wessex Water (as the operator of those systems) and this is not specifically a matter for Planning Legislation to address. The development of the site would not adversely affect the water management of the local and wider area (in

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accordance with Policy PSP5 of the South Gloucestershire Policies, Sites and Places Plan).

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

5.19 Contamination Considerations

The Environmental Health Officer has acknowledged that information submitted with this application demonstrates that there is likely to be some ground contamination present on this site that requires mitigation prior to development commencing. The Environmental Health Officer suggests that as a precaution, a condition is applied so that mitigation is required should contaminants be found during the construction phase of the development.

- 5.20 Accordingly, subject to the above suggested condition, officers are satisfied that there are no environmental constraints to this development proposal.

5.21 Sustainable transport

With regard to the highway impacts of the development, there are two main areas to consider: firstly, the traffic generation associated with the development and highway safety and secondly whether the site layout is capable of successfully accommodating the transport related aspects of the development.

- 5.22 A transport statement has been submitted with the application to assess the travel impacts of the proposal. The statement includes some data from other similar sites at established Churchill Retirement living (CRL) sites across southern England although none of the sites or data relates to sites within South Gloucestershire area. Having assessed the information submitted, there is no reason for the local planning authority to disagree with the applicant's statement that the trip traffic generation from this type of development would be relatively low and that land use/ sites do not typically generate vehicle trips during peak hours, and the expected daily trip generation levels associated with the Proposed Development will not result in any material capacity impact on the local highway network. It is therefore concluded that this development would not have an adverse impact on the local highway network in terms of traffic flow or highway safety.

- 5.23 Details of how a service van would manoeuvre within the site have been submitted and these demonstrate that the site layout is satisfactory in providing for a modest size service vehicles.

- 5.24 Some query was raised over the position of the refuse collection area and revised plans submitted during the course of the application have satisfactorily addressed this issue.

- 5.25 The second issue is parking provision. Initial comments considered the originally proposed parking scheme should be reviewed. Using the South Gloucestershire Residential Parking Standards SPD (adopted) the amount of on-site parking for this type of development would in total amount to 47. This scheme shows only 29 parking spaces for the 62 apartments and therefore numerically falls short of the Council's guidance. A supporting Transport

Statement identifies bus stops in close proximity to the site which is also within walking distance of the town centre. The sustainability of the site is accepted, but, given the existing parking issues on Normandy Drive and nearby streets, the amount of parking proposed required additional consideration.

- 5.26 It is acknowledged that car ownership among the retired age group may be lower, but many people of 60 years (not national retirement age) are very active, still work or are in employment and would have access to private cars. As such the applicant was requested and has provided a revised parking plan. The plan shows an increase of parking provision to a total of 35 no.spaces and additional information regarding the age group likely to occupy the building was also submitted. The details used other similar and existing Churchill Retirement Developments as evidence that the site would cater for elderly residents normally over 70 years of age who already live locally and who wish to live independently. Purchase of this type of apartment is contractually restricted by Churchill Retirement Living to those over 60 years of age and it is understood that the average age of an apartment purchaser across Churchill Retirement Living currently occupied retirement living facilities is 79 years of age. In addition a parking survey carried out by the applicant on eight other sites in the UK shows that the average parking demand across these site is 0.28 spaces per residential unit. The revised figure of 35no parking spaces equates to a parking ratio of 0.56 spaces per unit and this matches the level of parking that was recently agreed by South Gloucestershire Council as part of a similar new Churchill Retirement Living scheme at Thornbury (PT16/0982/F – the redevelopment of the former Council Offices). Based on this evidence and the location of the site in a highly sustainable location with a good network of existing footways and pedestrian crossings, the amount of parking provision is considered acceptable subject to a condition that the parking and turning areas are provided as per the submitted plans.

5.27 Ecology

A Preliminary Ecological Appraisal has been submitted in support of the proposed application by ECOSA Ltd. (June 2017). There is a potentially important feature for commuting bats along the south-east of the site comprising a hedgerow. This should be protected from light spill from any required external lighting by various mitigation measures. A lighting plan should therefore, be submitted to the council for approval. Great Crested Newts are unlikely to be present on site, but a Precautionary Method of Works has been recommended.

- 5.28 Ecological enhancements have been recommended including a seed mix and the provision of boxes for birds and bats and subject to conditions attached to the decision notice, there are no objections to the proposal.

5.29 Arts and Development

The contribution public art can make to cultural wellbeing is acknowledged and the request for public art off site by consultees is noted. However, conditions attached to planning decisions must meet certain tests and given that this development is for a scheme of housing within a defined site that would not be accessible to the general public but would have landscaped gardens for use by

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residents it is considered unnecessary and also unreasonable to condition a sum for public arts contribution.

5.30 Fire hydrants

Avon Fire Service has calculated that the development will result in an increase in demand for their services, thereby further stretching their resources. It is stated that the additional residential development will require additional hydrants to be installed and appropriately sized mains to be provided for fire-fighting purposes. The additional infrastructure is required as a direct result of the development, and therefore, the costs will need to be borne by the developer, either by them fitting suitable mains and fire hydrants themselves or through contributions. It is considered that the provision of the above equipment by means of a financial contribution would not meet the test for planning obligations. However, as the entire development must accord with the appropriate fire regulations contained within Building Regulations Officers are satisfied that discussions to take place between the Fire Service and the applicant will adequately address this situation.

5.31 Affordable Housing

The proposal generates an affordable housing requirement of 21 affordable homes, of these affordable homes 15 would be social rent (7 x 1 bed at 50m² and 8 x 2 bed flats at 70m²) and 6 shared ownership (3 x 1 bed at 50m² and 3 x 2 bed flats at 70m²) to be provided on site at nil public subsidy. The local and national policy in the first instance seek that affordable housing should be provided on site. In some instances however, subject to robust justification an equivalent off-site contribution might be acceptable. This application creates some practical issues due to the type of development and the configuration of the built form as an apartment block. It would be practically difficult within one block to differentiate management and control of apartments to a separate Social Registered Landlord. It is accepted that given the constraints of the site there would be insufficient room for a separate block to provide specific affordable housing provision. These limitations are acknowledged and as an alternative to providing the on-site housing, negotiations for an off-site sum of money were undertaken.

5.32 The applicant raised issues of viability on the site. This is discussed later in the report at 5.35. A sum of money in lieu of on-site affordable housing is considered to accord with Policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

5.33 Community open space

The site is a vacant plot of land around 0.47 ha at the junction of Normandy Drive and Kennedy Way. The proposal for 62 apartments (consisting of 42 one beds and 20 two beds) would generate a population increase of 72 residents. Given the nature of the development as retirement apartments it is unlikely to generate a need for all typologies of open space such as provision for children and young people or outdoor sports pitches. However, it is still reasonable to expect the future residents to require access to a range of open spaces.

5.34 The Council promotes environments which are age friendly and safe and supports physical activity such as walking, cycling and public transit. It is

acknowledged that people who are physically active reduce risk of developing chronic illnesses. Physical activity can improve strength and stamina and assist in everyday activities. Green space has been shown to be important to health and wellbeing.

5.35 An audit of existing provision has demonstrated there is a good quantum of informal recreational open space accessible from the proposed development, but there is a shortfall of natural and semi-natural open space, outdoor sports facilities (courts and greens) and allotment provision within the recommended access standards. The onsite space would not be accessible to the wider public.

5.36 The request for a contribution of £61, 994.07 is considered to meet the planning obligations test and to be compliant with Policies CS2 and CS24 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

5.37 Viability

Overall this application has triggered requirements for off-site public open space at £61,994.07 and for 21 affordable housing units (or equivalent off-site sum).

5.38 The independent District Valuer was commissioned to look at the development cost figures. Using an assumed land value figure the calculations show the deficit for the development would amount to £941,000 if the 21 units were to be included on-site. This would result in a large deficit making the development of the site unviable. The independent advice from the District Value suggests that an amount of £322,671 is the maximum that could be derived from the development whilst ensuring it remains viable overall.

5.39 The sum of money could be split between these two identified obligations, however, after consultation with the Local Members, considerable weight is given to their views that the need for affordable housing in the Yate is the more pressing priority at this time. The recommendation therefore reflects this with the contribution going towards off-site affordable housing. It is further noted that the in addition to the Planning Obligations considered here the scheme will also be CIL liable. The applicant has signalled that they are willing to enter into a s106 agreement in line with the recommendation made.

5.40 Planning Obligations

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

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

5.41 In this instance, Officers are satisfied that the planning obligations required to secure affordable housing consistent with the CIL Regulations (Regulation

122). For the avoidance of doubt, the applicant has agreed to meet the obligations set out in Section 7 of this report

5.42 Planning Balance

The site is located within the established settlement of Yate, close to other blocks of similar height and design and for reasons set out above Officers are satisfied that the introduction of this development would not materially impact upon the character and visual amenity of the locality, recreation activities, biodiversity or sustainable water management. The proposal does not conflict with policy PSP5 of the South Gloucestershire Policies Sites and Places Plan. Weight is awarded in its favour.

5.43 The proposed development would introduce additional vehicular movements into the locality. However, it is concluded that the surrounding highway network has sufficient capacity to accommodate this increase and furthermore the amount of on-site parking proposed is considered appropriate. The scheme therefore accords with Policy PSP11 of the .South Gloucestershire Policies Sites and Places Plan. Neutral weight is awarded to the proposal regarding this aspect.

5.44 The site is located within a sustainable location, close to local shops and amenities as well as main bus routes. The site is also in walking distance of Yate Town Centre and significant weight is awarded in its favour for this reason.

5.45 The proposed development would have significant benefit in respect of its contribution to the South Gloucestershire 5 year housing land supply and would also provide a significant contribution to Affordable Housing stock in South Gloucestershire. Accordingly, officers attribute significant weight to this factor.

5.46 Paragraph 14 of the National Planning Policy Framework sets out that Local Planning Authorities should approve development proposals without delay where they accord with the local development plan, unless other material planning considerations indicate otherwise. Subject to appropriate conditions and legal agreements, the proposed development does not conflict with the planning policies in the South Gloucestershire Local Plan (adopted) December 2013 and the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017. Accordingly, officer recommend that the proposed development is approved as set out in section 7 of this report.

5.47 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.

5.48 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.

- 5.49 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 beneficial impact on equality.

5.50 Other Matters

A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below:

- 5.51 With regards to the comment regarding anti-social behaviour the Police have provided the below statement:

As part of the Crime Prevention Through Environmental Design (CPTED) process adopted by the Police, all application sites have their crime levels reviewed. Depending upon the location of the site this can be a wider area (500m radius) or a specific area (100m radius). Due to the close vicinity of the site in question to Yate Shopping Centre the area looked at was more specific and the levels of offending was found to be low, with some 19 crimes and 9 instances of Anti-Social behaviour reported within a 12 month period.

- 5.52 A request for a reduction in Council tax or the query related to where other monies have been spent are not issues that can be taken into consideration in the assessment of this planning application.

- 5.53 With regards to the comment on speed levels, bad driving should be report to the appropriate authority, and in this instance it would be the Policy Authority

- 5.54 Potential for noise, dust and inconvenience during construction has been given as a reason for concern and as such an appropriate worded informative relating to construction practices will be attached to the decision notice.

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106

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of the Town & Country Planning Act 1990 (as amended) to secure the following:

- a. A sum of money of £322,671 for the off-site provision of affordable housing.

Reason:

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

- 7.2 That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.
- 7.3 Should the agreement not be completed within 6 months of the date of the committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

Contact Officer: 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. Development shall proceed in accordance with the below listed plan:

30.6.17:

Location plan - 10094YA - PA00

Proposed elevations east - 10094YA-PA09

Proposed elevations north - 10094YA-PA07

7.11.17:

Site plan - 10094YA - PA01 C

Ground floor plan - 10094YA-PA02 A

First floor plan - 10094YA - PA03 A

Second floor plan - 10094YA -PA04 A

Third floor plan - 10094YA - PA05 A

Roof Plan - 10094YA - PA06 A

West elevation - Normandy Drive - 10094YA - PA08 A

Internal elevations - PA10 A

26.10.17:

Landscape strategy plan - Rev D

Reason:

For the avoidance of doubt.

3. Age of occupants

Each of the apartments hereby permitted shall be occupier only by:

- o Persons aged 60 or over; or
- o A spouse/or partner (who is themselves over 55years old) living as part of a single household with such a person or persons; or
- o Persons who were living in one of the apartments has part of a single household with a person or persons aged 60 or over who has since died; or
- o Any other individual expressly agreed in writing by the LPA

Reason

In considering this proposal for apartments for the elderly, weight has been given to the likely nature and needs of the occupants of the proposal. This has been given specific weight when considering the likely level of parking required for this development for retirement living, whilst the amount of parking provision is regarded as acceptable given the evidence provided this might not have been the case had these been apartments serving the general population. For this reason accords with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

4. Transport

Prior to occupation of any part of the new development, the off street parking and turning area in shall be provided in accordance with the submitted and approved plan - Site plan - 10094YA - PA01 C as received on 7.11.17.

To be retained thereafter.

Reason 1

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

Reason 2

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

5. Hours of Working During Construction

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

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

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

No working shall take place on Sundays or Public Holidays.

The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any

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maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

6. Landscaping

The landscaping of the site shall be provided strictly in accordance with the details provided in drawing Landscape strategy plan - Rev D as received by the Local Planning Authority on 26th October 2017 in the next available planting season following the completion of the development.

Thereafter the development shall be retained as such.

Reason

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

7. Landscape Management Scheme

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

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

Thereafter the development shall be retained as such

Reason

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

8. Sustainable Drainage

Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS shall be submitted for approval in writing to the Local Planning Authority. Details to include:

- o The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.
- o Detailed design information relating to the SUDS features on site.
- o Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation/Infiltration features and Flow Control Devices where applicable.
- o Updated drainage design calculations may be required should the design layout be changed.

Development shall be carried out in accordance with the approved details.

Reason

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

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

9. Potential contamination

A. Intrusive Investigation - The potential for unacceptable contamination has been identified in the Geoenvironmental Desk Study dated 6th February 2017 Prior to the commencement of development excepting necessary demolition works, an investigation shall be carried out by a suitably competent person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks (Remediation Strategy). The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures.

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

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

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

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

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

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action in the future and 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.

10. Lighting plan

Prior to commencement of development, a lighting plan shall be submitted to the local planning authority for approval in writing. The plan should show the location, height and direction of each light and the required dark zones along the hedgerow on the south-east boundary.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action in future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

11. Precautionary method statement for GCN

Prior to commencement of development, a Precautionary Method of Works for great crested newt shall be submitted to the local planning authority for approval in writing. All development shall be carried out in strict accordance with said Precautionary Method of Works.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action in future and to ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

12. Location of bat and bird boxes

Prior to first occupation, the location of bat and bird boxes as recommended in Section 6.3 of the Preliminary Ecological Appraisal (ECOSA, 2016) shall be submitted to the local planning authority for approval in writing.

Reason

To ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

13. Wildflower mix

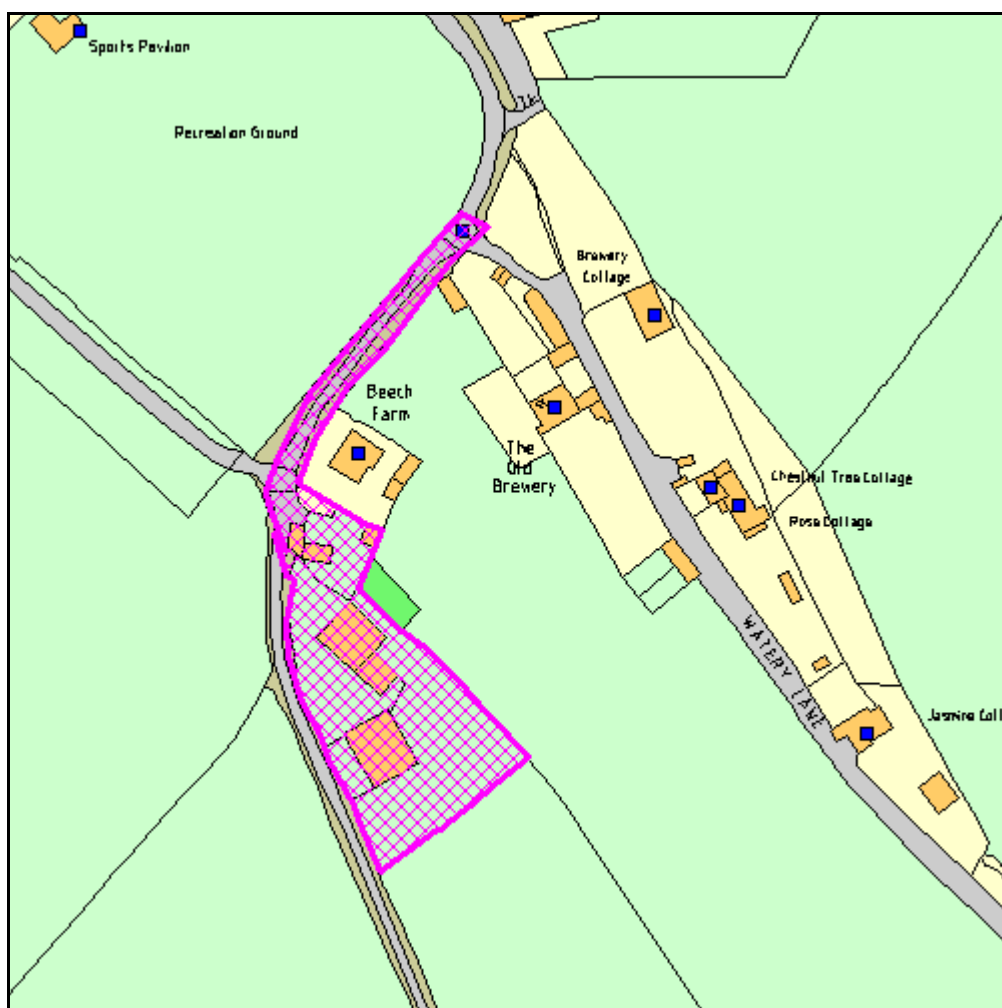
The landscaping shall include the sowing of a wildflower lawn mix as recommended in Section 6.3 of the Preliminary Ecological Appraisal (ECOSA, 2016). Any deviation from this mixture shall be confirmed with the local planning authority.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 12/18 -21 MARCH 2018

App No.:	PK17/3614/F	Applicant:	Miss Cerianne Thorneycroft Green Beans Ecohaus Limited
Site:	Land At Toghill Lane Doynton Bristol South Gloucestershire BS30 5TD	Date Reg:	24th August 2017
Proposal:	Demolition of unlisted buildings in a Conservation Area. Erection of 7 no. dwellings and community building and associated works.	Parish:	Doynton Parish Council
Map Ref:	372178 173762	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	18th October 2017



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REASON FOR SUBMITTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of letters of support and objections during the course of the application.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the demolition of the existing agricultural buildings and the erection of 7 no. self-build dwellings with a shared building and associated works on land at Toghill Lane, Doynton. The submitted site plan shows the locations of the proposed dwellings and building, and it is noted that the land to the south of the proposed terraced dwelling does not form part of the application site, and the land would remain as agricultural use.
- 1.2 The application site is located outside of any established settlement in open countryside. It is situated within the Bristol/Bath Green Belt, the Cotswolds Area of Outstanding Natural Beauty, the Doynton Conservation Area, and as well as within the setting of the grade II listed building, Beech Farmhouse. A public footpath runs along the north-eastern boundary of the site.
- 1.3 During the course of the application, the applicant submitted a revised proposal with an attempt to address issues and concerns raised by the officers. In addition, a statement of 'Very Special Circumstance' and a supporting statement from a planning consultant, Alder King have been submitted to address the green belt issues. An ecological survey report and a landscape management plan have also been submitted with the application.
- 1.4 The major changes to the original scheme are summarised as follows:
 - Photovoltaic panels have been removed from the south roof pitches, with all roof slopes now proposed to be clad in photovoltaic roof slates
 - There is an increased use of stone in the elevations of the buildings. The predominant elevation materials now remain stone and timber cladding;
 - Window proportions/sizes have been amended slightly on some of the houses;
 - Eaves details no longer overhang;
 - The northern end range of the shared building has been omitted, which disconnects it from units 3 and 4 and reduced the overall size slightly. It has also been reduced in height slightly, and so is lower than the two storey dwellings, (however remains 7m to ridge);
 - The reduction in height of the northern most dwelling to single storey;
 - The 4 bedroom terrace has been moved slightly west; and
 - Parking has been relocated from the front, northern end to further back within the site.
- 1.5 The applicant's statement highlights the following 'Very Special Circumstances' to support the scheme:
 - The proposed development would reduce the concrete on the existing site by 500 square metres

- Impact on view within the AONB are limited – the site was not visible even from an elevated position and the site would be shielded by mature hedgerows and trees
- The proposed development will be a much improved view and will set back further than the Dutch barn and will appear much smaller. Additional planting is proposed to protect views onto Beech Farmhouse
- 100% self-build by its nature 'affordable' given that no developer profit will be payable
- The development will vastly increase biodiversity on the site by the addition of extensive native landscape scheme
- The agricultural use on the site will be increase than at present (which is currently producing a monoculture of hay) to provide food the community who live on the site as well as the Doynton Farmer's Market
- The development has already attracted keen interest from wider organisations, such as the Cabot Institute for Climate Change, the Building Services Research and Information Association, BIM Facilities Management, UWE Faculty for the Built Environment and Bristol University.
- The (unadopted) Doynton Parish identified that there is a local need for small scale additional residential development (less than 10 dwellings) at the village of Doynton.
- The development will bring young families into the village of Doynton, which is much needed to support the ongoing legacy and current services of a declining rural village.
- The development is highly innovative as it will be carbon negative. The applicant also look to support the connection of the newly built agricultural barn to the mains grid with the supply line, as the petrol generator currently used is noisy and pollutes the air impacting on the owners of Beech Farmhouse
- The site owners' family have been in the village for nearly 500 years, they would like the dilapidated barn structures to be removed and replaced with homes for families that have a positive impact on the village and the environment. Although within a conservation area and AONB, the site is on the very periphery of the settlement boundary with village centre 2 mins walk away and the cricket ground opposite. When walking the village, the site does not give any impression that is outside of a settlement boundary given its proximity to the heart of the village. Mature hedgerows protect views from the Conservation Area onto the site.
- This unique collection of 12 individuals (who are Green Beans E-cohaus Limited) have come together to create and make their home an innovative development in Doynton. Self-build community led scheme with energy efficiency and design quality at the core could have a fundamental impact on the way new housing is delivered in the UK.
- Green Beans E-cohaus Limited can guarantee the home, which are granted permission will be built.
- The details and materials used in the build are guaranteed to be highly quality.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance
Planning (Listed Building and Conservation) Act 1990

2.2 Development Plans

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP20	Drainage
PSP28	Rural Economy
PSP37	Internal Space Standards for Affordable Housing
PSP42	Custom Build Dwellings (See Appendix A of this report)
PSP43	Private Amenity Standards

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS34	Rural Areas

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Residential Parking Standards SPD (adopted)
The South Gloucestershire Development in the Green Belt SPD (adopted)
Affordable Housing and Extra Care Housing (Adopted) May 2014
Waste Collection: Guidance for New Developments (Adopted) January 2015

3. RELEVANT PLANNING HISTORY

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

4. CONSULTATION RESPONSES

4.1 Doynton Parish Council

The Parish Council objects to the proposal, their concerns are summarised as follows:

- There is no need to extend the existing settlement boundary or identify a rural exemption scheme for affordable housing
- Although there was widespread support for the conversion of unused agriculture buildings with the provision that it must not extend the footprint of the buildings and farmyard into green fields beyond, therefore into the Green Belt.
- The proposal is not in the least bit sympathetic to the appearance of the conservation area.
- Disregard for the historic grain and pattern of development, scale, form and building lines that contribute to the character of the Doynton Conservation Area.
- Extensive use of wood cladding which is totally absent in historic village and is only seen as a cladding in modern barns.
- no attempt has been made to use White Lias in the stone work.
- Eco-friendly should not mean that it does not need to comply with the requirement of the Supplementary Planning Documents
- It is not felt this development would become open to purchase on the open market and appears to not be inclusive and so does not fulfil a local need.

4.2 Other Consultees

Conservation Officer - Objection

Highway Officer – Objection

Housing Enabling – Sought 35% of 7 dwellings when round down equate to 2 affordable homes on site, (equivalent an offsite financial contribution of £159,900)

Landscape Officer – Concerns are still raised, and it is felt that the building style and scale remain suburban and contrary to the Cotswold AONB landscape strategy for landscape character.

Lead Local Flood Authority - No objection subject to condition seeking sustainable drainage system.

Ecology Officer – No objection subject to conditions seeking (i) details of the location, type and number of alternative nesting opportunities for swallows and sparrows, (ii) a 'bat friendly' lighting plan (iii) details of enhancement proposals for bat and birds, and (iv) the implementation of the recommendation of the submitted Phase One Habitat Survey Report.

Public Rights of Way Officer – Sought a clarification of the width to be provided for the footpath, the improvement be made the accessibility of the pedestrian access at the existing old concrete / stone steps besides the barn, and the improvement on the surface of the existing public footpath throughout the development.

Other Representations

4.3 Local Residents

66 letters of objection and 24 letters of support have been summarised under following major issues: (Full comments are available in the Council website) -

Objection comments:

Policies and Location

- Taking buildings into the green belt, absolutely no building on green belt sites, does not accord with the exceptions for development allowed in the green belt, should be restricted to the original footprint and not impact on the green belt
- Does not fit with the parish plan
- Does not comply with the local and national planning policy
- Not within the settlement boundary
- The local infrastructure does not offer any facilities except for the church and village hall
- The submitted very special circumstances lacks coherence and conviction, such very special circumstances do not exist and are disingenuous in their formulations.
- Doynton is not a declining village (or an ageing rural village) , it is a vibrant and active community with a healthy mixture of new residents
- The scale of it would not be a true self build, more a means to avoid the community infrastructure levy
- The development does not offer social / housing association housing, low income farm labourers that cannot live in the area.
- The modifications to the original scheme do not alter my previous objections.
- Fail to see the proposal would confer substantial benefits to the people of Doynton
- Nature of (applicant) business – buying and selling of own real estate
- The houses are like modern cow barns
- The proposed community centre suggests that the occupants may not be keen to integrate into the village community
- The proposal does not address the fundamental concerns
- Clearly totally wrong to conclude that the community is in favour of 10 new houses

Highway concerns

- Access road is single track, limited passing places, unsurfaced and poorly maintained, narrow lane, unlit, is unsuitable for the traffic
- The road is classified for cycle and pedestrian use except for access
- Significant increase in traffic
- The road contains two blind corners and the traffic will pass by the children's play area and the recreational ground
- Road safety risk and nuisance to users of Toghill Lane.
- The lane is regularly used by walkers, horse riders and other users, tractors, trailers and large vans, service lorries
- Create a hazard for children
- The narrow approach lane is not suitable for the additional amount of traffic generated by this development
- The access is still very awkward

- Wonder how many of the occupants of the proposed development will actually use the bus

Design

- Does not comply with the requirement of conservation area plan
- Does not reflect in any way the character of area
- Out of character of AONB
- Not at all similar to any other dwelling
- Size and nature of the proposal is totally out of proportion to the rest of the village
- Too large for its location, too many buildings
- Create a separate inward-looking enclave
- Contravenes former planning regulations for village
- Impact upon the adjacent listed buildings
- Design of the proposed houses is ugly and not compatible with the nearby house or the village as a whole
- Dominate this area of the village and dwarf the buildings including Beech Farmhouse nearby
- Failure to grasp the character of this part of the village, fail to have regard to the historic grain and pattern of development, scale, form and buildings lines (local vernacular) that contribute to the character of the Doynton Conservation Area.
- Disregard the Doynton Community and local residents
- A group of modern town suburban houses plonked in a rural field
- Eco-friendly design ethos is highly commendable but is not appropriate in this particular location
- It is in the AONB, this development damage the vista of the beautiful surroundings
- The cricket pitch has been nominated as local green and is an important scenic area for the area, the development will negatively impact on that
- Not in keeping with the historic nature of the village
- To build for themselves a self-contained, inward-looking commune that will be separate from the village, contain an entertainment centre that would not be accessible to other people in the village
- Proposed materials for housing completely foreign to village
- Housing design reminiscent of post war temporary house
- This application would appear to be a commercial application for a holiday park
- The extensive use of wood cladding is totally absent in historic building in the village
- The proposed ridge line of 8 metres will be clearly visible and change the profile of the village
- The 'experimental' nature of the proposal in terms of ownership, construction and communal living could lead to an unfinished project, which could be to the detrimental of the village and the Conservation Area.
- The proposed building as storage and for 'co-housing meetings' appears to be of little purposes and cannot be justified.
- The building for communal room for meetings, stores and plant space appears to be surplus to requirements, and it seem unnecessary for this housing development to have their own private meeting area.

- The proposed storage /co-housing meeting venue would have potential for conversion to further housing at a later date.

Environment

- The road is prone to flooding
- Irreparable harm to the local environment, flora, fauna and wildlife, harm to protected species
- Noise and air pollutions
- Detract from the village community and life
- The applicant's sustainability case for the development is seems rather a weak argument.
- The volume of water that runs down the lane after heavy rain
- The local sewage system is barely adequate to cope with the present demand, and the proposal would exacerbate this problem

Support comments;

- Represents an exemplar for the kind of sustainable housing that the UK will increasingly require
- Use of innovative technologies for renewable energy capture and battery storage, rainwater recycling and sustainable drainage means, reduce emission
- Sustainable and sympathetic development
- Invigorate a currently rural community
- Replace a set of derelict buildings with a much more pleasing development
- The existing plot is an eyesore, which replace these with modern housing with echoes elements of the vernacular architecture of the village
- Massive improvement
- Only 4 possible outcomes for Beech Farmyard – (i) remains as it stands and quietly rots ways (ii) returns to use as a fully work farmyard with continued access to its adjacent fields (iii) developed for housing confined to the concrete footprints either for 2 or 3 large dwellings, or (iv) 4 or 5 'affordable' homes'.
- The height of the replacement will be very little more than the Dutch Barn already there.
- The semi-detached will be largely shield from view by the retained stone barn
- The rest of the development will be further from the village and Beech Farmhouse, have less impact than the currently set up
- Other development confining the existing concrete footprint would have a greater visual impact
- This is the right site for the project
- There is undisputed housing shortage in this country and the small development will bring new life to rural areas
- The proposed architecture and layout is innovative (carbon neutral) and sympathetic to the site
- Positive impact on the economy and community of the village
- Improve view from the cricket ground
- Removal of asbestos filled barns and increased greenery
- A genuine, friendly group of hard working people who would only be a positive addition to the village

- Custom built affordable homes for young families that crucially, are built to the highest standards of energy efficiency
- Seems difficult to justify the site designation as a greenfield site as it is dominated by concrete and asbestos covered dilapidated barns
- This 'greenfield' site needs protecting seems nonsensical
- The development is a demonstration of state-of-the-art sustainable housing
- The site is not visible from the village
- An increase in the size of the village should be welcomed
- The (village) is too small for a shop, and the bus service is almost non-existent, a small group of young incomers should be welcomed
- Some modest encroachment would seem of negligible significance
- All land under the designation Green Belt is equally sacrosanct.
- A group of like-minded community spirited individuals wanting to add to a rural community
- Using renewable energy sources is something that needs to become the norm rather than the exception
- The development is intended to regenerate a rural area and integrate younger generation into an ageing rural population
- This development promote social inclusion and cohousing should be seen as a benefit for the local community
- This avoids larger commercial developers
- The proposal shows an environmental care with trees hedging and wildlife ponds / meadows, including allotments areas to create a self-sufficient feel.
- Welcome the redevelopment of the local pub
- There isn't enough brownfield land available in the South West
- Attractive building clad in white lias and timber
- Excellent example of a project that marries sympathy to the local and historic building environment
- Make social impact on the village
- The development would far outweighs any negatives
- The height of the building has been reduced by half a storey
- A screen of trees between their development and Beech Farmhouse will reduce the impact of their neighbours

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policies CS5 and CS34 of the Core Strategy set out the general locational approach towards housing provision in the rural areas; these policies establish the retention of settlement boundaries; generally not supporting residential development outside of settlement boundaries or urban areas. The aspects of policy CS34 that relate to the protection of the Green Belt should still be considered up-to-date. Given its rural location, the starting point in the Development Plan is that there is an objection to the principle of the proposed residential development which lies outside of the settlement boundary and in the Green Belt.

5.2 Five Year Housing Supply

Notwithstanding that the advice in the NPPF is an important material consideration. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable

development. The paragraph goes on to suggest that if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date. South Gloucestershire Council's Authority Monitoring Report 2017 states that the Council currently cannot demonstrate a five year housing land supply, meaning paragraph 49 of the NPPF is engaged. With relevance to this proposal, policies CS5 and CS34 of the adopted Core Strategy are therefore considered not to be up-to-date. Regardless of this, the starting point for any decision-taker is the adopted Development Plan, but the decision-taker is now also required to consider the guidance set out within paragraph 14 of the NPPF. Paragraph 14 states a presumption in favour of sustainable development, and states that proposal that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF OR there are specific policies in the NPPF which indicate development should be restricted. It is considered that there are three constraints that effect this site where the NPPF has specific policies which indicate development should be restricted. These are consideration of the Green Belt policy; the impact on designated heritage assets and the impact on the AONB. It follows that if there are sustained objections on the basis of those areas then the tilted balance in the presumption in favour set out in paragraph 14 does not apply.

5.3 Green Belt

Paragraph 89 of the NPPF states that, other than the types of development listed as exceptions in that paragraph, the construction of new buildings in the Green Belt is inappropriate. One of the exceptions listed in paragraph 89 of the NPPF states:

'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'

- 5.4 It should be noted that the application site relates to agricultural use, according to the definition of previously developed land within the NPPF, this cannot be considered to be 'previously developed'. Additionally, the replacement of existing agricultural buildings with seven dwellings, a shared building and their associated curtilages would have a greater impact on the openness of the Green Belt than the extant situation. For the avoidance of doubt, neither is it considered that the proposal could reasonably be described as "limited infilling in a village" (another form of appropriate development). Accordingly, it is concluded that the proposal is inappropriate development in the Green Belt, and is harmful to openness. Such development might only be permitted (as a departure) if there is a case for very special circumstances that clearly outweighs the harm to openness, and any other harm.

- 5.5 To support the scheme, the applicant submitted a 'without prejudice' case for very special circumstances, which highlights that it is a self-build development

scheme which also brings a number of benefits, including the provision of additional 'affordable' residential units incorporating the use of the energy efficiency technology and the removal of existing agricultural buildings.

- 5.6 South Gloucestershire has a self-build register, which clearly shows there is unmet need. This proposal for the development of 7 no. self-building dwellings would therefore assist in meeting an identified and unmet need for self-build housing in South Gloucestershire. Paragraph 50 and 159 of the NPPF requires the local planning authority should plan to deliver and address the need for a wide choice of high quality homes, which includes planning for people that wish to build their own home. Furthermore, Policy PSP42 of the adopted Policies, Sites and Places Plan also supports self-build dwellings in general terms. This policy is adopted, but it must be noted that it does not indicate that self build of itself would be sufficient justification to override normal Green Belt policy. So whilst the erection of 7 no. self-build dwellings can be viewed as a positive contribution to the wider community this would not amount to very special circumstances to otherwise depart from the development plan.
- 5.7 It should be noted that Paragraph 88 of the NPPG states that when determining planning applications in the Green Belt, the Council must give *substantial* weight to any harm to the Green Belt, and that Very Special Circumstances will not exist unless the harm caused to the Green Belt by inappropriateness, as well as any other harm, is *clearly* outweighed by other considerations. It is of particular note that the Ministerial Statement (by Nick Boles on the 6th March 2014) has made it very clear that 'unmet housing need is unlikely to outweigh harm to the Green Belt and other harm to constitute very special circumstances justifying inappropriate development'. Officers noted that recent outline planning permission, PT16/3579/O was granted for the demolition of existing buildings and the erection of 9 no. self-build dwellings at 11 Hortham Lane in Almondsbury with access to be determined and all other matters reserved. As far as officers are aware, this scheme hasn't been implemented and neither has a reserved matters planning application being submitted. It should also be noted that every planning application needs to be determined on its own merits. It is further noted that the PSP42 policy has since been adopted which sets out the Council's approach to supporting self-build developments, which does not include inappropriate development in the Green belt. As discussed above, officers give substantial weight to the significant harm caused to the openness of the Green Belt and by development which is inappropriate in principle, and the submitted very special circumstances relating to the provision of additional residential units, the policy support for self-build development. Furthermore, the use of energy efficient technology, the removal of the existing agricultural barns, are not considered to outweigh this substantial harm. Whilst these matters may attract some weight these do not amount to very special circumstances either individually or cumulatively. As such, the proposal should be refused from the green belt perspective, as the proposal by definition would be harmful to the green belt and there are insufficient 'Very Special Circumstances' to justify the grant of planning permission for this proposal.
- 5.8 Affordable Housing
Core Strategy Policy CS18 sets out the Council's requirements for Affordable Housing provided as a planning obligation on all residential developments,

subject to certain thresholds. In rural areas a scheme of 5 or more dwellings or a site size of 0.2 hectares or more would trigger an Affordable Housing requirement. However there is a conflict between this policy and that introduced by the Written Ministerial Statement of 28th November 2014 and the subsequent National Planning Policy Guidance (NPPG) on Planning Obligations.

- 5.9 Following the decisions on the Greystones and Harcombe Hill appeals, the Council can no longer consider our CS18 policy on rural thresholds to have more weight than the NPPG. The exception to this is schemes in Designated Rural Areas (as designated by the Housing Act 1985). The only such area in South Gloucestershire is the Cotswolds Area of Outstanding Natural Beauty. As this site is partially within the Doynton Conservation Area and within the Cotswold Area of Outstanding Natural Beauty it is considered that a threshold of 6 dwellings or more applies and the scheme needs to demonstrate how it makes appropriate provision for Affordable Housing.
- 5.10 The national guidance is that in designated rural areas, local planning authorities may choose to apply lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty”.
- 5.11 The NPPF defines Affordable housing as social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision. Homes that do not meet this definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.
- 5.12 The applicant has highlighted that this proposal is a self-build project and therefore has not agreed to make such provision. On this particular matter, the Council Enabling Team has advised that custom and self-build does not automatically come under the definition of affordable housing; it may be low cost but is not generally considered to be market housing unless it meets the definition of affordable housing, as defined by the NPPF.
- 5.13 Based on the submitted details, the Enabling Team advises that 35% of 7 dwellings would generate a requirement of 2 no. affordable homes. Given the nature of the development, an off-site provision of a financial contribution of £159,900, which would be equivalent to two affordable homes, based the formula set out in the Affordable Housing and Extra Care Housing SPD under paragraph 7.7.

- 5.14 Policy CS18 is not replaced, as it is still part of the Adopted Development Plan for South Gloucestershire and continues to have weight in decision making upon planning applications, in accordance with Section 38(6) of the Planning & Compulsory Purchase Act 2004. Therefore, policy requirements indicate that two dwellings or £159,900 equivalent sum are sought for affordable housing provision, as the adopted policy clearly outweighs the material consideration within the NPPG. As the applicant has not agreed such provision to be made for any affordable units within the application, and therefore the development is contrary to policy CS18 and should be refused on this basis. There is no automatic exemption for self build properties, but a case on viability might be submitted. This has not been submitted here.
- 5.15 Design, Visual Amenity and Heritage Assets
Policy CS1 of the Core Strategy defines the Council's design policy and Policy CS9 of the adopted Core Strategy set out specific design requirements to conserve, respect and enhance the historic assets including the setting of listed building, conservation area. This policy requires development to reach the 'highest possible' standards of site planning and design and to conserve the historic character of the site and locality.
- 5.16 The Council Conservation Officer and the case officer have reviewed the proposal and also revisited the site, which provided the opportunity to review the site during winter months. Officers consider that some elements of the proposal are improvements to the previous scheme, such as the relocation of the parking away from the front of the site, the provision of a greater planting buffer in the area adjacent to Beech Farmhouse, the size reduction of some buildings with less domestic planting scheme.
- 5.17 However, such amended scheme have not adequately addressed the principal concerns regarding the impact on the conservation area and the setting of the listed building. Compared with the existing buildings, the proposed new buildings are of a much greater massing and scale, and would be therefore far more prominent in views towards the site. Additionally, the density of the development on this edge will be far greater and cause an adverse impact upon the rural and open setting to the conservation area and the adjacent listed building, in particular, Beech Farmhouse. As a result of this proposal, the overall character of the site would be significantly altered from a typical agricultural context to a more domestic sub-urban site. Whilst officers noted that attempts have been made to reflect characteristics of traditional farm buildings, this is limited and the overall appearance represents domestic in scale and design.
- 5.18 To reiterate the above issues, it should be noted that traditional farm yards have a variety of forms and sizes of buildings, reflecting their original functions. Low, narrow plan animal byres sit alongside large threshing barns. The proposal however is for a collection of detached buildings of more or less similar height and massing. The elevations are peppered with domestic sized windows or very large expanses of glazing. The use of timber boarding at upper levels is common in more modern farm buildings as opposed to traditional. The gable widths of the buildings remain wider than typical traditional farm buildings, with slacker roof pitches, and therefore the overall

form and appearance of the buildings do not reflect the local vernacular of rural buildings.

5.19 As such, it is considered that the proposal would result in a small collection of sub-urban style dwellings at the edge of the village would cause harm to the historic character of this part of the conservation area and the setting of listed buildings in proximity, which are currently read as the principal building features against a rural open backdrop. Given that the proposed development is not small in scale and they would be situated within a prominent location viewing from the public domain, i.e. the nearby recreational ground, and the proximity of the setting of the listed building, it is considered that the proposal would harm the character, appearance and setting of the Doynton Conservation Area and the setting of the listed buildings.

5.20 Paragraph 134 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Whilst it is noted that the proposal would provide 7 no. additional self-build dwellings incorporating energy efficiency technology, it is not considered that the proposal would result in a significant public benefit to outweigh the harm to the historic assets. Whilst the applicant also indicated that the development would replace the existing agricultural buildings and the proposal would therefore improve the appearance of the site, officers however do not consider that existing buildings, even the existing agricultural barns are not necessarily structurally sound, would detract from the character of the locality, given these buildings were only built for their functional agricultural need in a rural location. As such, the removal of the existing agricultural barns would not be considered as a public benefit of the scheme. Accordingly, when assessed against the test in paragraph 134 of the NPPF it is considered that there is harm caused to designated heritage assets. This is not outweighed by public benefit arising from the proposal. Although less than substantial in nature, this harm should attract significant weight as there is a requirement to give special regard to harm caused to such designated heritage assets.

5.21 Access, Transport and Parking

Officers have reviewed the revised proposal and associated documents and plans including a Transport Statement. Resident's concerns regarding public highway safety have also been noted.

5.22 Paragraph 32 of the NPPF states 'Development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.' The key material considerations for this proposal fall broadly into two areas, firstly whether the development is in a sustainable location and secondly suitability of the access to serve the proposed development.

5.23 **Travel Sustainability**

The site is located in a 'less than ideal' position for new residential development as the location is distant from many facilities and services and it is outside the settlement boundary. National and local policies as contained in NPPF as well

as south Gloucestershire Core Strategy document (policy CS8) strongly encourage and require development to be located where users of the future development can access services and facilities by walking, cycling or public transport, rather than having to rely on access by car.

- 5.24 The submitted Transport statement gives details of bus services that go to Doynton village – there is service no. 634 (this service operates one bus each way Monday to Friday and additional bus on Monday, Wednesday and Friday between Kingswood and Tormarton) and bus service no. 950 (this is a school bus). Whilst these may be considered helpful, such bus services offer limited scope for traditional commuting hours. The submitted Transport Statement indicated that there is a bus stop located some 390m to the site. Whilst this is acceptable distance to a bus stop, officers are mindful that the quality of the walking route between the site and the bus stop is inappropriate particularly that the access road (in part) is single width with no footway and it has poor walking surface and the road is unlit. It must also be reported that the bus service is subsidized by the council and as such, its continued operation is dependent on funds being available each year.
- 5.25 The applicant in their own Transport Statement confirms that Doynton does not have key facilities although, they prefer to rely on some services that exist within the nearby settlements of Wick and Pucklechurch. In addition to there being limited services and facilities in the locality, the distance of the site from essential services is sufficient to suggest that private form of transport would be required for occupants of the property to access them. The access lane leading to the site has poor surface and has no footway along certain section of it and the road is unlit. Officers are concerned that the proposal would increase the likelihood that private transport would be mainly relied on. Whilst paragraph 32 of the NPPF, as cited by the appellant, states that development should only be prevented or refused on transport grounds “*where the residual cumulative impacts of the development are severe*”, this is in the context of whether improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. The Framework goes on to state in paragraph 34 that decisions should ensure developments are located where the need to travel is minimised and the use of sustainable transport modes can be maximised. Officers therefore do not consider that the proposal would satisfy these requirements.
- 5.26 In view of all the above mentioned, given the relative convenience of different modes of travel, officers would consider that this development will be car dominated and as such would not accord with policy guidance.
- 5.27 **Site access:**
Access to the site will be via the existing access off Toghill Lane. The lane has poor surfacing for pedestrians and the route is unlit. Specific to the site access, the applicant suggests that the existing site entrance will be upgraded and will improve visibility. With it is suggested improvement, the achievable visibility from this access will be 2.0 x 22 to the north and 2.0m x 13.5m to the south and the applicant suggests that this commensurate to the Manual for Street (MfS). Whilst the minimum figure of 2m may be considered is some very lightly trafficked and slow speed situations, using this value will mean that the front of

some vehicles will protrude slightly into the running carriageway of the road. It is noted that the applicant has not submitted any information on vehicular speed and therefore, it is not possible to confirm whether the stated length of visibility are in compliance with the visibility guidance.

5.28 Traffic impact and highway safety

Officers have concerns regarding additional vehicular traffic on this narrow country lane. The site is located in an isolated position down a narrow lane with no formal footway although there is a Right of Way running over this route. Officers are not convinced that the applicant's reference to this access lane as a shared surface road (as it is intended by Manual for Streets document) to be appropriate particularly when taking into account the inadequate walking surface of this and where there is no lighting. There is no proposal to improve the access as part of the proposed development. The applicant refers to the agricultural use of the site and suggests that the proposed development would result in a reduction of larger agricultural vehicles being generated by the site. Officers noted that part of the land would remain as agricultural therefore, traffic associated with agricultural use could still continue. In any event, given the scale of the development (i.e. 7no. new house), there would much greater traffic movements from this development compared to the extant agricultural use.

5.29 In terms of traffic, the applicant forecasts that total daily vehicular traffic associated with this development (i.e. 7 new house) to be in order of 33 two-way vehicular movements across the day (i.e. an average of 4.7 movements per house per day). Whilst this may be the case had this been in more urban location, the transportation officer's judgement is that given the remoteness of the site from key facilities and services such as education establishment, health, shopping facilities, leisure, etc., the traffic figure associated with this development will be greater than those suggested by the applicant in their TS.

5.30 Whilst the applicant's view that the scale of the development is modest, the impact in travel and traffic demand must be considered within a proper planning context and suitability of the existing access lane. Adding more vehicular traffic onto a lane that was not designed for today's vehicles is considered to have safety implications particularly against the low background of vehicular traffic using this lane and officers therefore would not support the proposed increase.

5.31 In conclusion, officers consider that the proposal would cause an adverse impact upon public highway safety and such impact would be so severe to warrant a refusal of this application.

5.32 Residential Amenity

Development should not be permitted that has an adverse impact on residential amenity. The closest neighbouring property to the site would be Beech Farmhouse, which is located to the north of the application. It is also noted that there is a large rural building lying opposite side of the lane. Given that all new dwellings and building would sit further away from Beech Farmhouse behind the retained stone barn to the south, it is considered that there is no

unreasonable impact, in terms of overlooking or overbearing impact upon the neighbouring property.

- 5.33 The proposal shows new dwellings would benefit from a communal garden, also each of dwellings would have a small screed outdoor area. Although it is not common design approach for this scale of residential scheme, given that the communal outdoor space would not be small in size and this is the applicants' aspiration for creating a more compact and self-sufficient live-work environment giving its sensitive location, also the site is located within a proximity of the existing recreational grounds, officers consider that this proposal would not cause an unreasonable harm to the amenity of the future occupiers of the proposed dwellings. In the event of planning permission, a condition shall be imposed to seek details of the future maintenance schedule for this communal garden space.

5.34 Landscape and Vegetation

The site is situated within the Cotswold Area of Outstanding Natural Beauty, on the edge of the Conservation Area and outside the settlement boundary. The NPPF states in paragraph 115 that "Great weight should be given to conserving landscape and scenic beauty" in an AONB.

- 5.35 The Council Landscape Officer has raised concerns to the original scheme. In particular, it was considered that the green buffer would not be sufficient mitigation, the building style, proposed materials and the design of the layout were not in keeping with the character of the Conservation Area and the AONB. Officers also considered that the soft landscape design to the curtilage of the proposed dwellings was unnecessarily ornamental and exotic in character not sympathetic to the landscape character of the site and its surroundings.

- 5.36. It is noted that the applicant's intention regarding the proposed horticultural operations proposed to the south of the site (which is not part of the application site) is welcome, but there is a concern about the type of plants and the size of the composting area and the proximity of the proposed orchard and allotments to the existing field boundary.

- 5.37 Officers noted that a number of improvements have been made to the original scheme. Given the importance of the mature hedgerows and the hedgerow trees, in an event of planning permission, a planning condition would need to be imposed to seek a tree and vegetation survey being carried out, a detailed of long term protection and enhancement of the existing field boundary. On this basis it is considered that the concerns regarding the impact on AONB could be satisfactorily mitigated by a condition.

5.38 Agricultural Land Classification

Paragraph 109 of the NPPF states the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils and Policy CS9.9 of the adopted Core Strategy seeks maximise opportunities for local food cultivation by (a) avoiding the best and most versatile agricultural land. The site is classified as Grade 3 Agricultural Land which is a lower grade of

land, according to the Agricultural Land Classification Map South West Region (ALC006) published by Natural England. The application site comprises a number of agricultural buildings, and the majority of the proposed structures and buildings would be situated within the existing hardstanding area. It is therefore considered that the loss of this from agricultural production would be unlikely to materially affect the best and most versatile agricultural land. It is considered to comply with the approach in policy CS9.

5.39 Ecological Issues

Development should not have a direct or indirect adverse effect on protected species. Any impact should be avoided and suitably mitigated in order to be acceptable. The applicant submitted a Phase One Habitat Survey Report. The report has clearly identified the habitats of the site, including the existing metal agricultural buildings and a stone barn, semi-improved grassland (hay meadow), hedgerow and tress along the southern, eastern and western boundary, blackthorn and tall ruderal.

- Bat survey has been carried out and it is confirmed that no bats or evidence of bats were found during the building inspection. The four metal framed buildings on site were classed as offering negligible potential to support roosting bats the barn was classed as having high potential for roosting bats but this building is due to be retained. None of the trees along the site boundaries were considered to have potential to support roosting bats due to their lack of visible features. However, the site does provide potential foraging and commuting habitat for bats species, particularly the hay meadow and the hedgerows. The hedgerows are well connected to the wider landscape.
- The only pond within range of the site returned a Habitat Suitability Index score of poor for breeding Great crested newts
- No signs of dormice were encountered during the survey and there are no records within 2km of the site despite the mature hedgerows providing suitable habitat. The hedgerows were classed as having moderate potential to support dormice.
- One of building contained bird nest, these were active swallow and house sparrow nest. The hedgerow and scrub on site also offers foraging and nesting habitat.
- The site is considered to offer good foraging and basking habitat for reptiles, but no signs of reptiles were encountered during the survey.
- No evidence of badgers was identified on site.

5.40 The Council Ecology Officer has reviewed the submitted plans and the Phase One Habitat Survey. It is considered that there is no ecological objection subject to conditions securing the implementation of various mitigation, enhancement and compensation measures to prevent biodiversity loss, and enable biodiversity gain, through the proposed development.

5.41 Drainage Issues

Residents' concerns regarding the flooding issues were noted. The site does not fall within land categorised at higher risk of flooding. The Council's

Drainage Engineer has reviewed the application and raised no objection to the scheme subject to a condition seeking a detailed sustainable drainage scheme.

5.42 Planning Balance

The Development Plan indicates that residential development should be resisted in this location. However, South Gloucestershire Council currently cannot provide a five year housing land supply, and paragraph 49 of the NPPF is engaged and weight is given to the advice set out in the NPPF. Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development. However, it specifically indicates that particular restrictions set out in the NPPF should be considered when coming to that view. In this case these relate to the green belt, AONB and the impact to designated heritage assets. It is concluded that the proposal is inappropriate development in the Green Belt, and as such the presumption is against such development. Substantial weight is given to the harm to openness. In addition, there is harm to designated heritage assets which attracts significant weight. There is further harm in terms of transportation impact, and the reliance of the scheme on the private car. Whilst there may be benefits in relation to the provision of self-build housing, and more sustainable building techniques these are not considered sufficient to amount to very special circumstances. Given the substantial weight that can be afforded to harm to the Green Belt, together with the lack of affordable housing provision, the severe impact upon public highway safety, its unsustainable location, the harm cause to the historic character and appearance of Doynton Conservation Area and the setting of listed buildings, the adverse impact upon the landscape character of the Cotswold Area of Outstanding Natural Beauty, it is considered that such harm cannot be clearly outweighed by the provision of additional 7 no. residential self-build energy efficient residential units contributing the five year housing land supply and the unmet need for self-build housing in South Gloucestershire. On this basis it is recommended that the application is 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 South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 Planning permission is **REFUSED** for the following reasons:

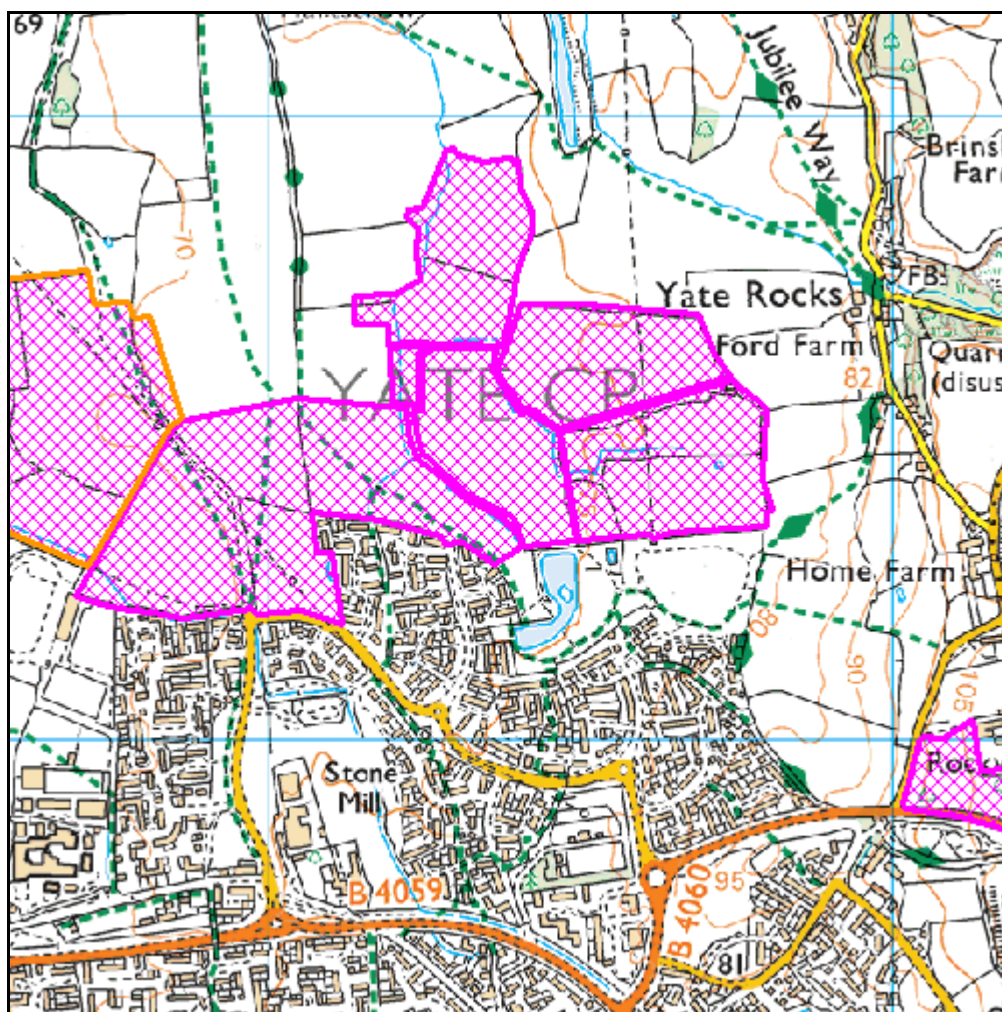
Contact Officer: Olivia Tresise
Tel. No. 01454 863761

1. The units proposed exceeds 5 units within a rural Area of Outstanding Natural Beauty of South Gloucestershire, and therefore meets the threshold for affordable housing provision as identified within policy CS18 of the Core Strategy (Adopted) December 2013, with policy indicating that two affordable housing units on site, or an equivalent sum for off-site contribution are required. No affordable housing is proposed, and so the development, if approved, would be contrary to policy CS18 of the Core Strategy (Adopted) December 2013, Policy PSP42 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and the National Planning Policy Framework.
2. **The proposed development does not meet any of the exceptions for appropriate development in the Green Belt, as identified in paragraph 89 of the NPPF, and is therefore considered to be inappropriate development in the Green Belt. Paragraph 87 of the NPPF is clear in stating that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The applicant has submitted a case for Very Special Circumstances relating to the need for selfbuild housing incorporating energy efficient technology, the removal of agricultural buildings, however these elements are considered insufficient to amount to very special circumstances that clearly outweigh the harm to the Green Belt, and the other harm identified. The application is therefore contrary to the requirements of the National Planning Policy Framework, policy CS5 and CS34 of the South Gloucestershire Core Strategy (Adopted) December 2013, Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and the South Gloucestershire Green Belt SPD (Adopted).**
3. It is considered that the proposal is unacceptable in travel sustainability terms and contrary to Policy CS8 of the South Gloucestershire Local Plan Core Strategy (adopted December 2013) and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), the proposal would result in an over-reliance on car use because of the limited provision of public transport, distance to key facilities, and lack of infrastructure for pedestrian travel.
4. **The road providing access to the site is not of the condition nor is it maintained to the standard necessary to accommodate the volume and type of type of traffic likely to be generated by the development proposed. The increase in vehicular use of this access lane by the proposed development traffic would result in severe impact between different users all to detriment of travelling public and highway safety on Toghill Lane and this contradict elements of Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places (Adopted November 2017) and the provisions of National Planning Policy Framework.**
5. The proposed development is located within Doynton conservation area and in proximity to listed buildings. The proposed development would harm the character, appearance and setting of the Doynton conservation area, and the setting of listed buildings, it is also considered that such harm would not be outweighed by the limited public benefits to the scheme, as such, the proposal would be contrary to sections 66(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990,

national guidance set out at the NPPF and policy PSP17 of the Adopted South Gloucestershire PSP Plan.

CIRCULATED SCHEDULE NO. 12/18 – 21 MARCH 2018

App No.:	PK17/4260/RM	Applicant:	Mr David Collard Heron Yate Ltd
Site:	Land North Of Brimsham Park Yate South Gloucestershire BS37 7JT	Date Reg:	19th September 2017
Proposal:	Laying out of landscape and infrastructure (Phase 0) including primary and secondary streets, utilities, services, foul and surface water drainage, hard and soft landscaping. (Approval of reserved matters including appearance, landscaping, layout and scale to be read in conjunction with Outline Planning Permission PK12/1913/O superseded by PK16/2449/RVC).	Parish:	Yate Town Council
Map Ref:	371173 184195	Ward:	Yate North
Application Category:	Major	Target Date:	8th December 2017



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INTRODUCTION

This application appears on the circulated schedule because objections have been received as a result of the public consultation which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks reserved matters consent for the laying out of landscape and infrastructure (Phase 0) including primary and secondary streets, utilities, services, foul and surface water drainage, and hard and soft landscaping. The application is for the approval of reserved matters including appearance, landscaping, layout and scale to be read in conjunction with Outline Planning Permission PK12/1913/O which was superseded by application PK16/2449/RVC for a mixed use development across 100.76 hectares of land including residential development of up to 2450 dwellings.
- 1.2 The application has been referred to as 'Phase 0' because it includes no residential development. The proposal is for the primary and secondary road network (individual residential development parcels will provide tertiary streets), drainage and public open space infrastructure to serve the initial phases of residential development within the southern half of the NYNN site. The proposed public open space includes allotments at Rockwood and Eastfield Drive, and sports pitches to the east of the site. The detailed design of children's play areas has not been included in this application, although indicative locations have been shown on the plans submitted. The detailed design of children's play areas will follow in due course and is controlled by triggers within the approved S106 agreement. The proposal includes the primary road network connecting Randolph Avenue, Leechpool and Peg Hill, which will form the proposed bus loop and potential future extension. A vehicular link to Yate Outdoor Sports Centre, controlled by bollards, is also provided.
- 1.3 The application relates to the North Yate New Neighbourhood. The scheme benefits from an approved design code (North Yate New Neighbourhood Design Code Rev D-March 2017) and masterplan (Condition 39 Detailed Masterplan 4739-LDA-00-XX-DR-L-0013), as well as a number of framework plans approved at outline stage.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS2 Green Infrastructure

CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS7 Strategic Transport Infrastructure
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS24 Green Infrastructure Sport and Recreation Standards
CS30 Yate and Chipping Sodbury
CS31 North Yate New Neighbourhood

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

PSP2 Landscape
PSP3 Trees and Woodland
PSP8 Residential Amenity
PSP10 Active Travel Routes
PSP11 Transport Impact Management
PSP17 Heritage Assets and the Historic Environment
PSP19 Wider Biodiversity
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP21 Environmental Pollution and Impacts
PSP44 Open Space, Sports and Recreation

- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/042/SCO, Scoping Opinion for a proposed mixed-use site approximately 104ha in North Yate. Scoping opinion provided on 26/01/11.
- 3.2 PK12/1913/O, Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 4.63 hectares of employment land (Use Class B1,B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open space and landscaping and proposal to underground the electricity powerlines. Outline application including access with all other matters reserved. Approved on 17th July 2015.
- 3.3 PK15/5230/RVC, Variation of condition 41 of Planning Permission PK12/1913/O to change the proposed wording which related to the need for an Energy Statement and energy targets. Approved on 6th May 2016.
- 3.4 PK16/2449/RVC, Variation of condition 12 attached to planning permission PK12/1913/O to allow for a programme for archaeological investigations across the site. Approved on 15th August 2016.
- 3.5 PK17/0039/NMA, Non-material amendment to Condition 19 of PK16/2449/RVC (Outline planning permission for the North Yate New Neighbourhood) to reflect

the updated phasing plan submitted pursuant to Condition 4. Approved on 23rd February 2017.

- 3.6 PK17/4826/RVC, Variation of conditions 12, 19 and 41 attached to outline planning permission PK12/1913/O to rationalise and validate amendments to conditions previously granted under application reference numbers PK15/5230/RVC, PK16/2449/RVC, and PK17/0039/NMA. Approved on 27th November 2017.
- 3.7 PK17/5389/RM, Erection of 86 dwellings , associated roads, drainage, landscaping, garages and parking to include reserved matters of appearance, layout, scale and landscaping (Reserved Matters application to be read in conjunction with Planning permission PK17/4826/RVC). (Parcels PL14D and PL22) Under consideration.
- 3.8 PK17/5388/RM, Erection of 77 dwellings , associated roads, drainage, landscaping, garages and parking to include reserved matters of appearance, layout, scale and landscaping (Reserved Matters application to be read in conjunction with Planning permission PK17/4826/RVC). (Parcels PL23A and PL23C) Under consideration.
- 3.9 PK18/0156/TRE, Works to trees as per the proposed schedule of works submitted to South Gloucestershire Council on 26th January 2018. Trees covered by Tree Preservation Order SGTPO 09/09 (632) dated 22nd September 2009. The Council's Tree Officer has no objections to the tree removals proposed.

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
Objection for the following reasons:

Fewer and larger play areas where there is more variety of equipment should be used;
Concerns regarding the location of the LEAPS and NEAPS;
A car park should be provided for YOSC;
Plot 2 boundary should be thicker;
Industrial development needs to be intensive instead of low density. A condition is required to protect against large warehouse or associated large vehicles;
East/west green corridor is required;
Walking to Brinsham Field as a green corridor needs to be preserved;
Plot 22 shows no landscaping between existing developments;
Concerned about the area of plots 25C and 26 and the lack of connection to the northern green area through the school;
Community building should be by the park;
The easterly connection to Yate Rocks should not be surfaced to be more in keeping with the rural area;
Sports pitches next to school will need a toilet, these would be better provided at YOSC;
Street lighting is needed to pedestrian routes as well as the main vehicular routes;

The whole development needs a TPO to protect trees; Hedgerow protection orders are also required due to the age of the hedgerows;
Cannot see pedestrian crossings on main roads;
The employment floor space is shrinking;
Open space should adjoin YOSC so that this facility can expand

4.2 External Consultees

Coal Authority

The Coal Authority has no further comments to make on the reserved matters submission.

Historic England

We suggest you seek the views of your specialist conservation and archaeological advisers.

Sports England

Objection. The Sports England Objection to the outline application where concerns were raised over a lack of sport and recreation for indoor and outdoor provision still stands. The development may also make an off-site financial contribution to other sports such as swimming. The provision of community playing fields for sport including football, rugby and cricket need to be fit for purpose (constructed to pitch quality standards and of the right dimensions). Pitches that form part of the school site should be provided for community use. Sports England have identified sports demands around the Yate area the proposal could contribute towards. The masterplan should be designed in accordance with the Active Design (October 2015) guide.

Natural England

No objection to the original application

Highways England

No objection

Network Rail

No objection in principle subject to standard comments.

Environment Agency

The Environment Agency OBJECTS to this reserved matters application, on the following grounds:

We require a copy of the modelling work undertaken by PFA Consulting for the Tanhouse Stream. We wish to review this modelling as this may impact upon the layout and positioning within the site.

4.3 Internal Consultees

Archaeological Officer

No comment

Drainage Officer

No objections

Listed Building Officer

The revised plan shows a 1.2m high black estate fencing enclosing the allotments which is a significant improvement on the palisade fencing previously proposed. This revision overcomes my previous objections in relation to the setting of listed Rockwood House.

Tree Officer

Much of the access and supporting infrastructure layout of this development site has been agreed in the outline planning permission PK12/1913/O. This does impact on the degree to which we can influence the current proposal. Since this application was registered the SGC Tree Officer has visited the site several times to discuss the extent of the proposed works with the applicant in the light of this applications links to the reserved matters applications PK17/5388/RM and PK17/5389/RM.

There have been several amendments to the proposed works which includes retention of some of the trees and sections of hedgerow where alterations of infrastructure have been agreed. The proposed removal of the vegetation on the site's southern boundary has been changed so that the screen provided between the site and properties on Long Croft and the Yate Outdoor Sports Complex is to be retained. There is substantial planned tree planting (in excess of 300 trees) across the proposed development that mitigates for the loss of the proposed trees in this application. The majority of the trees to be removed are categorised as category C according to the categorisation system within the British standard for trees on development sites – "BS5837:2012 – Trees in relation to design, demolition and construction – Recommendations". C category trees should not be considered as a constraint to development according to the standard, although many have been retained within the scheme. Within the context of the development it is considered that the proposals, particularly in the light of the replanting proposals, is reasonable and proportionate.

Ecology Officer

Further information should be provided relating to:

- The provision of details relating to wildlife corridors for great crested newt;
- The provision of locations for lesser horseshoe bat roosts (these should be in place before the removal of the small open-sided shed (ST7172984579)); and
- A tree removal plan should be provided for the easternmost area of the site.

Other Representations

4.3 Local Residents

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

No mention of a wild service tree which is located in a hedge at the site;

Concerns regarding the planting of shrubs and trees close to fence due to the potential for subsidence from roots.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

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

5.3 Green Infrastructure Framework Plan. This plan shows the location and size of green infrastructure such as attenuation basins and green corridors, as well as the position of pitches, play areas and allotments. The plans show the location of trees to be retained and new/existing hedgerow corridors. The plans are considered to be broadly in accordance with the approved framework plan. The detailed design relating to the treatment of trees and hedgerow is considered in the main part of this report. The plans submitted alter the location of some Local Areas for Plan (LAP); this is also considered further in the main part of the report.

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

5.5 Masterplan. The approved Detailed Masterplan for NYNN no.4739-LDA-00-XX-DR-L-0013 sets out in greater detail the green space principles of the Parameter Plan. There are some small differences between the approved masterplan and the plans submitted. For example, the proposal indicates that the Local Equipped Areas for Play (LEAP) and Local Areas for Play (LAP) will be separated into two areas, whereas the masterplan indicates a single play area. In addition, the proposal demonstrates access to the Eastfield Drive allotments directly off Eastfield Drive, whereas the masterplan indicates that access is off a primary road within the NYNN development. However, notwithstanding these minor differences, the proposal overall is considered to accord with the Masterplan.

Many of the concerns raised by Yate Town Council such as the amount and location of open space, the request for a car park for YOSC, the density and size of the employment area are details that are already fixed have already been approved by virtue of the masterplan and framework plans, and are therefore, matters that are outside the scope of this reserved matters application.

5.6 Trees/Landscape

The landscape design is based around the established network of hedgerows and watercourses on the site, which would provide a high level of amenity for users and retain wildlife corridors.

- 5.7 Originally the plans submitted did provide sufficient clarification regarding the trees that were to be removed and the trees that were to be retained, and there were concerns that more trees and landscaping would be removed than was necessary in order to provide the infrastructure. In addition, the proposed tree protection fencing was considered to not acceptably protect trees and vegetation on site during the construction works. Revised tree protection and tree removal plans were therefore, requested, and have been submitted. The tree removal plans now provide clarification in terms of the trees to be removed, the trees to be retained, and the grade, species and label of trees. As a result of negotiations a number of trees and vegetation which were originally to be removed will now be retained. These include the retention of oak tree T61 through the relocation of culvert head HW202; the retention of T403 through an amendment to the design of the road, and the screen provided between the site and properties on Long Croft and the Yate Outdoor Sports Complex. The Council's Tree Officer has raised no objections to the proposal. The majority of the trees to be removed are categorised as category C, which according to the categorisation system within the British standard for trees on development sites – "BS5837:2012 – Trees in relation to design, demolition and construction – Recommendations", should not be considered as a constraint to development, although many have been retained within the scheme. There is also substantial tree planting proposed (in excess of 300 trees) across the proposed development, which adequately mitigates for any loss of trees. The site is covered by an area Tree Preservation Order; therefore, an application has been submitted to undertake works to, and to remove trees covered by a Tree Preservation Order (PK18/0156/TRE). The Council's Tree Officer has no objections to the application. Although the Council's Landscape Officer has commented that it would be possible to retain more trees and landscaping within the site by modifying the detailed design such as the length of the certain culverts, and the location of roads, weight is given to the fact that the Council's Tree Officer has raised no objections, and has recommended approval for the trees to be removed under the Tree Preservation Order application. Weight is also given to the fact that details such as the location of roads, attenuation basins and the surface water drainage strategy have already been agreed in principle through the approval of the masterplan and framework plans. The public comment received in relation to the omission of a wild service tree within the original tree survey is noted; the updated tree details submitted have addressed this issue. Although a wild service tree is to be removed, the Council's Tree Officer has raised no objections on this basis and a replacement wild service tree is proposed within public open space.

- 5.8 Amended tree protection plans, along with an Arboricultural Method Statement submitted will ensure that trees to be retained are adequately protected throughout the construction process. A condition is attached to ensure that the development adheres to the arboricultural method statement and tree protection drawings. An updated tree survey has not been provided for land to the east of the site, which is the land that is required to be promoted to other developers. According to the agent, they have not been able to secure access onto the land in order to re-survey the trees. A condition is therefore, attached to ensure that no development takes place in this area until an updated tree survey, including an Arboricultural Method Statement, Tree Removal Plan and Tree Protection Plan have been agreed with the Local Planning Authority. In addition, the condition will ensure that tree protection fencing is erected and retained before any development takes place on the promotional land.
- 5.9 A planting specification has been submitted for the proposed landscaping works, including trees, hedges, woodland and grass mixes to be planted. Initially, the classification of many of the standard trees was incorrect given the girth specified, with trees being described for example, as extra heavy standard when they were in fact semi-mature, or heavy standard when they were actually extra-heavy standard. This issue has been addressed in the revised plans submitted. Conditions are attached to ensure that the landscape planting is carried out in a timely manner and for any planting that dies, or is removed, damaged or diseased to be replaced within five years of the landscaping being completed.
- 5.10 Play Areas and Sports Pitches
The comments of Sports England and Yate Town Council are noted; however, the amount, type and location of public open space, including outdoor sport, has already been agreed in principle by virtue of the approved S106 agreement, framework plans and masterplan. In response to other matters raised by Sports England, it can be confirmed that the pitch sizes were designed to Sports England standards at the time; and the S106 agreement sets out provision for a dual use agreement for the pitches associated with the primary school. A detailed specification for the construction, drainage and testing of the sports pitches has been submitted to ensure that they are provided to an adequate standard. The Council's POS Officer has raised concerns regarding a lack of vehicle maintenance and emergency access to certain play spaces and sports pitches; however, the detailed design of play areas, including LEAPs and LAPs is not for consideration in this application and reserved matters for the detailed design will be submitted in due course. The access to play space/pitches will also need to be addressed by the relevant reserved matters applications in the development parcels, which abut the open spaces as envisaged in the masterplan and framework plans approved. A condition is attached on this basis.

The plans indicate that the LAPS will be separate to the NEAP and LEAP areas, which is different to the intentions of the masterplan approved, which shows combined play areas. There are concerns in particular regarding the proposal to separate the NEAP and LAP on either side of a road. Although the road serves YOSC and is barrier controlled, it is not considered to be ideal and

a poorer design than the masterplan; therefore, a condition is attached for a revised location of the LAP to be agreed with the Local Planning Authority and for the tree protection fencing to be amended in this location accordingly.

5.11 Transportation

The Highway Authority have no objections in relation to the layout of the primary and secondary routes in respect of the detailed road design, including visibility at junctions. The road layout has been tracked to demonstrate that it can safely accommodate service vehicles such as buses and refuse vehicles; it also reflects the approved access and movement framework plans in terms of the location of the roads and the accesses. These roads will all be adopted; therefore, the detailed design will also be considered as part of the Section 38 process. The strategic north/south cycle link is also proposed to be constructed to adoptable standards. No details of the finish of hard surfacing, including private foot/cycle paths through POS have been submitted; therefore, a condition is attached on this basis. A condition is attached to ensure that the foot/cycle network is completed in a timely manner to ensure that sustainable and recreational routes are available to residents. Junction codes in the Design Code are located at a number of priority junctions and serve to lower speeds of vehicles at junctions, and also emphasise certain streets to aid legibility. The raised tables are to be coloured bitmac in a different colour to the standard material in accordance with the relevant character area palette. The raised tables are provided in the in accordance with the design code; however, the colours have not been specified. A condition in relation to the contrasting surfacing of raised tables is therefore, attached. Pedestrian crossing points are identified on the proposed plans. At key crossing points, localised narrowing of the street, as well as raised tables will help to reinforce pedestrian priority and aid crossing.

5.12 A vehicular link and footpath is proposed to link to Yate Outdoor Sports Centre. This is in accordance with the approved masterplan, which also shows a vehicular link. Consideration was given to whether the link could be pedestrian only so that there would be less of an impact on a copse of trees in this area. However, following discussions between the developer and YOSC, the preference is for the link to be vehicular. The plans demonstrate drop down bollards, which are required to control access to YOSC and to prevent rat running. An adequate turning head is required to be provided as part of the adjacent development parcel. A condition is attached on this basis.

5.13 In the approved outline application, a package of financial contributions for sustainable transport measures were agreed. These included a contribution for a new bus service to serve the North Yate New Neighbourhood. The masterplan indicates that this will initially form a loop between Randolph Avenue and Leechpool Way; with two bus stop locations indicated around the local centre. As such, a condition is attached for bus stop locations and details to be agreed with the Local Planning Authority prior to the construction of the local centre (P3 PL14E) and residential parcel P6 PL15A) to ensure that they can be adequately accommodated.

5.14 A construction management plan, including details of wheel washing has been submitted to discharge conditions 14 and 16 attached to the outline consent.

The Construction Management Plan sets out measures to reduce dust, noise, vibration, light pollution, and details of wheel washing. The plan also sets out the route that construction and delivery vehicles will take, as well as the location of the site compound. The details have been considered by relevant officers, including Environmental Protection and Transportation Officers, and are considered acceptable. Conditions 14 and 16 have been discharged accordingly.

5.15 Public Rights of Way

Concerns were originally raised that the development would affect a number of public rights of way and that there was a lack of information regarding the overall strategy for dealing with the existing Public Rights Of Way (PROW). The plans indicated the existing lines of PROW but did not identify how they would be incorporated into the design of the site. In response, the agent has submitted an Indicative Public Right of Way Plan, which identifies the existing tracks, footpaths, and bridleway, and indicates the proposed treatment of these routes. The plans demonstrate that sections of the north/south links will require diversion to a line similar to the existing routes. The north/south link furthest west would be adjacent to greenspace within Yate Woods, providing an attractive setting; the other two north/south links would be provided within the Yate Gallops area within a green recreational corridor including strategic pedestrian and cycle movement, and a 'The Ride' - a formal street lined with large tree species to one side of the footway. These north/south routes would provide connections to Tanhouse Lane. The east/west link will provide connections either side of Cooper's Lake and maintain connection to Yate Rocks. A large part of the footpath is to be retained on its current route, although a relatively small section of the route would be diverted onto estate streets around parcels PL14D and PL22. The overall treatment of existing Public Rights of Way have already been approved in principle by virtue of the approved indicative masterplan and design code. The proposal is considered to accord with the approved principles and as such, there is no objection in respect of the treatment of existing Public Rights of Way.

5.16 Residential Amenity

The proposed development is for roads, landscaping works, and drainage infrastructure. It does not include any built development such as dwellinghouses. It is noted that noise impacts are likely to occur through construction of the infrastructure due to the proximity of existing dwellinghouses, and through the use of public open space such as play pitches, allotments and the position of LAPS shown on the plans. However, significant weight is given to the fact that this development has already been approved in principle by virtue of the approved masterplan. It is noted that the relocation of a LAP places it adjacent to the boundary of no.36 Pear Tree Hey. However, the small scale and nature of a LAP, which is for very young children and is unequipped, is such that it would not adversely impact on neighbouring occupiers in respect of noise, privacy or disturbance. Condition 15 of the approved consent restricts any working on site, such as the use of any plant or machinery, the movement of vehicles or deliveries to the site outside of the hours 8am-6pm Mondays to Fridays, 8am to 1pm on Saturdays, and no working on Sundays and bank holidays. The measures set out in the approved

construction management plan will mitigate impacts on the residential amenity of existing neighbouring occupiers.

- 5.17 Concern were raised by a member of the public regarding the potential for subsidence and damage by the roots of shrub and tree planting on their property. However, the existing scrub habitat is to be retained and managed to this area; no tree or shrub planting is to be undertaken close to the neighbouring property.

5.18 Listed Building

The main issue with this infrastructure application was the impact of the proposed allotments on the setting of the grade II listed Rockwood House and the surrounding park and garden, which is locally registered. The plans originally proposed allotment growing areas tight to the trunks and within the root protection area of large oak trees, which contribute positively to the setting of the listed building. In addition, 1.8 metre high palisade fencing was proposed on the edges of the boundary of the allotments. There were concerns that potential damage to the trees, and the scale, appearance and siting of the fencing would have a detrimental effect on the setting of the listed building. The revised plans submitted retain the trees within grass areas, with allotment growing space located outside of the root protection areas of the trees. In addition, the boundary treatment for the allotments has been revised to a 1.2 metre high estate fence painted black. The fence has also been moved to the bottom of the bank on the eastern boundary so that it would be further away from the listed building and less prominent due to the topography. It is considered following the submission of revised plans that the proposal would maintain the setting and significance of the listed building and is acceptable.

5.19 Ecology

The Council's Ecological Officer has commented that details are required relating to the wildlife corridors for newts and dormice, and that without these crossings the existing wildlife populations, particularly those whose movements are restricted by roads, could become isolated. However, mitigation measures for newts have already been set out in the approved document "Ecology Strategy (Part 2) Ecology and Landscape Management Plan (April 2016)". This states that road crossings across the Key Newt Corridor will include newt crossings. Accordingly, subject to a condition to agree the method of the newt crossings and to ensure they are installed accordingly at the road crossings through the Key New Corridor, it is not considered that the movement patterns of newts will be adversely affected.

- 5.20 The approved ecology strategy also sets out measures to mitigate against the impact on bats. These include the provision of 20 bat boxes on retained trees within the site. In addition, two night feeding perches will be provided for lesser horseshoe bats. A condition is attached for details of the perches for the lesser horseshoe bats to be agreed with the Local Planning Authority to ensure that they are well integrated into the landscaping scheme and before the demolition of an existing open sided shed. The eastern boundary of the site is an important landscape corridor; therefore, the Ecology Officer has requested tree protection/removal details for this area. The land is outside of the control of the

developer; therefore, a condition is attached for these details to be submitted before any development takes place to this area.

The Council's Ecological Officer has raised no objections in respect of the indicative lighting layout proposed.

- 5.21 A wild service tree has been agreed to be removed to accommodate a primary road. Whilst this is a South Gloucestershire Priority Species, adequate replacement planting is proposed within the public open space. Accordingly, there are no objections on this basis. Details of great crested newt ponds within landscape corridors have been included within the details submitted. The Ecological Officer has advised that, to ensure the pond is suitable for great crested newt breeding, the shading from the adjacent hedgerows should be minimised either by moving the ponds or by maintaining the hedges at a height that doesn't cause shade or reduce the functionality of the hedge. The pond locations have already been approved in principle by virtue of the masterplan and framework plans approved; therefore, their location cannot be moved. However, the details indicate a separation distance of approximately 3 metres between the hedge and the pond, and given that the hedges will be trimmed annually as specified in the management and maintenance plans, it is not considered that the ponds will be adversely shaded. Accordingly, there is no objection on this basis.

5.22 Drainage

A surface water drainage masterplan which accords with the originally approved flood risk assessment has been approved for the entire NYNN site. The masterplan demonstrates a system of detention basins in order to attenuate surface water runoff to greenfield run off rates with discharges to the local watercourse and ditch system. The masterplan approved demonstrates the location of attenuation basins, the required attenuation volumes based on sub-catchment areas, preliminary pipe network, and inlet and outlet locations from basins and outfall locations to watercourses and ditches. It was considered that the masterplan demonstrated that an acceptable means of drainage could be provided to serve the proposal in terms of surface water runoff. The Council's Drainage Officer has considered the revised technical note H560-FN19-SW submitted with this reserved matters application and considers that it is acceptable and adequately gives clarification on any changes to the overall surface water drainage strategy. The Drainage Officer noticed a number of errors and discrepancies within the detailed drainage plans submitted; and therefore, revised drainage details were submitted to address these issues. A management and maintenance plan for the drainage system setting out the operational maintenance procedures and clarifies the organisations that will be responsible for ongoing maintenance has been approved by virtue of the discharge of condition 26 of the approved outline consent. Accordingly there are no objections to the proposal.

- 5.23 The Environment Agency have placed a holding objection on the proposal whilst they analyse modelling information, submitted by the applicant, in relation to Tanhouse watercourse to the west of the site which is a requirement of condition 24 on the outline consent. Condition 24 states that:

“No development shall take place on land within the Tanhouse Stream catchment to which reserved matters relate until detailed hydraulic modelling of the watercourse has been undertaken and submitted to and approved by the local planning authority.”

- 5.24 Given that the NYNN masterplan, parameter plans, and design code which approve the location of roads, houses, public open space etc. have all already been approved, it is not considered that the consent for this reserved matters application for roads and public open space can be reasonable withheld or delayed on the basis of the EA comments. Moreover, the reserved matters application for infrastructure covers parts of the site within the Ladden Brook and Tanhouse Stream catchment. The wording of condition 24 – “no development shall take place on land within the Tanhouse Stream catchment...”, is such that even if the infrastructure application is approved, it prevents the Tanhouse Stream catchment part of the site being developed until the modelling details have been approved. However, the developer has agreed that they will adhere to the requirements of the condition and only develop within the Ladden Brook catchment (this fits their initial build out planned) until the modelling information has been approved, and whilst the report is being circulated, a decision will not be issued until the Environment Agency are satisfied. Therefore, there is no objection to the proposal on this basis.

5.25 Further Matters

Issues regarding lack of connection through the school will be considered as part of the subsequent reserved matters for the school and are outside the scope of this application.

The facilities needed to serve pitches were agreed as part of the outline consent and are outside the scope of this application where layout, scale, landscaping and appearance are to be considered.

A condition in respect of street lighting is required and is attached.

5.26 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities. Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers. The Local Planning Authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have a neutral impact as equality matters have duly been considered in planning policy.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

1. Prior to the development hereby approved being brought into operational use, details of street lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details before the development is brought into operational use.

Reason

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

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

Reason

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

3. The footpath and cycle network hereby approved shall be provided in accordance with the approved details prior to the completion of the residential parcels in phases 1, 2 and 3 on the approved phasing plan.

Reason:

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

4. Prior to the commencement of the development hereby approved, protective fencing shall be erected around the trees and hedgerows to be retained, in accordance with Tree Protection Plans no. BBS21596-03 phase 0A rev q sheets 1-10 and in accordance with BS 5837:2012 and the methodology contained in the submitted Arboricultural Method Statement dated 13/12/17 and shall be inspected and agreed in writing by the Local Planning Authority. The fencing shall be retained as such throughout the construction of development hereby approved.

Reason

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

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

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

Reason

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

6. Prior to the first use of the footpaths hereby approved, any stiles blocking the definitive line of the footpaths LYA/49, LYA/50, LYA/52, LYA/53 and LYA/55 shall be removed and replaced with structures compliant with the British Standard BS5709 Least restrictive Access option i.e. a gap or a gate.

Reason

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

7. Notwithstanding the submitted details, no development shall commence in parcels PL14E and PL15A as shown on the approved phasing plan until details of the location and design of bus stops and shelters along with timescales and a strategy for delivery have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details in accordance with the agreed timetable and strategy for delivery.

Reason

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

8. No development shall take place on the promotional land (phase 4,5 on the approved phasing plan) until an updated Tree Survey, including an Arboricultural Method Statement, Tree Removal Plan and Tree Protection Plan have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the tree protection fencing erected in accordance with the agreed details prior to any development on the promotional land (phase 4,5) taking place. The fencing shall be retained and maintained in accordance with the agreed details throughout the course of the development.

Reason

To protect trees in the interest of the character and visual amenity of the area and to accord with policy PSP2 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

9. A vehicular link to YOSC shall be provided in accordance with the agreed details along with a suitable vehicular turning head prior to the occupation of any dwelling in parcel PL2 on the approved phasing plan.

Reason

To ensure the link is provided in a timely manner to provide a desired connection and to accord with policy PSP11 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

10. Root Protection Zones identified on the Tree Protection Plan no. BBS21596-03 phase 0A rev Q sheets 1-10 shall be adhered to at all times during construction except in the specific areas identified on the drawings hereby approved where no-dig construction and self-binding gravel is used.

Reason

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

11. Details of all hard surfacing of foot and cycle paths including materials and colour shall be submitted to and agreed in writing prior to the relevant parts of the works commencing. Development shall be carried out in accordance with the agreed details.

Reason

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

12. Prior to the construction of any raised tables, details of the proposed contrasting colour finish shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

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

13. The development hereby approved shall be managed and maintained at all times in accordance with the following:

Specification for soft landscape works (revision B January 2018)

The revised North Yate SuDS Operation and Maintenance Plan (February 2018)

Reason:

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

14. No development shall commence on parcel PL24 on the approved phasing plan until adequate vehicular and pedestrian access to the sports pitches has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

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

15. Notwithstanding the details submitted within 1 month of the date of this consent, an alternative location within the public open space network for the LAP proposed adjacent to residential parcel PL2 as shown on the phasing plan, as well as an amended Tree Protection Plan for this area shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

In the interests of highway safety and the character and visual amenity of the area and to accord with policies PSP2 and PSP11 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

16. Prior to the construction of roads within the Key Newt Corridor, a method statement for the provision of newt crossings in accordance with the approved report Ecology Strategy (Part 2) Ecology and Landscape Management Plan (April 2016) shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

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

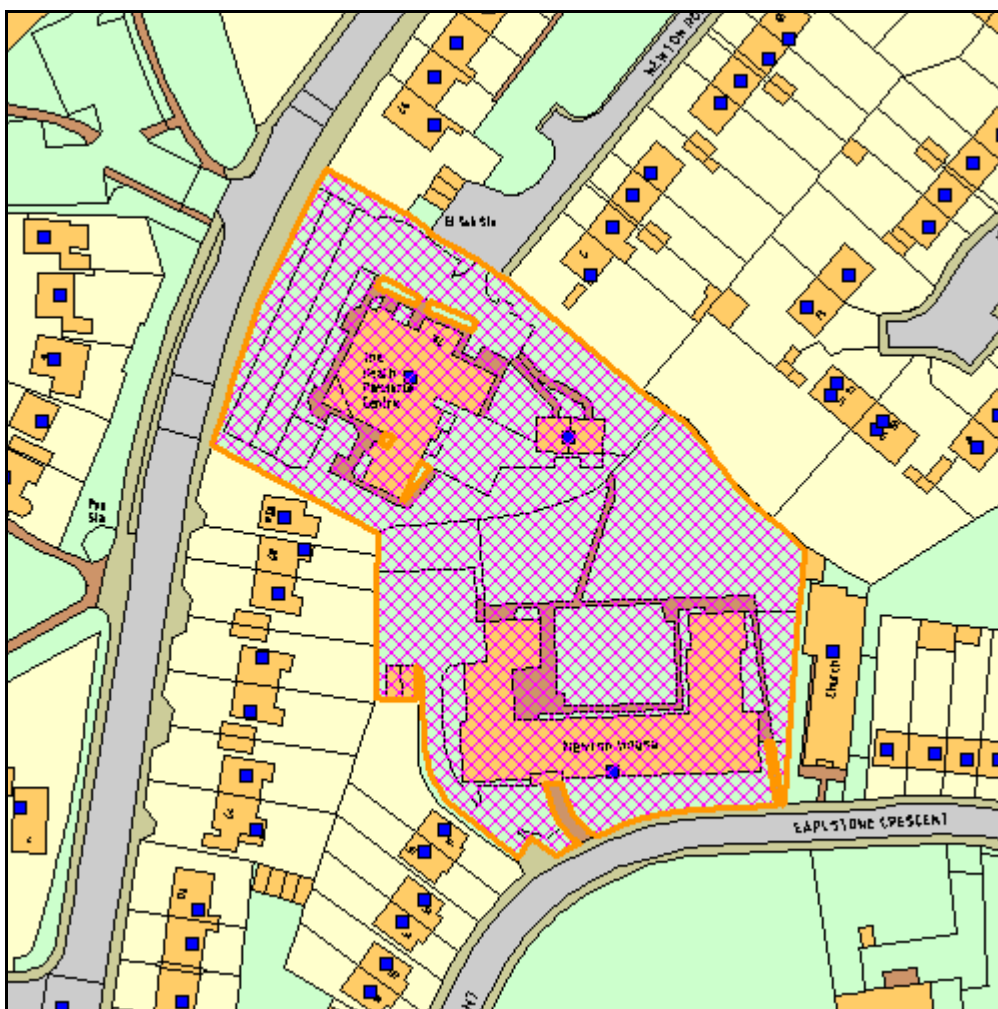
17. Prior to any development commencing in phases 4 and 5 of the phasing plan, the location and design of bat perches shall be submitted to and agreed in writing by the Local Planning Authority. The bat perches shall be provided in accordance with the approved details prior to the demolition of the open sided shed in this area.

Reason

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

CIRCULATED SCHEDULE NO. 12/18 – 21 MARCH 2018

App No.:	PK17/5133/F	Applicant:	Mr Andy Marshall Brackley Investments Ltd
Site:	Newton House Earlstone Crescent Cadbury Heath South Gloucestershire BS30 8AA	Date Reg:	1st December 2017
Proposal:	Erection of a 64 bed care home and 24 bed re-ablement centre (Class C2) with access, parking and associated works.	Parish:	Oldland Parish Council
Map Ref:	366260 172017	Ward:	Parkwall
Application Category:	Major	Target Date:	28th February 2018



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PK17/5133/F

Reason for Referring to the Circulated Schedule

This application has been referred to the Circulated Schedule following the receipt of an objection from a local resident; the concerns raised being contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to the former Heath Resource Centre and Newton House Care Home, Earlstone Crescent, Cadbury Heath. The buildings are now redundant and it is understood that at the time of writing the buildings are being demolished under prior approval PK17/5302/PND.
- 1.2 The site is not situated within any land-use designations and the existing buildings are not statutorily or non-statutorily protected. A PROW runs along Earlstone Crescent. A locally listed building, No. 12-14 Earlstone Crescent is situated to the South-West of the application site. There are a number of trees, which are protected under Tree Preservation Order, within the site.
- 1.3 The proposal is to erect a bespoke 64-bed care Home and a 24-bed Reablement Centre (Class C2) on the 1.95 acre site. The application is made by Brunelcare – a registered charity and not-for-profit operator of care and support services to older people in South Gloucestershire.
- 1.4 The application is supported by the following documents:
 - Flood Risk Assessment
 - Biodiversity Survey and Report by 'ecus' Aug. 2017
 - Land Contamination Assessment by JPB Sept. 2017
 - Lighting Assessment
 - Statement of Community Involvement
 - Tree Survey by 'Silverback' Sept. 2017
 - Design and Access Statement
 - Planning Statement
 - Transport Statement by Cole Easdon Consultants Sept. 2017
 - Utility Services Report by QODA Aug 2017
 - Ground Investigation Report by JPB Nov 2017
 - Coal Authority Report July 2017

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (NPPF) March 2012
The National Planning Practice Guidance (NPPG) 2014
- 2.2 Development Plans

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

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development.
CS5 Location of Development
CS6 Infrastructure and Developer Contributions
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS23 Community Infrastructure and Cultural Activity
CS24 Green Infrastructure, Sport and Recreation Standards.

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodland
PSP4 Designated Local Green Spaces
PSP5 Undesignated Open Spaces Within Urban Areas and Settlements
PSP6 Onsite Renewable & Low Carbon Energy
PSP8 Residential Amenity
PSP11 Development Related Transport Impact Management
PSP16 Parking Standards
PSP17 Heritage Assets and the Historic Environment
PSP19 Wider Diversity
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP21 Environmental Pollution and Impacts
PSP22 Unstable Land
PSP38 Development Within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP43 Private Amenity Space Standards

2.4 Supplementary Planning Guidance

The South Gloucestershire Council Residential Parking Standards (Adopted).
The South Gloucestershire Design Check List SPD Adopted August 2007.
Trees on Development Sites SPD Adopted Nov. 2005
The Local List SPD Adopted Feb. 2008
Affordable Housing SPD Adopted Sept 2008

3. RELEVANT PLANNING HISTORY

- 3.1 K3765/1 - Erection of 24 bed children community home.
Approved 18 Nov 1981
- 3.2 K3765/2 - Conversion of staff flat to home care office.

Approved 12 Sept. 1988

3.3 K3765/3 - Change of use of 4no. rooms within Elderly Persons Dwelling and 1no. bungalow to rear to form offices for use as a neighbourhood resource centre. Construction of 5no. car spaces.

Approved 29th May 1992

3.4 K3765/4 - Change of use from staff residential accommodation to offices (Class B1)

Approved 26 Feb. 1996

3.5 K3765/5 - Change of use of ground floor to office accommodation and extension to car park.

Approved 26 March 1996

3.6 P97/4000 - Change of use of first floor from Children's Home to offices. Extension to car park.

Approved 1 April 1997

3.7 PK02/3397/R3F - Installation of new window.

Deemed Consent 20 Jan 2003

3.8 PK17/5302/PND - Prior notification of the intention to demolish care home, health centre and ancillary outbuildings.

No objection 11 Jan. 2018

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

No objection

4.2 Other Consultees

Listed Building and Conservation Officer

The proposed scheme would not result in any material loss of setting of the locally listed Earlstone House, which lies to the south-west of the site.

No objection.

PROW

No objection however the public footpath POL/18/10 (pink dashed - plan on pp2) runs along the adopted path skirting the south boundary of the property. Standard informative.

Highway Structures

No objection. Standard informative.

Avon and Somerset Constabulary

No objections or comments.

Public Arts Officer

Public Art should be secured by condition.

Lead Local Flood Authority

No objection in principle subject to a SUDS condition.

Landscape Officer

No objection subject to a condition to secure a landscape scheme.

Ecology Officer

No objection subject to standard conditions.

Environmental Protection – Contaminated Land

No objection subject to condition relating to ground gas.

Environmental Protection - Noise

No objection subject to standard informative relating to construction sites.

Waste Officer

On the basis that the refuse collection service will be a commercial arrangement I have no objections.

New Communities

Adequate open space being proposed onsite, no offsite contribution required.

Transportation D.C

No objection subject to conditions relating to access improvements, car & cycle parking and Site Specific CEMP.

Tree Officer

No objection subject to a condition to ensure that the development is carried out in accordance with the recommendations of the submitted Arboricultural Report.

Wessex Water

No objection

Other Representations

4.3 Local Residents

1no. objection response was received from a local resident who commented as follows:

“I'm very concerned about the number and size of the vehicles that will be accessing the new care home from the Newton Road entrance. This is a very narrow cul-de-sac with a hedge along one side that is very poorly maintained by Merlin. If a resident parks outside their home (especially a van) then it is very difficult to drive your service lorries i.e.: bin lorries etc. to the care centre without damage being done. With so many extra vehicles using this entrance I'm also concerned about the extra risk of injury to Children & Adults being such a narrow road.”

5. **ANALYSIS OF PROPOSAL**

Principle of Development

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2012 (NPPF). The Policies, Sites & Places Plan was adopted in Nov. 2017 and now forms part of the Development Plan.
- 5.3 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible. Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities and this policy stance is replicated in Policy CS17 of the Core Strategy.
- 5.4 Policy CS5 of the South Gloucestershire Local Plan, Core Strategy encourages new development to take place within the Urban Areas.
- 5.5 Paragraph 14 of the National Planning Policy Framework (NPPF) makes a general presumption in favour of sustainable development. In particular (in respect of decision making) Paragraph 14 of the NPPF makes it clear that where development plans are absent, silent or relevant policies are out of date, the Local Planning Authority should grant planning permission unless;
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or,
 - specific policies in the NPPF indicate development should be restricted.
- 5.6 South Gloucestershire Council cannot currently demonstrate that it has a five year supply of deliverable housing land. Accordingly, in considering this proposal, weight should be given to Paragraph 49 of the NPPF which sets out that;
- Housing applications should be considered in the context of the presumption in favour of sustainable development. 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.

- 5.7 It is noted that Paragraph 037 of the Planning Practice Guidance suggests that housing provided for older people, including residential institutions in use Class C2 should count towards a Local Planning Authority housing requirement. However, in the case of South Gloucestershire the Planning Inspector at the Examination in Public for the South Gloucestershire Local Plan, Core Strategy did not take into consideration the needs of C2 residential uses within the housing supply. Essentially, C2 uses are not included in the South Gloucestershire housing requirements and as such this housing sector does not contribute to the delivery of Policy CS15 of the South Gloucestershire Core Strategy. On this basis, for the purpose of C2 type residential uses, Policy CS5 remains up to date.
- 5.8 Policy CS5 of the South Gloucestershire Local Plan, Core Strategy is relevant to this proposal as it allows for new residential development including C2 Residential Care Homes within the existing urban area; provided it is in accordance with Policy CS26.
- 5.9 The proposal is not however directly for the supply of new housing but would be likely to result in the release of existing housing; but to what degree is difficult to quantify. The Council intends to address the advice in the PPG with regard to C2 accommodation as part of the development plan reviews. There is an acknowledged need for the provision of C2 accommodation, including the provision of care for older people. Whilst the development would not add directly to the traditional housing stock, it would assist to some degree in releasing existing housing into the market in an area of acknowledged housing shortage. These are all factors which weigh in favour of the proposal. In addition to these benefits, the proposal would provide full-time employment opportunities at various skill levels for 88 employees. It is clear that the proposal would have both social and economic benefits.
- 5.10 The site is a previously developed brownfield site within the Urban Area and lies in a sustainable location. Given the existing/previous uses of the site for elderly person's accommodation, officers see no in-principle reason why the site should not be developed for the purposes proposed.

Scale and Design

- 5.11 The 1.95 acre site is previously developed, formerly accommodating the Heath Resource Centre and Newton House Care Home which, like the surrounding residential properties, are two-storey in height. Both buildings have degraded over time and exhibit low architectural merit; their loss is not opposed. The locality has no special design characteristics that need to be complied with. The site itself slopes considerably across the centre, with the former care Home having a FFL over 2m higher than the former Heath Resource Centre by virtue of a c.5m fall from Earlstone Crescent down to the Newton Road/Parkwall Road frontage.
- 5.12 The proposed design is required to create high quality living environments to meet its intended use, in balance with optimum staffing levels, economically

viable living and environmentally sustainable solutions. The surrounding residential properties are two-storey and in order to reflect this, whilst maintaining level access across the site, split levels would provide a solution to make the most of the site's capacity without appearing over-bearing.

- 5.13 The proposed development combines a two-storey 64 bed Care Home with a two-storey 24 bed Reablement Centre. The total floor space would be just under 5,000sq.m. which provides a low density development which still makes efficient use of the site. Both buildings would retain a two-storey scale when viewed from surrounding residential properties which would be in character with the location.
- 5.14 The buildings have different uses and therefore need to have separate accesses. The buildings would however be linked internally to share some services and to provide efficiencies in terms of staffing and servicing.
- 5.15 The roof plan would retain a domestic scale through the use of pitched roofs along each wing with central flat roof areas between hiding ventilation and extraction plant. The elevations would be articulated through stepping in and out to break up the mass. Balconies and glazed features would further articulate the visual mass, which would then be softened by strategic landscaping and existing and proposed trees.
- 5.16 The external appearance would be contemporary but would provide a sympathetic response to the local character, with a narrow palette of materials including facing brickwork in multi-red, buff and grey under an artificial slate roof. Rainwater goods, windows and doors would all be grey uPVC.
- 5.17 The submitted perspective images show how the building would respect the existing building lines along Parkwall Road and Earlstone Crescent. The overall effect would be a most acceptable design which would be in character with the area and provide a significant visual enhancement in this part of the street scene, especially given the dilapidated state of the former buildings on this site.

Landscaping and Boundary Treatments

- 5.18 The site has been extensively surveyed and the application has been supported by a Tree Survey by 'Silverback' Sept. 2017 to officer satisfaction. Forty-seven trees and two tree groups lie within and around the site. The proposal will require the removal of 6 grade B trees five of which are Norway Maples growing within a group covered by TPO. These trees are however of lower quality and are not readily visible; the Tree Officer raises no objection to their removal.
- 5.19 It is proposed to mitigate for the loss of the above mentioned trees by the implementation of a detailed landscaping scheme including specimen trees and shrubs to enhance the landscape and visual amenity of the site. The details and specification for the proposed landscaping scheme would be secured by condition.
- 5.20 The landscape strategy would be designed with the different uses of the two buildings in mind. The Reablement Centre gardens would be an active space featuring physical aides whereas the Care Home landscaping would be more

along the lines of ornamental gardens. The grounds would be secured to the rear by 1.8m close boarded fencing for security but to the front, the public areas would be bordered by ornamental black railings atop dwarf brick walls. Proposed strategic planting would supplement the existing retained boundary trees. The 20m high conifer trees along the site's eastern boundary would be removed and replaced by more appropriate native and heritage trees along with ornamental trees.

- 5.21 On balance officers are satisfied that the submitted Arboricultural Impact Assessment demonstrates that the proposed landscape strategy would result in a net benefit in residential amenity through the replacement of trees with a greater quality, quantity and siting of trees and planting. There are therefore no in-principle landscape objections to the proposal.

Transportation Issues

- 5.22 The site lies within the existing urban area and defined settlement boundary; the development location is therefore in a sustainable position with the site being located between the two local centres of Longwell Green and Cadbury Heath where there are regular and convenient bus services to the surrounding area.
- 5.23 The Application is supported by a 'Transport/Technical Note' and has been the subject of pre-application advice. It is noted that a local resident has objected to this application on the basis of increased traffic generation and other transport issues.
- 5.24 The site is a former Care Home and the Heath Resource Centre. Given the extant use of the site, the Council's Transportation Officer is satisfied that the level of traffic generated by the proposed Care Home development would not be significantly more than the previous authorised use of the site and its impact therefore would not be so significant as to justify refusal of this application on traffic grounds.
- 5.25 As the area consists of residential roads, there is a well-established network of pedestrian routes along the existing carriageways with formal crossing points, typical for a suburban area. These footway networks provide opportunity for connections between the site and existing facilities including shops and public transport connections enabling access to other surrounding locations.
- 5.26 In respect to vehicular access, there are two existing vehicular access points to the site. The former Heath Resource Centre faces Parkwall Road. Access to this building is from Newtons Road – a cul-de-sac with on-street parking along one side. There is no through-route to the former Care Home, which took its access at the South-Western corner of the site on the outside of the bend on Earlstone Crescent, which is traffic-calmed due to its proximity to the school. Both existing accesses are to be retained although it is proposed to improve these accesses by slight widening. The main access would be off Earlstone Crescent and provides access to the visitor parking area. The secondary access would be at the southern end of Newton Road and provides access to the staff parking and servicing areas.

- 5.27 Pedestrian access is provided directly from both Earlstone Crescent and Parkwall Road, with footpath links throughout the site being improved. Well defined footpaths link visitor parking areas to the main entrances.
- 5.28 Upon the issue of parking – and based on the Council’s parking guidance for Care-homes, the following parking provision is recommended.

- 1 space per 6 spaces plus 1 space per 2 staff

The applicant is proposing a total of 36 no. car parking spaces of which two would be disabled spaces. This level of car parking is considered to be acceptable for the development.

- 5.29 In addition to car parking and in line with the Council policy to promote sustainable modes of travelling, it is also proposed to provide 12 cycle parking spaces within the staff car parking off Newton Road.
- 5.30 Service vehicles; refuse and deliveries, would utilise the Newton Road access, as this coordinates with the location of the building plant rooms, kitchens and laundry areas. Service vehicles can turn and reverse into a deliveries parking bay close to the proposed kitchens, plant room and refuse compound areas. Newton Road was previously utilised as the principal service access to the former Heath Resource Centre. An Ambulance turning area would also be provided near the main entrance off the main visitor access off Earlstone Crescent.
- 5.31 Subject to conditions to secure access improvements, car & cycle parking and a Site Specific CEMP, officers are satisfied that the residual cumulative impacts of the proposed development would not be severe and as such would accord with para. 32 of the NPPF. There are therefore no objections on transportation grounds.

Impact on Residential Amenity

- 5.32 The proposal has been designed to take account of both pre-application advice and the findings of the submitted Statement of Community Involvement. It is noted that the draft scheme was positively received by the local residents.
- 5.33 Officers are satisfied that the proposal would provide a high quality living environment for future occupants. Given the previous uses of the site, the scale and location of the proposed buildings in relation to neighbouring houses and proposed boundary treatments and retained/proposed vegetation; there would be no significant adverse impact on residential amenity.

Ecology

- 5.34 The site is highly urbanised and located within the centre of Cadbury Heath to the east of the city of Bristol. The site is bound by busy main roads to the North and with smaller residential roads to the South and east. The recommendations made in the Ecological Appraisal and Nocturnal Bat Survey by Ecus Ltd (August, 2017) propose mitigation measures to ensure no biodiversity is lost and enhancement proposals to ensure biodiversity gain from the development. Although no bats were using the site for roosting, the site is being used for

foraging and commuting and this needs to be taken into consideration. This matter can be suitably addressed by conditions. There is no ecological objection to this application.

Environmental Issues

- 5.35 Matters of noise, unstable land, contamination and disturbance must be considered in relation to the NPPF and Policy PSP21. The site lies in Flood Zone 1 and therefore does not lie within a zone at high risk of flooding. The proposed development is crossed by a number of public sewers and as such there has been a considerable amount of consultation between the applicant and Wessex Water. A FRA and Drainage Strategy Plan has been submitted for Wessex Water comment, as well as a S185 sewer diversion application. Wessex Water have not objected to the proposal, but the developer should still liaise and agree details with Wessex Water local development team – agreement and approval of these works would be covered by S185 & S106 applications under the Water Act. This matter is adequately addressed by an informative. Connections to the mains sewer would need to be agreed with Wessex Water. A condition would secure a SUDS drainage scheme for surface water disposal.
- 5.36 The locality is a densely populated urban location with a night time economy nearby; any additional light pollution to result from the proposal would not have any significant effect.
- 5.37 Standard informatives would be added to any approval, regarding construction sites. Whilst there may be some disturbance for local residents during the construction phase, this would be on a temporary basis only. In the event of planning permission being granted, a condition would be imposed to control the hours of working on the site. Neither The Police Community Safety Officer or The Coal Authority have raised any objection to the scheme.
- 5.38 The site has the potential to be affected by ground gas both from an infilled pond and from underlying coal measures and coal workings at shallow depth. Some initial ground gas monitoring was undertaken as part of the November 2017 site investigation. It is standard practice to undertake a minimum of six rounds of ground gas monitoring, however only three are reported in the November JPB report. A condition is therefore required to secure the outstanding monitoring and remediation measures should gas be found.

CIL Matters

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

Consideration of likely impact on Equalities

- 5.40 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must

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

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

The Planning Balance

- 5.42 Paragraph 14 of the National Planning Policy Framework (NPPF) makes a general presumption in favour of sustainable development. In particular (in respect of decision making) Paragraph 14 of the NPPF makes it clear that where development plans are absent, silent or relevant policies are out of date, the Local Planning Authority should grant planning permission unless;

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

However, where C2 uses are concerned the Development Plan policies are generally up to date and in compliance with the NPPF.

- 5.42 In this case there are some clear benefits to the proposal. Whilst the development would not add directly to the traditional housing stock, it would assist to some degree in releasing existing housing into the market in an area of acknowledged housing shortage.
- 5.43 There is an acknowledged need for the provision of C2 accommodation, including the provision of care for older people. The Reablement Centre would reduce bed-blocking at local hospitals by providing a bespoke facility for up to 12 weeks transitional accommodation for those patients well enough to leave hospital but not sufficiently independent to return home. In addition to these benefits, the proposal would provide around 100 whole-time equivalent jobs across the development. There would also be benefits for builders and local suppliers of materials.
- 5.44 The proposal makes efficient use of previously developed land in a sustainable urban location. The proposal would significantly enhance the visual amenity of the street scene. The residual cumulative transportation impacts of the development, which are not considered to be 'severe' can only be afforded neutral weight in the final balance, as this is expected of all developments.
- 5.45 It is clear that the proposal would have both social and economic benefits.

- 5.46 Weighed against this would be the loss of some TPO'd trees but these are of lower quality and their loss is mitigated by additional new planting. The benefits of the scheme therefore clearly outweigh any harm to result from the scheme. On balance therefore officers consider that in their judgement, the proposal is sustainable development that should be granted planning permission without delay.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission be GRANTED subject to the conditions listed below.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Location Plan Drawing No. PL00 Rev C received 6th Nov. 2017

Proposed Site Plan Drawing No. PL10 Rev C received 6th Nov. 2017

Boundary Treatments Drawing No. PL12 Rev B received 6th Nov. 2017

Proposed Lower Ground Floor Plan Drawing No. PL20 Rev B received 6th Nov. 2017

Proposed Ground Floor Plan Drawing No. PL21 Rev B received 6th Nov. 2017

Proposed First Floor Plan Drawing No. PL22 Rev B received 6th Nov. 2017

Proposed Roof Plan Drawing No. PL23 Rev B received 6th Nov. 2017

Proposed Elevations Sheet 1 Drawing No. PL30 Rev C received 6th Nov. 2017

Proposed Elevations Sheet 2 Drawing No. PL31 Rev B received 6th Nov. 2017

Street Scenes Drawing No. PL32 Rev C received 6th Nov. 2017
Proposed Materials Drawing No. PL33 Rev B received 6th Nov. 2017
Proposed Bin Store Drawing No. PL40 Rev B received 6th Nov. 2017
Proposed Aerial 3D Views Drawing No. PL50 Rev C received 6th Nov. 2017
Proposed Views Drawing No. PL51 Rev C received 6th Nov. 2017
Proposed Views Drawing No. PL52 Rev C received 6th Nov. 2017
Proposed Views Drawing No. PL53 Rev C received 6th Nov. 2017
Proposed Views Drawing No. PL54 Rev C received 6th Nov. 2017
Sunlight Analysis Drawing No. PL60 Rev A received 6th Nov. 2017

Drainage Strategy Plan Drawing No. P01 02 received 6th Nov. 2017
Swept Path Analysis Drawing No. 5900/202 received 6th Nov. 2017
Tree Removal Plan Drawing No. PL11 Rev B received 6th Nov. 2017
Proposed Demolition Plan Drawing No. PL05 Rev B received 6th Nov. 2017

Reason

For the avoidance of doubt.

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

Reason

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

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

Reason

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

5. The development hereby approved shall be carried out in strict accordance with the submitted Silverback Arboricultural Report Sept 2017 with particular reference to section 9.6 - Supervision and Monitoring. Works within the Root Protection Areas of

retained trees must be overseen by the project Arboriculturist and reports submitted to the SGC Tree Officer for approval..

Reason

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

6. The Development shall not be brought into use until the access improvements, car and cycle parking have been completed in accordance with the approved plans and retained thereafter for that purpose.

Reason

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

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

The CEMP shall address the following matters:

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

Reason

In the interests of residential amenity and highway safety and to accord with Policies PSP8, PSP11 and PSP21 of the The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013 and the provisions of the NPPF. This is a prior to

commencement condition to ensure that all works including demolition and land raising are carried out appropriately.

8.
 - A. Prior to the commencement of the development hereby approved; an assessment of the potential risks to the development with respect to landfill gas shall be carried out and submitted for approval by the Local Planning Authority.
 - B. Remediation Strategy - Where the gas risk assessment identifies potential risks, a report shall be submitted prior to the commencement of the development for the written approval of the Local Planning Authority, setting out the findings and identifying what mitigation measures are proposed to address unacceptable risks (Remediation Strategy). The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures.
 - C. Verification Strategy - Prior to first use, where works have been required to mitigate gas (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
 - D. If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason

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

9. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. For the avoidance of doubt the submitted scheme should include the following information:
 - o A clearly labelled drainage layout plan showing the pipe networks, all attenuation features including the tanked permeable paving and flow control devices.
 - o Updated MicroDrainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus 40% climate change storm event.

- o Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus 40% climate change storm event.
- o The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs in the surface water drainage system for the site and the likely depths of any flooding. Please note that overland flood flows/exceedance flows need to be contained within the confines of the site and must not discharge onto third party land or the public highway.
- o The plan should also show any pipe node numbers referred to within the drainage calculations along with a manhole / inspection chamber schedule to include cover and invert levels.
- o Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as attenuation features and flow control devices where applicable.

Reason

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

10. Prior to the completion of the works hereby approved, details of the lighting scheme shall be submitted to the local planning authority for approval in writing. The lighting plan should ensure that a dark corridor is retained along the boundary vegetation and use of low level lighting in the grounds. Thereafter the lighting scheme shall be implemented in accordance with the approved details and prior to the first occupation of the building for the purposes hereby approved.

Reason

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

11. Prior to development commencing, a Landscape & Ecological Enhancement and Management Plan will be drawn up and agreed in writing with the Council to concur with the recommendations contained in Section 4 of the Ecological Appraisal and Nocturnal Bat Survey by Ecus Ltd (August, 2017) and forming part of the application. Thereafter the development shall proceed in accordance with the details so agreed.

Reason

In the interests of protected species and biodiversity of the site and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP19 of The Policies, Sites and Places Plan (Adopted) Nov. 2017. This is a pre-commencement condition to ensure that protected species would not be harmed.

12. The development should proceed in accordance with the recommendations made in Section 4 of the Ecological Appraisal and Nocturnal Bat Survey by Ecus Ltd (August, 2017). This includes timing of works regarding breeding bird season.

Reason

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

13. Prior to the commencement of development an Invasive Plant Management Plan to prevent the spread of the species identified in the Ecological Appraisal and Nocturnal Bat Survey by Ecus Ltd (August, 2017) during construction shall be prepared by a suitably qualified professional and submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved method statement.

Reason

In the interests of protected species and biodiversity of the site and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP19 of The Policies, Sites and Places Plan (Adopted) Nov. 2017. This is a pre-commencement condition to ensure that protected species and biodiversity would not be harmed.

14. Prior to the commencement of development hereby approved, details of a unique site specific integrated scheme of Public Art (including timescales) to be implemented within the development site shall be submitted to the Local Planning Authority for approval in writing. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm - Planning Advice Note. Thereafter the Artwork shall be installed in accordance with the details and timescales so agreed.

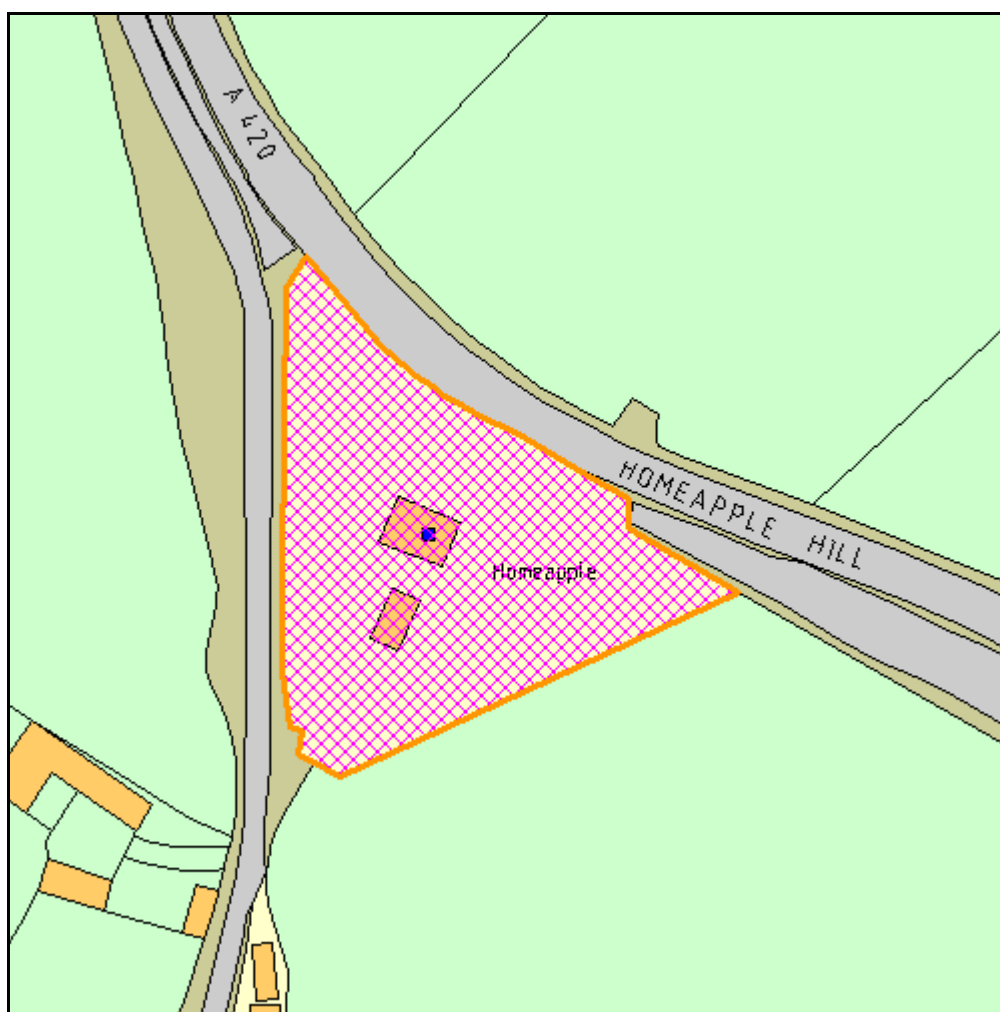
Reason:

To protect the character, distinctiveness and visual amenity of the site and the surrounding locality; and to accord with Policy CS23 - Community Infrastructure and Cultural Activity and Policy CS1 - High Quality Design Point 7 of the South Gloucestershire Local Plan: Core Strategy (adopted December 2013).

Such plans to be produced prior to commencement to ensure that public art is considered at the outset of design to develop a scheme which is fully integrated into the site.

CIRCULATED SCHEDULE NO. 12/18 – 21 MARCH 2018

App No.:	PK17/5724/CLE	Applicant:	Mr Erminio Porcaro
Site:	Homeapple Cann Lane Oldland Common Bristol South Gloucestershire BS30 5NQ	Date Reg:	31st January 2018
Proposal:	Application for a certificate of lawfulness for existing use of land as residential curtilage (Class C3)	Parish:	Siston Parish Council
Map Ref:	368539 172941	Ward:	Siston
Application Category:		Target Date:	27th March 2018



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PK17/5724/CLE

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule in accordance with the Council's scheme of delegation as it is for a Certificate of Lawfulness.

1. THE PROPOSAL

- 1.1 This application seeks a certificate of lawfulness for the use of the land as residential (Class C3, as defined in the *Town and Country Planning (Use Classes) Order 1987*) in association with Homeapple, Cann Lane, Oldland Common. A certificate of lawfulness is sought solely for the use of the land; its submission follows the refusal of an earlier application (PK17/3715/F) which included a number of structures. The earlier application was refused as the evidence was ambiguous.
- 1.2 The certificate of lawfulness is sought on the basis that the development is immune from enforcement action under section 171B(3) of the *Town and Country Planning Act 1990* ("the Act") as it has been complete for a period in excess of 10 years and, by virtue of section 191(2) of the Act, is therefore lawful.

2. POLICY CONTEXT

- 2.1 National Guidance
 - i. Town and Country Planning Act 1990: s171B and s191
 - ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
 - iii. National Planning Practice Guidance: 17c (06.03.2014)

3. RELEVANT PLANNING HISTORY

- 3.1 PK17/3715/CLE Refused 29/09/2017
Application for a certificate of lawfulness for the existing use of external swimming pool and associated changing facilities/plant house and triple bay garage.

Reason

1. The evidence submitted by the applicant is insufficient, when considered against the evidence of the local planning authority, to robustly, precisely, and unambiguously justify the grant of a certificate. In the absence of sufficiently detailed and accurate evidence the local planning authority is not satisfied that the change of use of land to residential garden (Class C3; as defined in the Schedule to the *Town and Country Planning (Use Classes) Order 1987*) or the building operations have been complete for the requisite period to be lawful under Sections 171B(1), 171B(3), and 191(2) of the *Town and Country Planning Act 1990* and a certificate of lawfulness should be refused.

- 3.2 PK17/2467/F Withdrawn 20/07/2017
Erection of a two storey rear extension, a first floor extension and a raised platform to existing detached garage to form residential annexe and sun deck.
- 3.3 PK05/0865/F Approved 17/06/2005
Erection of two storey and single storey extension to provide additional living accommodation.

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 4.1 As part of the submission, the applicant provided:
- application form
 - Google Earth photograph
 - plan 691/001-A Location Plan
 - plan 691/010 Existing Block Plan
 - invoices (dated 9 December 2005) for fencing products
 - copy of Land Registry Title document showing the transfer of land (entered on register 06 January 2006 for a sale completed 09 December 2005)

5. SUMMARY OF OTHER EVIDENCE

- 5.1 No evidence has been submitted to the local planning authority by third parties.
- 5.2 The local planning authority holds aerial photographs of the site taken in: 1991; 1999; 2005; 2006; 2008; and, 2014.

6. CONSULTATION RESPONSES

- 6.1 Siston Parish Council
Objection: planning policies alone should be the determining factor when assessing development in this location; site is prominent; site is in the green belt; development would not normally be accepted; no special circumstances to justify.
- 6.2 Local Residents
None received

7. EVALUATION

- 7.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the existing use of land for residential purposes is lawful.

- 7.2 This application has been submitted as in the consideration of PK17/3715/CLE it was concluded that the change of use occurred between 2005 and 2008 but that the precise date was ambiguous. This application seeks to remove the ambiguity so that a certificate for the use of the land can be granted.
- 7.3 Breach of Planning Control
From a review of the planning history, the submitted plans, and aerial and other photography of the site, the following breaches of planning control has been identified:
- erection of triple garage
 - erection of extension to building used as pool changing and plant
 - provision of swimming pool
 - provision of a raised platform
 - change of use of land to residential garden
- 7.4 This application is only seeking to address the last of these points. This is because until such time as the lawful use of the land is clarified, the other developments undertaken cannot be found to be lawful. It expected that these will be regulated at a future date depending on the outcome of this application.
- 7.5 It was established in the previous application that the change of use of land to residential occurred between 2005 and 2008 as evidenced by the aerial photographs. However, the precise date of the change of use was not addressed and subsequently the certificate was refused. It is now stated on the application form that the change of use occurred after the “extension of garden by purchase of adjoining agricultural land in 9 December 2005 to extend the residential curtilage. Once enclosed by new fence on 9 December 2005 it has been in continual use as part of the garden providing a playing area for the children.”
- 7.6 The change of use of land would be subject to an immunity period of 10 years from the date of the breach. The applicant states that the change of use – and therefore the date of breach – was 09 December 2005.
- 7.7 Section 171B of the Act introduces statutory time limits in which enforcement action against breaches of planning control should be taken. If the breach has occurred continuously for the period stated in this section and there has been no subsequent breach it would become immune from enforcement action.
- 7.8 Certificates of lawfulness for existing uses are covered in section 191 of the Act. Section 191(2) states:

For the purposes of this Act uses and operations are lawful at any time if -

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

- 7.9 In order for this certificate of lawfulness to be granted it must be demonstrated that, on the balance of probability, the use of the land for residential purposes has occurred continuously for a period exceeding ten years and that no subsequent change of use has occurred.
- 7.10 Assessment of Application
In making an assessment of the lawfulness of the use, much can be drawn from the officer report for PK17/3715/CLE. This looked at aerial photography records dating from 2005, 2006, and 2008.
- 7.11 The analysis indicates that in 2005 there had been no change of use of the land but accepted that the change of use occurred between 2006 and 2008. The extent to which a change of use had occurred when the 2006 aerial photograph was taken was unclear.
- 7.12 The applicant now states that the change of use occurred on 09 December 2005. Evidence demonstrates that the land changed to the applicant's ownership on this date. That would not on its own indicate that a change of use had occurred; a purchase of land and its immediate change of use are unlikely. Additional evidence shows that fencing materials were purchased around this date and the 2006 aerial photograph shows the fence in situ. Based on the evidence provided, it is now accepted that works indicating a change of use took place towards the end of 2005 and early 2006.
- 7.13 To support the application, a Google Earth image is included. This is stated to date from 2006. It shows a clear distinction between the agricultural land to the south and the land subject to this application. It also shows that there would appear to be significant works happening at the property at this time; the land to the south and east of the house appears cleared and it would seem that there is some form of building operations in progress. There is clear intent that the land would become part of the existing residential unit from the evidence dating from this time.
- 7.14 While the use for residential purposes may not be entirely prominent in 2006, as indicated by the applicant's evidence, there is sufficient evidence to suggest that the change of use had commenced and that the land was no longer being use for agricultural purposes.
- 7.15 Summary
It had previously been found that a breach of planning control regarding the change of use of land occurred between 2005 and 2008 but the precise date has not been established. While it was clear that a change of use had occurred by 2008, the evidence from 2006 was not considered sufficiently precise or unambiguous to determine that the change of use had occurred at this time.
- 7.16 Additional evidence has now been provided; this includes information on the date of transfer of the land, the dates of the purchase of materials specifically required as part of the works to include the land within the existing residential unit, and images of the works being undertaken.
- 7.17 Paragraph 17c-006-20140306 of the National Planning Policy Guidance states:

In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

- 7.18 It is considered, on balance, that the inconsistencies presented in the earlier application and the ambiguous date of the change of use have been addressed within the evidence accompanying this application. Although there may remain some ambiguity as to when the change of use was finalised, it is not sufficient basis on which the grant of a certificate should be resisted; guidance indicates that only where the applicant's version has been found to be less than probable should a certificate be refused.
- 7.19 It is therefore concluded that the change of use of land to residential (Class C3) is immune from enforcement action under section 171B(3) and a certificate of lawfulness under section 191(2) should be granted.

8 RECOMMENDATION

- 8.1 It is recommended that a Certificate of Lawfulness is GRANTED for the reason listed below.

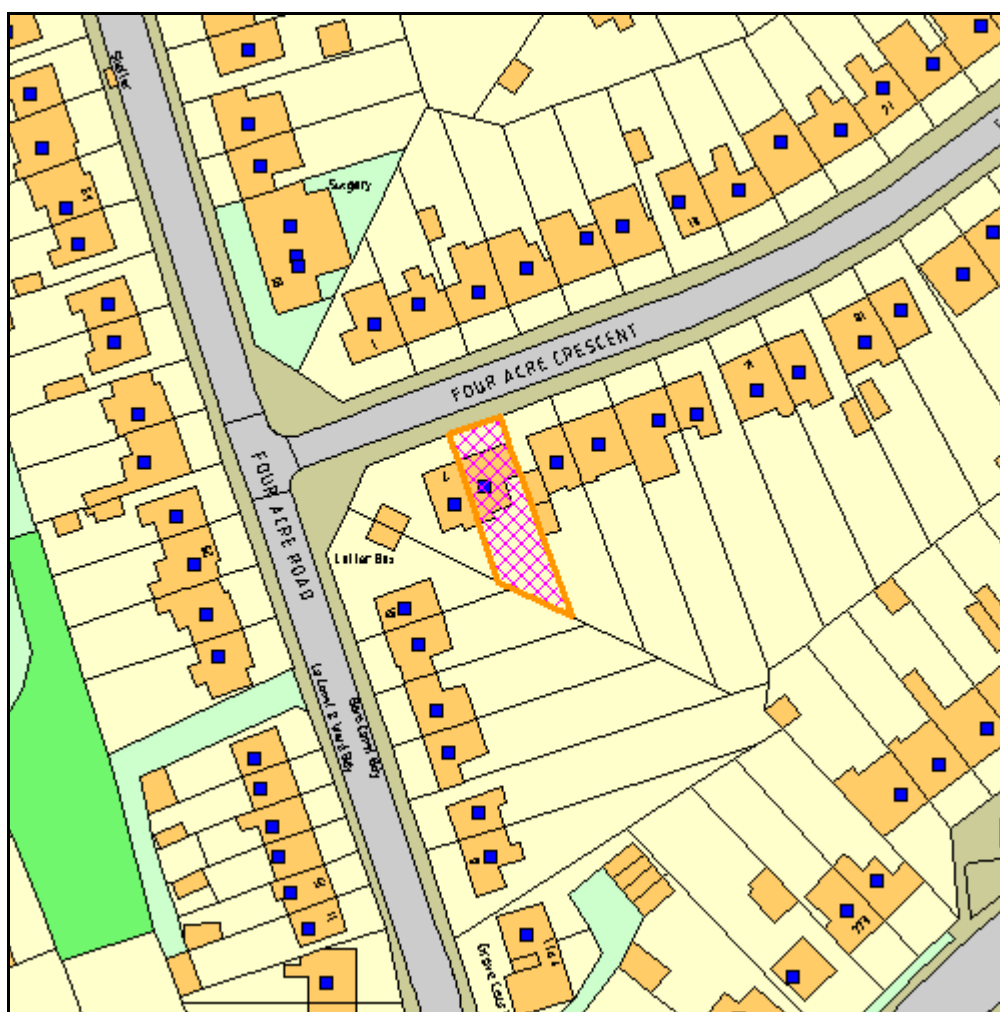
Contact Officer: Griff Bunce
Tel. No. 01454 863438

REASON FOR GRANT

1. On the balance of probabilities, the land included within this application has been used as the extended garden of the property known as Homeapple for a period in excess of 10 years and there has been no subsequent change of use. It is therefore considered that the use of the use is lawful.

CIRCULATED SCHEDULE NO. 12/18 – 21 MARCH 2018

App No.:	PK18/0392/CLP	Applicant:	Mr Marcus Scott
Site:	4 Fouracre Crescent Downend Bristol South Gloucestershire BS16 6PS	Date Reg:	26th January 2018
Proposal:	Certificate of Lawfulness for the installation of a rear and side dormer to form additional living accommodation.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365444 177861	Ward:	Emersons Green
Application Category:		Target Date:	21st March 2018



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PK18/0392/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of 1no rear and 1no side dormer at No. 4 Fouracre Crescent 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 B.

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

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
"No objection."

Other Representations

- 4.2 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Location Plan
Received by the Council on 24th January 2018

Existing and Proposed Elevations
Drawing No. 171010-01
Received by the Council on 24th January 2018

Proposed Elevations
Drawing No. 171010-02
Received by the Council on 24th January 2018

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

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

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

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

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

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

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

The height of the proposed dormer windows would not exceed the highest part of the roof, and therefore the proposed development meets this criterion.

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

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

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

The property is a semi-detached house and the proposal would result in an additional volume of no more than 50 cubic meters.

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

The proposal would include none of the above.

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

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

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

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

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

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

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

The rear and side dormers would be 0.5m away from the eaves of the original roof. Additionally, the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse.

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

The proposal does involve the insertion of a window into the side elevation of the dwelling; however, the plans show that this will be obscure glazed and non-opening.

Roof lights to front elevation

The proposal also involves the installation of a roof light to the front elevation of the property. This roof light meets the criteria set out in Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015, and as such constitutes permitted development.

7. RECOMMENDATION

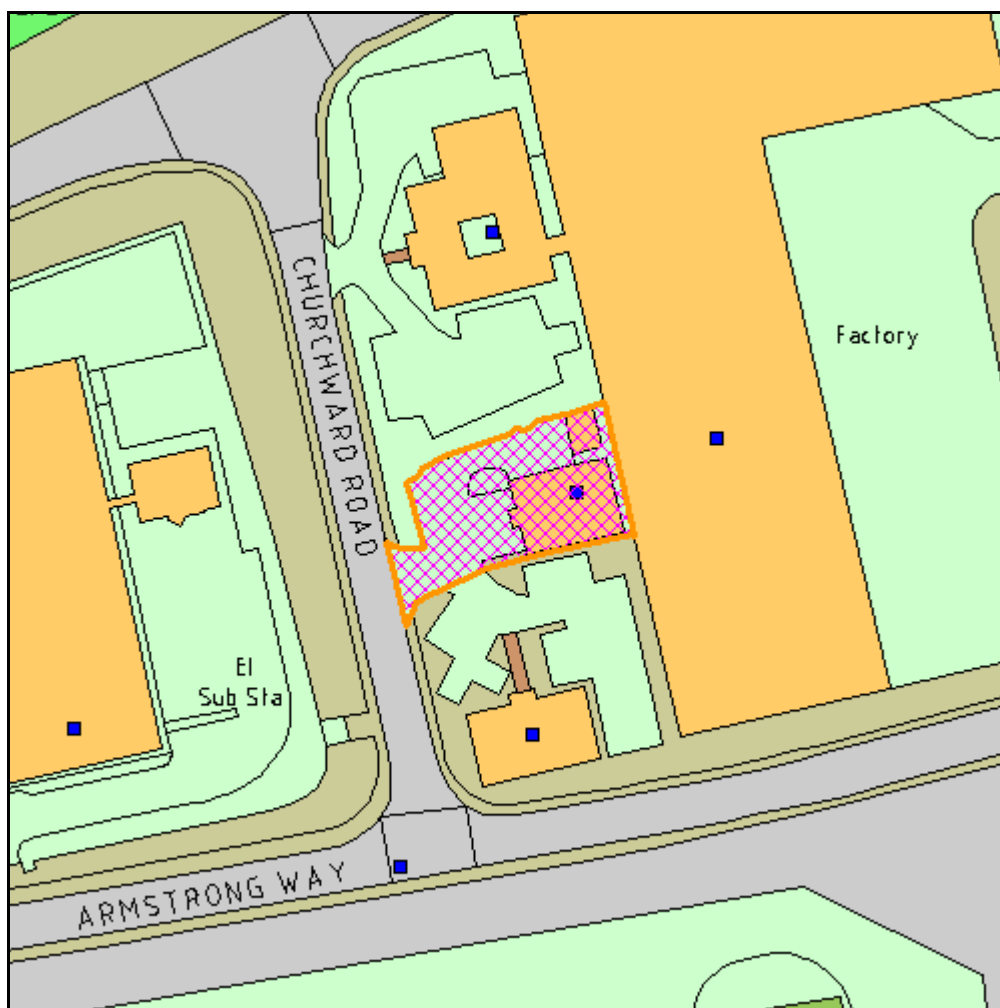
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

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

Contact Officer: David Ditchett
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 12/18 – 21 MARCH 2018

App No.:	PK18/0530/F	Applicant:	Mrs Butt
Site:	Challenge House Churchward Road Yate Bristol South Gloucestershire BS37 5NN	Date Reg:	9th February 2018
Proposal:	Change of use from Office (Class B1) to Office and Rehabilitation Centre (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Iron Acton Parish Council
Map Ref:	369852 183312	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	29th March 2018



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule due to representations received which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the change of use from Office (Class B1) to Office and Rehabilitation Centre (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) at the host building, which is known as Challenge House.
- 1.2 The building is located within the built up area of Yate and within the Great Western Business Park safeguarded area for economic development. The building comprises two storeys and has brick elevations. It benefits from an existing access off Churchward Road and an area of staff car parking.
- 1.3 The applicant is a company which provide care for the elderly, and it is understood that the application site is central to a number of their care homes. It is proposed that the first floor would be retained as Offices to be utilised for Head Office functions. The ground floor would be converted to a Rehabilitation Centre (non-residential), which would include activity rooms and treatment rooms, to include podiatry and massage therapy.

2. POLICY CONTEXT**2.1 National Guidance**

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans**South Gloucestershire Local Plan Core Strategy Adopted December 2013**

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS12 Safeguarded Areas for Economic Development
CS30 Yate and Chipping Sodbury

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport Impact Management

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P88/2709 Approval 13.10.1988
Erection of two storey (4000 sq. Ft.) Office (class B1) building (in accordance with the revised details received by the council on 30th September 1988)

4. **CONSULTATION RESPONSES**

- 4.1 Iron Acton Parish Council
No comment.
- 4.2 Economic Development
No objection.
- 4.3 Sustainable Transport
No objection. There will be similar demands of travel and car parking.
- 4.4 Environmental Protection
No comments received.

Other Representations

- 4.6 Local Residents
1no. objection was received. Comments as follows:
- Insufficient car parking and manoeuvring at the building.
 - Unauthorised use of neighbouring car park as a result of change of use.
 - Potential for blocking of joint access.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
National Policy seeks to support sustainable economic development in a globally competitive market. 'Great Western Business Park' is identified as a safeguarded area for economic development in Policy CS12. As such, the principle of B class uses (historically known as employment uses) are acceptable in this location and opportunities to redevelop or intensify existing employment sites is encouraged. The policy also requires that any change from B class uses will need to comply with a number of criteria.
- 5.2 In this instance, it is proposed that there would be change of use from a B class use to a sui generis class use. It is proposed that the first floor would be retained as an Office use, and the ground floor converted to form a Rehabilitation Centre. As such, while there would be a loss of B class use, it is considered that the proposed use does have characteristics in common with the existing employment use, and is still considered a form of economic development.
- 5.3 Nevertheless, Policy CS12 is still of relevance given that it protects safeguarded employment areas from the loss of B class uses and the development will therefore be assessed under the following criteria;
- **The proposal would not prejudice the regeneration and retention of B Use Classes elsewhere within the defined employment area;**

Given the scale and nature of the development, it is not considered it would prejudice the regeneration or retention of B Use Classes elsewhere in the Great Western Business Park.

- **It can clearly be demonstrated that it would contribute to a more sustainable pattern of development in the local area as a consequence of the appropriateness of the proposed use to the location;**

The development is considered to have a similar impact in terms of the sustainable pattern of development. The agent states that the application site is located central to a number of care homes operated by the applicant and provides an excellent base for staff and carers.

- **The proposal would improve the number or range of jobs available in the local area;**

Given the nature of the development proposed it is likely that the range of jobs proposed would represent an improvement to the existing situation.

- **No suitable alternative provision for the proposal has been made elsewhere in the Local Development Framework.**

No provision is made for a suitable alternative elsewhere in the Local Development Framework.

- 5.4 The above assessment has found that the proposal would accord with the relevant criteria in Policy CS12. The change of use from a B use class in the safeguarded economic development area is acceptable in principle, subject to detail which will be discussed below.

5.5 Transport and Parking

The application site is located within the Great Western Business Park safeguarded area for economic Development. The existing building benefits from a private car parking area which comprises 11 parking spaces. Submitted information states that these would be retained as part of the development. An existing access off Churchward Road is shared with the neighbouring building.

- 5.6 Neighbouring occupiers raised concerns that there would be insufficient parking for the proposed use and that this would result in unauthorised parking in neighbouring car parks. The development would involve the retention of offices at first floor, and the conversion of the ground floor to form a rehabilitation centre. It is considered that the change of use would result in similar car parking requirements to the existing use. The concerns in relation to unauthorised parking are understood, however, on the evidence before officers it is considered that the parking provision would be sufficient. Should unauthorised car parking take place following the development this would be a civil matter which should be discussed with the applicant.

- 5.7 It is understood that users of the rehabilitation facility would be transported to and from the site by minibus. Representations made from a nearby occupier raised concerns that there would be difficulty manoeuvring the vehicle at the site and could result in the shared access being blocked. While these concerns are understood, the transportation specialist has reviewed the proposal and considers that there is sufficient manoeuvring space and does not raise an objection.
- 5.8 Having regards to the above it is considered that the proposed development is acceptable in highway terms and in the context of paragraph 32 of the NPPF; would not result in severe residual cumulative impacts.
- 5.9 Design and Visual Amenity
The change of use would only involve internal alterations, and therefore it is considered the proposal will have a neutral impact on the visual amenity of the area.
- 5.10 Residential Amenity
As aforementioned, the application is located within a safeguarded area for economic development. The host building is surrounded by other industrial and employment uses and there are no residential properties nearby.
- 5.11 Given the nature and location of the use, Officers consider it is necessary to recommend a condition to prevent the rehabilitation facility to be used on a residential basis. Subject to this, no objection is therefore raised to this matter.

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 **APPROVE** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and 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 That planning permission is **APPROVED**, subject to the attached conditions.

Contact Officer: **Lucy Paffett**
Tel. No. **01454 863436**

CONDITIONS

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

Reason

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

2. Non-Residential Use

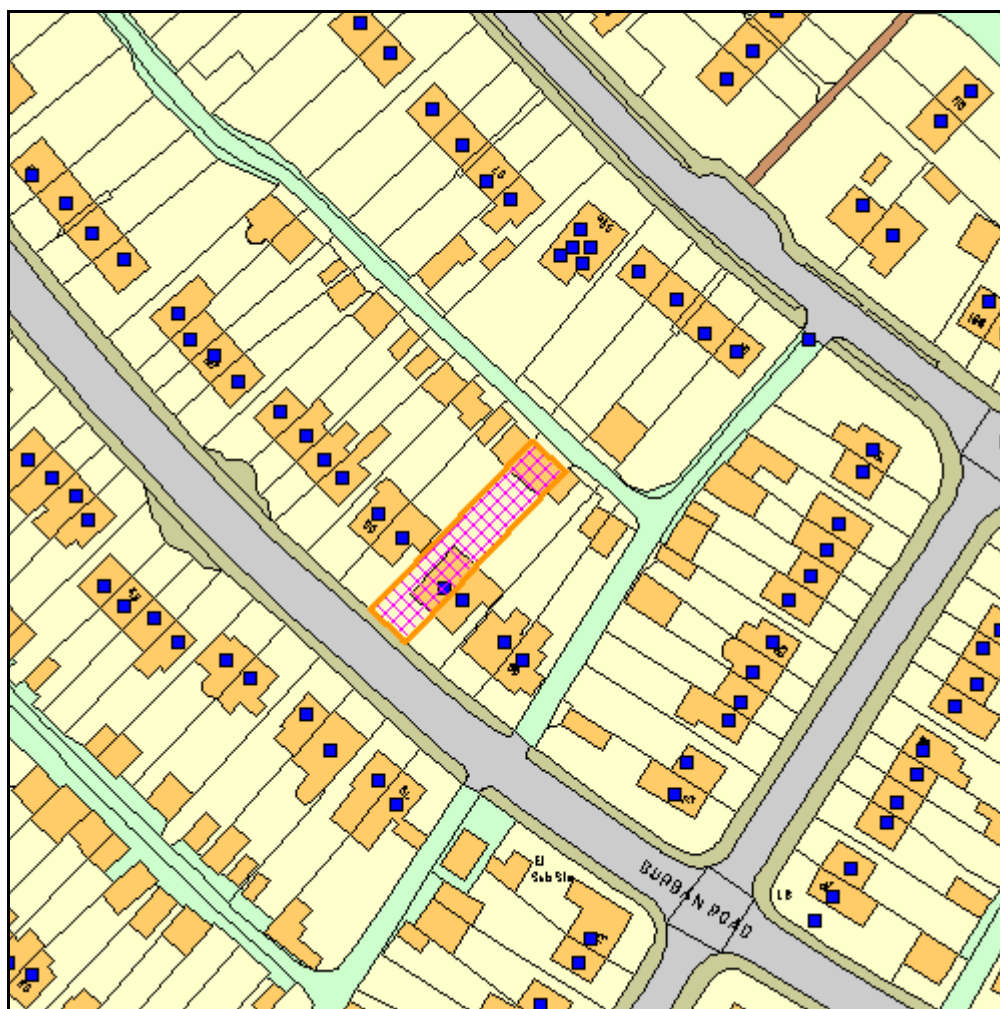
The development hereby permitted shall not at any time be used for in-patients, overnight accommodation or any form of residential use.

Reason:

In the interest of Residential Amenity, and in accordance with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; Policy PSP8 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 12/18 – 21 MARCH 2018

App No.:	PT16/3450/NMA	Applicant:	Mr D Moodley
Site:	86 Durban Road Patchway Bristol South Gloucestershire BS34 5HN	Date Reg:	1st June 2016
Proposal:	Non-material amendment to PT15/5367/F to change single storey side extension from living accommodation to porch extension.	Parish:	Patchway Town Council
Map Ref:	359758 181841	Ward:	Patchway
Application Category:		Target Date:	29th June 2016



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PT16/3450/NMA

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

Due to the age of the application, this application is being on the Circulated Schedule for Members.

PROPOSED CHANGES TO ORIGINAL PERMISSION

- 1.1 This application relates to a proposed non-material amendment to planning permission ref. PT15/5367/F which permitted the erection of a single storey side and single storey rear extension at 86 Durban Road Patchway.
- 1.2 The proposed changes to the original planning permission are as follows:
 - Change single storey side extension from living accommodation to porch extension.
- 1.3 For clarity, this is not an application for planning permission, no assessment of planning merit can be made, and the only assessment to make is whether the proposed changes materially alter the previously approved scheme.
- 1.4 An objection comment is present on this application which relates to the side/rear extension not being built according to the plans, and poor build quality. The Case Officer visited the site on 15th February.

2. PLANNING HISTORY

- 2.1. PT15/5367/F
Approve with Conditions (27.01.2016)
Erection of single storey side and single storey rear extensions to form additional living accommodation.

3. ASSESSMENT

- 3.1 Sec.96A of the Town and Country Planning Act 1990 allows a local planning authority to make a change to any planning permission relating to land in its area if it is satisfied that the change is not material. Accordingly, the following assessment will just be with regard to whether the proposed changes to the original permission are material or not.
- 3.2 Whether or not a proposed amendment is non-material will depend on the effects of the amendment, bearing in mind its context. With this in mind, installing a window could be material if it results in the overlooking of a neighboring property, but would be non-material if it does not. The courts have held, in borderline cases, that it is proper to assess materiality in planning terms, having regard to the possible impact on local amenity. With this in mind, an assessment of whether the proposal is non-material, or not, is not just limited to aesthetic considerations.
- 3.3 There have been a number of court cases and appeals that have given some clarity on the term 'material'. The leading court case on this subject is *Burroughs Day v Bristol City Council* [1996] and is often cited in considerations

of material effect on external appearance. In summary, this judgment listed factors to be taken into account in deciding that alterations to a building were material: it must be seen from outside the building; roof alterations must be seen from the ground or from within a neighboring building; the degree of visibility must be material and materiality must take into account the nature of the building and be judged in relation to the building as a whole.

- 3.4 The application PT15/5367/F permitted the erection of a single storey side and rear extension which would form a 'wrap around' extension. The Case Officer noted that the rear extension has been completed but the side extension had not; it is partially built and left as so. It is now more akin to a raised decking area with timber elevations. The applicant states that he is using this as a porch area and not a habited space.
- 3.5 Nonetheless, as the domestic nature of the extension has not changed, and that the original permission remains extant, meaning the applicant could continue the build. The Case Officer finds that the use of the side extension as a porch would not materially alter the previously approved scheme.

RECOMMENDATION

That the non-material amendment be allowed

Contact Officer: David Ditchett
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 12/18 – 21 MARCH 2018

App No.:	PT17/3451/F	Applicant:	Mr J Hendy
Site:	Land At Box Hedge Farm Boxhedge Farm Lane Coalpit Heath South Gloucestershire BS36 2UW	Date Reg:	5th September 2017
Proposal:	Change of use of land from agricultural to mixed use for agricultural and allotments (Sui Generis) as defined in the Town and Country Planning (Use Classes) Act 1987 (as amended) to include erection of office and portaloo (Part-Retrospective), and ancillary allotment buildings.	Parish:	Westerleigh Parish Council
Map Ref:	368342 179685	Ward:	Westerleigh
Application Category:	Minor	Target Date:	20th October 2017



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REASONS FOR REPORTING TO CIRCULATED SCHEDULE

Under the current scheme of delegation, the application is required to be taken forward under the Circulated Schedule procedure. The reasons for this are as follows: the application represents a departure from normal Green Belt policy.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the change of use of land from agricultural to mixed use for agricultural and allotments (Sui Generis) as defined in the Town and Country Planning (Use Classes) Act 1987 (as amended) to include erection of office and portaloo.
- 1.2 The application relates to land at Box Hedge Farm, Coalpit Heath. The site is located to the south of Coalpit Heath, and to the west of the village of Westerleigh. The site extends to approximately 1.27 hectares (3.144 acres) of permanent pasture and is currently used for grazing and the conservation of fodder. The site is accessed off Box Hedge Lane, and is adjacent to Westerleigh Road. The site is located within the Bristol and Bath Green Belt.
- 1.3 Some of the proposed allotments have already been constructed at the site, with the proposed office/portaloo already in place. As such, the application is partly retrospective in nature.
- 1.4 During the application process, the description of development has been altered to more accurately reflect the development proposed. However the change in description has not altered the scope of the proposal, and has not disadvantaged any of the original consultees, and as such was not considered to trigger a further round of consultation.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS23	Community Infrastructure and Cultural Activity
CS24	Green Infrastructure, Sport and Recreation Standards
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP28	Rural Economy
PSP29	Agricultural Development

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

3. RELEVANT PLANNING HISTORY

3.1 PK13/4437/PNA

Prior notification of the intention to erect an agricultural building for the storage of hay, fodder and agricultural machinery and construction of access track.

No objection: 24.12.2013

3.2 PT08/2664/PNA

Prior notification of the intention to erect an agricultural building for the storage of perishable agricultural produce.

Objection: 23.10.2008

3.3 PT08/2663/PNA

Prior notification of the intention to erect an agricultural building for the storage of perishable produce and associated machinery utilised in its production.

Objection: 23.10.2008

3.4 P95/2508

Use of 3.76 hectares of land for the keeping of horses. Erection of hay barn and horse shelter.

Approved: 29.01.1996

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No objection and welcome the provision of allotments.

4.2 Other Consultees

Sustainable Transport

No objection subject to condition requiring details of car parking and manoeuvring area to be submitted and approved.

Economic Development

No objection

Landscape Officer

No comment

Planning Enforcement

No comment

Fisher German

No objection to proposals as long as 'Special Requirements for Safe Working' booklet and the contained in the deed of grant are adhered to.

Other Representations

4.3 Local Residents

5 letters of support have been received. The main points raised are summarised below:

- Feel there is a genuine need for this in the community
- The allotments can only be a positive for the community. The opportunity to be able to farm the land is great for sustainability, wellbeing and community cohesion.
- Sheds would be a fantastic addition, allowing users to store tools and equipment. This would also encourage users to cycle to the site.
- Getting local schools involved would be good, maybe if they had their own plots to grow veg used in the school.

5. ANALYSIS OF PROPOSAL

- 5.1 The application seeks permission for the change of use of land from agricultural, to mixed use for agricultural and allotments (Sui Generis). The use of land for allotments falls in to the Sui Generis Agriculture Use Class. The applicant is seeking permission to change the use of the land to allotments, whilst still retaining the agricultural use. This is because the applicant is seeking to retain a previously approved, but not yet constructed agricultural building, approved under application ref. PK13/4437/PNA. The applicant has outlined that the agricultural building will also service the additional 33 hectares (81.54

acres) of agricultural land that the applicant currently farms. The building will be used for the storage of hay, straw and machinery.

- 5.2 A total of 40 allotment plots are proposed. The proposal also involves the erection of a small cabin which would provide space for an office associated with the allotments. A lean-to structure containing an on-site toilet would be attached to the rear of the office.

5.3 Principle of Development

Policy CS23 of the Core Strategy focuses on community infrastructure and cultural activity. This policy outlines that the Council will work with partners to provide additional, extended or enhanced community infrastructure. Policy CS24 also promotes the provision of Green Infrastructure assets such as allotments. It is considered that the provision of allotments would provide a valuable new form of community infrastructure, and as such the proposed change of the use of the land is acceptable in principle. However the development proposal must accord with the Development Plan as a whole, in order to be considered acceptable. The relevant areas of assessment in this case are design and impacts on the landscape, impacts on residential amenity, and transportation impacts. As the site is located within the Green Belt, any development must accord with the principles of Green Belt policy to be acceptable. However the fact that the development proposal would provide valuable community infrastructure is considered to weigh significantly in its favour.

5.4 Green Belt

Policy CS5 and CS34 of the Core Strategy and policy PSP7 of the Policies, Sites and Places Plan support the protection of the Green Belt from inappropriate development. The NPPF also attaches great importance to the Green Belt – with development in the Green Belt generally being considered inappropriate. However, there are limited categories of development within the Green Belt that are not considered to be inappropriate, as set out in paragraph 89 of the NPPF. One such category relates to the provision of appropriate facilities for outdoor sport and outdoor recreation. However the exception categories for development as set out in paragraph 89 relate to the construction of new buildings, and not the change of use of land.

- 5.5 Whilst paragraph 81 of the NPPF does promote opportunities for outdoor sport and recreation, there is no specific exception category for the change of use of land in the Green Belt. As such, the proposal would comprise inappropriate development in the Green Belt. Paragraph 87 of the NPPF states that inappropriate development is by definition harmful to the Green Belt, and should not be approved except in very special circumstances. Paragraph 88 moves on to explain that “very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

- 5.6 The applicant has made a case for very special circumstances. The case is based on the argument that any potential harm to the Green Belt would be clearly outweighed by the benefit of providing allotments at this location. The case is assessed in more detail below.

5.7 Case for Very Special Circumstances

The case for very special circumstances, as put forward by the applicant, is outlined below:

- The proposal will provide recreational facilities for the local community. The location of the site is close to the cycleway and thus provides easy access for the local community. Additionally, gardening provides positive mental and physical health benefits.
- The allotments will provide quality facilities with some 37 plots that are already occupied. The occupants are all local residents and the interest is growing due to the lack of facilities within the area in which there are extensive waiting lists. Therefore, this proposal should be considered as a very special circumstance and thus would meet with local need.

5.8 The main area of assessment is whether the harm to the Green Belt by reason of inappropriateness, would be clearly outweighed by the benefits of the proposal. Paragraph 4.6 of Policy PSP7 of the Policies, Sites and Places Plan specifically discusses changes of use of land within the Green Belt, and outlines the following:

“4.6 In accordance with paragraph 81 of the NPPF, beneficial uses of the Green Belt such as, opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land; will be positively considered. The NPPF does not state that change of use of land is appropriate, therefore, very special circumstances have to apply. The policy therefore, specifically recognises that the NPPF seeks the beneficial use of the Green Belt, in regard to outdoor sport and recreation, when assessing if very special circumstances apply, alongside all other considerations. In line with the NPPF, ‘very special circumstances’ will not exist, unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.”

5.9 When considering the harm to the Green Belt, it is recognised that other than just the creation of the allotment plots, the development also includes the erection of an office/portalo, and the creation of a car park. It is also likely that structures such as sheds would be erected on allotment plots. The impact of the development on the Green Belt as a whole has therefore been taken in to consideration. However it is considered that the use of the allotments would be fairly typical of a rural landscape. It is recognised that the development would increase the built up nature of the site, however overall it is not considered that the development would significantly detract from the openness of the Green Belt, as would likely be the case with other types of development. In this respect, when assessing the impact on openness, it is considered that the development would only cause a fairly minor degree of harm to the Green Belt.

- 5.10 In terms of the benefit of the proposal, it is recognised that the provision of this type of facility is supported under policies CS23 and CS24 of the Core Strategy. The applicant has made reference to the “lack of facilities within the area” and “extensive waiting lists”. However in the absence of any evidence supporting this claim, it can only be given limited weight. Notwithstanding this, it is considered that the provision of 40 allotments would have a considerable public benefit. On balance, it considered that the harm to the Green Belt would be clearly outweighed by the benefits of the proposal.
- 5.11 To conclude, whilst it is recognised that the proposal would constitute inappropriate development in the Green Belt, it is considered that ‘very special circumstances’ do exist in this case. As such the development should not be resisted on Green Belt grounds.
- 5.12 As the application represents a departure from normal Green Belt policy, if it is to be supported by the Local Planning Authority, it will be subject to the LPA’s Circulated Schedule procedure, and must also be advertised as a departure from normal Green Belt policy, prior to a formal decision being issued. At the time of writing this report, the application is being advertised, with the advertisement set to end on 9th March 2018.
- 5.13 It is also noted that when development that represents a departure from normal Green Belt policy is proposed, the Local Planning Authority are required, in certain cases, to notify the Secretary of State. The criteria for notifying the Secretary of State are set out in the Town and Country Planning (Consultation) (England) Direction 2009. LPA’s must notify the Secretary of State if they intend to approve a planning application for the following types of development in the Green Belt.
- a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
 - b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.
- 5.14 The proposal would not result in an increase in floor space of 1,000 square metres or more. Furthermore, it is not considered that in the wider context of the Green Belt, the impact on its openness would be significant. On this basis, the Secretary of State has not been notified.
- 5.15 It is acknowledged that structures such as sheds and greenhouses may be required on each allotment plot. If unrestricted, the accumulation of structures on allotment plots could significantly increase the built up nature of the site, to the detriment of openness. In the interests of protecting the openness of the Green Belt, a condition will be attached to any decision, outlining that any ‘building’ on each plot shall not take up more than 25 % of the 5m x 10m plot, and will not exceed 2.5m in height.

5.16 Design and Impacts on Landscape

The application site can be considered to form a distinctly rural landscape. Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Furthermore, policy CS34 of the Core Strategy and PSP2 of the Policies, Sites and Places Plan seek to ensure that development proposals protect, conserve and enhance rural landscapes.

5.17 It is considered that the construction of the allotments would preserve the rural nature of the site, and would not cause significant harm to the character and distinctiveness of the immediate landscape. Given its modest scale and siting towards the corner of the site, it is also not considered that proposed office/porta-loo structure would have a significant impact on the character of the immediate landscape. The overall design and finish of the proposed structure is also considered to be appropriate. It should also be noted that the site is bounded on its southern and western sides by a substantial hedge row. As such, the site is largely screened from public areas. This is considered to further limit the impact of the proposal on the character and distinctiveness of the locality.

5.18 For the reasons outlined above, the development proposal is considered to accord with policies CS1 and CS34 of the Core Strategy, and PSP2 of the Policies, Sites and Places Plan.

5.19 Residential Amenity

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

5.20 The only residential properties in the vicinity of the site are the Box Hedge Cottages, located to the north of the site. However it should be noted that the residential properties are not directly adjacent to the site, and are located on the opposite side of Box Hedge Lane. As such, the properties are separated from the site by a substantial hedgerow. On balance, it is not considered that the change of the use of the land to provide allotments would significantly impact upon the residential amenity enjoyed at the properties. On this basis, the proposal is considered to accord with policy PSP8 of the Policies, Sites and Places Plan.

5.21 Transport

The transport officer has not raised any concerns with regard to highway safety. It is also considered that the provision of 10 parking spaces, with one space for every 4 plots, is appropriate and is consistent with other Local Authority standards. A condition will be attached to any decision, requiring the car parking area to remain ancillary to the main use, and be provided prior to the development being brought in to use.

5.22 Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

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

2. Any ancillary 'building(s)' erected on any allotment plot shall not take up more than 25% of the footprint of the 5m x 10m plot, and shall not exceed 2.5 metres in height. For the avoidance of doubt, the term building includes greenhouses and sheds. Should any such ancillary building no longer be required to serve the allotment in question, it shall be removed and the land shall be returned to its former state.

Reason

To avoid an unacceptable accumulation of ancillary buildings at the site in the interests of preserving the openness of the Green Belt, to accord with Policies CS5 and CS34 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

3. The development shall not be brought into use until a car parking and manoeuvring area for 10 cars has been provided in accordance with details previously submitted to and approved by the Local Planning Authority. The parking area shall remain ancillary to the predominant use of the site as allotments.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety, to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. The provision of a parking area of this nature in the Green Belt has been allowed due to the very special circumstances surrounding the application.

CIRCULATED SCHEDULE NO. 12/18 – 21 MARCH 2018

App No.:	PT17/3836/F	Applicant:	Mr McGuinness
Site:	Field Cottage 2 Gloucester Road Almondsbury Bristol South Gloucestershire BS32 4AF	Date Reg:	5th October 2017
Proposal:	Erection of outbuilding to form stables incidental to main dwelling.	Parish:	Almondsbury Parish Council
Map Ref:	360938 183621	Ward:	Almondsbury
Application Category:	Householder	Target Date:	29th November 2017



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PT17/3836/F

CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following concern from a neighbour and Almondsbury Parish Council and also because it is considered to rely on the associated application PT17/3838/F which represents a departure from relevant Green Belt Policy within the Adopted Development Plan. That report is also circulated in this Circulated Schedule.

In this case any resolution to grant planning permission for this development does not need to be referred to the Secretary of the State for Communities and Local Government as the development is not of a large enough scale and it would not have a significant impact on the openness of the Green Belt (referral criteria is set out in the Departure Direction 2009).

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a five bay stable block within the domestic curtilage of Field Cottage.
- 1.2 The application site is in the open countryside and in the Bristol/Bath Green Belt.
- 1.3 The application is specifically for a building within the curtilage of the domestic residence known as Field Cottage, 2 Gloucester Road. The building requires permission because it is in front of the principal elevation of the house. The application is for the personal use of the applicants who currently keep their horses elsewhere away from their home. Running concurrently with this application is a full planning application to change the use of a field immediately next door to equestrian use.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Practice Guidance April 2016

- 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
PSP3	Trees and woodland

PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP16	Parking Standards
PSP20	Flood risk, surface water and watercourse management
PSP30	Horse related development
PSP38	Development within Existing Residential Curtilages
PSP44	Outdoor sport and recreation outside settlement boundaries

- 2.3 Supplementary Planning Guidance
 South Gloucestershire Design Checklist (Adopted 2007)
 South Gloucestershire Supplementary Planning Document: Green Belt
 (Adopted) 2007
 South Gloucestershire Landscape Character Assessment (Adopted Nov 2014)

3. RELEVANT PLANNING HISTORY

- 3.1 PT17/3838/F Change of use of land from agricultural to equestrian use.
 Construction of outdoor manege. Pending decision with this application.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
 Objects on the following grounds
 1. Access to the site is poor - is there an established right of way for horse transport?
 2. Application is within the green belt;
 3. Believe there is a danger to both horses and helicopters should this application go ahead, given its close proximity to the Helipad;
 4. Access and turning to and from the A38 is dangerous, especially for larger vehicles such as horse boxes;
 5. Council understands that there is a related application for change of use, number PT17/3838, which it has not seen.
- 4.2 Other Consultees
- 4.3 Sustainable Transport
 No objection subject to conditions.
- 4.4 Landscape officer
 No objection.
- 4.6 British Horse society
 No response

Other Representations

- 4.3 Local Residents
 One letter of objection received in relation to the following matters.
- Change of use of land is inappropriate in green belt
 - Concern about the access – the existing access crosses the writers privately owned land and he has concern that buildings have been

damaged in the past and additional vehicle movements will cause more risk to children and domestic animals when they cross the area owned by the writer.

- Current access is for the domestic use of the residents of Field Cottage (the applicants) and the use of the land for agricultural purposes which has entailed the occasional movement of cattle and haymaking activity.
- Object to change that will potentially alter the type and number of vehicles crossing their land.

5. ANALYSIS OF PROPOSAL

5.1 In the first instance the proposal must be considered in the light of current Green Belt Policy. The primary policy consideration is guidance contained in the NPPF. Design and siting for the stables will be covered by Policy CS1 High Quality Design and CS5 Location of Development, Policy PSP8 covers impact on residential amenity and the impact on the surrounding landscape and character of the site will be covered by Policy PSP1 and PSP2. Policy PSP30 also deals with horse related development.

5.2 Impact on the Green Belt and surrounding landscape and very special circumstances

The NPPF declares that one of the beneficial uses of the Green Belt is to provide opportunities for outdoor sport and recreation. Stables are considered to be appropriate development in the green belt as they are the provision of appropriate facilities for outdoor sport, recreation as long as they preserve the openness of the Green Belt.

5.3 Whilst the stable is appropriate development an assessment still needs to be made as to whether harm to the openness of the Green Belt and any other harm would outweigh the appropriate nature of the development. This is covered in the appropriate section below.

5.4 These stables would house horses which are intended to use the field directly adjacent to this application site. That application is currently recommended for consent and will be decided with this application.

5.5 The stables themselves are located close to the applicant's house and are for personal use. Being low level and viewed as part of a group of buildings the stables will not have an adverse visual impact on the Green Belt even where they are visible from the nearby sports facility and M5 motorway. The proposal can therefore be given considerable weight in this respect. Furthermore, it is considered that the change of use of the land to be associated with the stables would not have a materially greater impact upon the openness of the Green Belt than the existing authorised use as agricultural land; again this is given considerable weight in favour of the proposal as the use of the field would keep it 'open'. In addition, the site is rural and as such the keeping of horses would not be out of character. Appropriate conditions limiting for example business use and the number of horses kept at the stables can ensure the openness is maintained and protect the surrounding landscape. These conditions can also ensure the development has minimum impact on the wider landscape and this is considered further below.

5.6 Very special circumstances

Overall the proposal is considered to be appropriate development and as such no very special circumstances are required for the stables.

5.7 Horse Related Development

Policy PSP30 supports horse related development where possible near to existing groups of buildings where there are no existing suitable buildings and where an appropriate number of horses can be properly accommodated on the land. It can be that safe and convenient routes to bridleways are necessary and adequate provision for vehicular access, parking and manoeuvring space should not give rise to traffic conditions to the detriment of highway. Further any temporary structures and vehicles are appropriately stored to avoid harm or degradation to the countryside.

- 5.8 In this case the stable is located reasonably close to the existing house and it is proposed that the facility is for personal use only by the occupants of Field Cottage and in a relatively discrete location away from other properties such that it will not have a significant impact on the landscape or other people. It will be viewed against the existing hedgeline and buildings where public view from the nearby playing fields and M5 motorway exists. There is little space within the garden to park equine vehicles and it is anticipated that these would likely be left in the adjacent field. A condition on that other planning application PT17/3838/F secures that they are located close to the house so as to keep all paraphernalia associated with the equine use concentrated at the house. The proposal does not include a means of exercising the horses and as such it is considered appropriate to tie the stables to application PT17/3838/F in order to ensure policy PSP30 is met. Transport issues are dealt with below.

5.9 Highway safety/transportation

The existing access arrangements are unusual in that the only access to the site is via a right of access through the pub car park. That said this does appear to be the only way that the existing land parcel is currently serviced. This being the case, and given that the stables could generate more vehicle movements over and above that of a house, the transportation impact of such a proposal would need careful assessment.

- 5.10 However, in this case the use of the site for equestrian is associated with the associated dwelling (Field Cottage), which would then substantially reduce the number of movements along the access, with the only additional movements being associated with farrier/vet visits and occasional moving of the horses. For this to be the case however, the use of the site would have to be restricted such that only horses associated with Field Cottage are permitted on site and that no livery is permitted at the site.
- 5.11 The provision of a manege at the adjacent field to exercise the horses would reduce the need to exercise the horses off site (and hence further reduce the potential for additional vehicle movements).
- 5.12 In the event that this application is approved it is necessary to attach a condition that prohibits an equestrian business use at the site. This being the

case then there would be no grounds to object from a transportation perspective given that currently the existing access is utilised by farm vehicles which are comparable in size to cars and horseboxes.

- 5.13 Whilst it is recognised that one of the neighbours located close to the A38 has concerns about this access, officers feel that the use of the stables on the personal scale proposed and associated with the existing house, would not cause a material change to the use of the access track/access. The rights of access to the field and the house appear to be controlled by the objector (possibly with others) and as such this civil matter may need to be discussed between those parties who have an interest in the access land. It is not considered appropriate to hold up a decision for the site on this basis but equally this decision does not prevent those owners acting on their ownership matters. It is however understood that the new access for the New Operations Base for emergency helicopters is completed and that access to this plot of land will be improved by virtue of a connection to the access serving the base. Therefore whilst officers find no material harm to the use of the existing access, with conditions of use, it appears that an alternative access is available to the site as part of the Emergency air services application.

5.14 Landscape

There is no substantive landscape objection given its location below the M5 motorway, the proposal is appropriate in scale to the land (consideration is below) and will otherwise keep the land open. Given that the site is only intended for personal or family use any ancillary vehicles will be limited naturally and likely located, as they are currently, close to the house/track to the house where they will not materially detract from the wider landscape.

5.15 Residential amenity

The stable is considered to be sufficiently far located from neighbours to prevent harm to them by reason of noise smell. Whilst it is appreciated that the site can gain access close to neighbours near the A38 it is not considered that the movement of vehicles as might be expected for personal use of the site would be materially different or detrimental to those neighbours. Such movements would also be more likely to be during daytime hours than at other hours as dictated by agricultural need.

5.16 Horse welfare

It is noted that the stable building is within a tight red line site area and the application was received in tandem with an application to change the use of the adjacent field to equine use. The ability to free horses to graze and exercise is considered necessary under Policy PSP30 and as such the stables will need to be reliant upon that adjacent land. The general guidelines from the British Horse Society are that each horse should have between 1-1.5 acres of land; in this case the field is 1.85 (ha) or 4.6 acres which just complies with the guidelines for a maximum of four horses, reducing by a quarter when taking in to account the fencing around the route to the New Operations Base for emergency helicopters which is within this site. However it is noted that these are guidelines for the keeping of horses and the applicant has also demonstrated that they have the adjoining 4.14 acre grass field to the north of the site for hay making and grazing which does not require a change of use.

The stables could therefore cater for between 4 and 7 horses. In this case the stable proposes five bays and as such a condition limiting the stables to 5 horses is considered necessary.

- 5.17 The development is considered to be in accordance with the criteria listed in Policy PSP30 subject to conditions regarding the number of horses being no more than 5, and being linked to the planning application listed above which would provide adequate associated land to satisfy PSP30

5.18 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

The site is within the Green Belt and the stable is an appropriate form of development. An associated application will need to be tied to this application and very special circumstances have been found and accepted regarding the change of use of the land for the keeping of horses. The erection of a stable building is an appropriate form of development. Weight is therefore given in favour for the use and the built form in this location. Impact on the residential amenity of closest neighbours has been assessed and no material harm found. Neutral weight is awarded for this reason. The proposal is therefore acceptable and is recommended for approval.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Karen Hayes
Tel. No. 01454 863472

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 business use
At no time shall the stable building or associated land be used for livery, riding school or other business purposes whatsoever.

Reason

In the interest of the limited of traffic movements to and from the site and to protect the Green Belt from additional ancillary equipment and parking which could detract from the appearance of the Green Belt and to accord with policies PSP7 and PSP30 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted November 2017 and the NPPF.

3. No more than five horses shall use the stables at any one time and these shall be associated with the use of the land subject of planning application PT17/3838/F (Use of land as equestrian use with a manege).

Reason

In the interest of the limitation of traffic movements to and from the site, the welfare of horses and to protect the Green Belt from additional ancillary equipment/degradation and parking which could detract from the appearance of the Green Belt and to accord with policies PSP7 and PSP30 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted November 2017 and the NPPF.

4. The stable shall only be used in association with the associated land, subject of planning application PT17/3838/F (Use of land as equestrian use with a manege).

Reason

The site area is limited to that of the stable building and as such ancillary functions and needs of the stables will by necessity take place in the land directly adjacent to the site under reference PT17/3838/F. To protect the character and appearance of the area, and to accord with Policies CS1; CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP7 and PSP30 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted November 2017 and the National Planning Policy Framework.

5.

Plans

The development shall proceed only in accordance with the following plans and information.

Location plan

Block plan

Elevation of stables

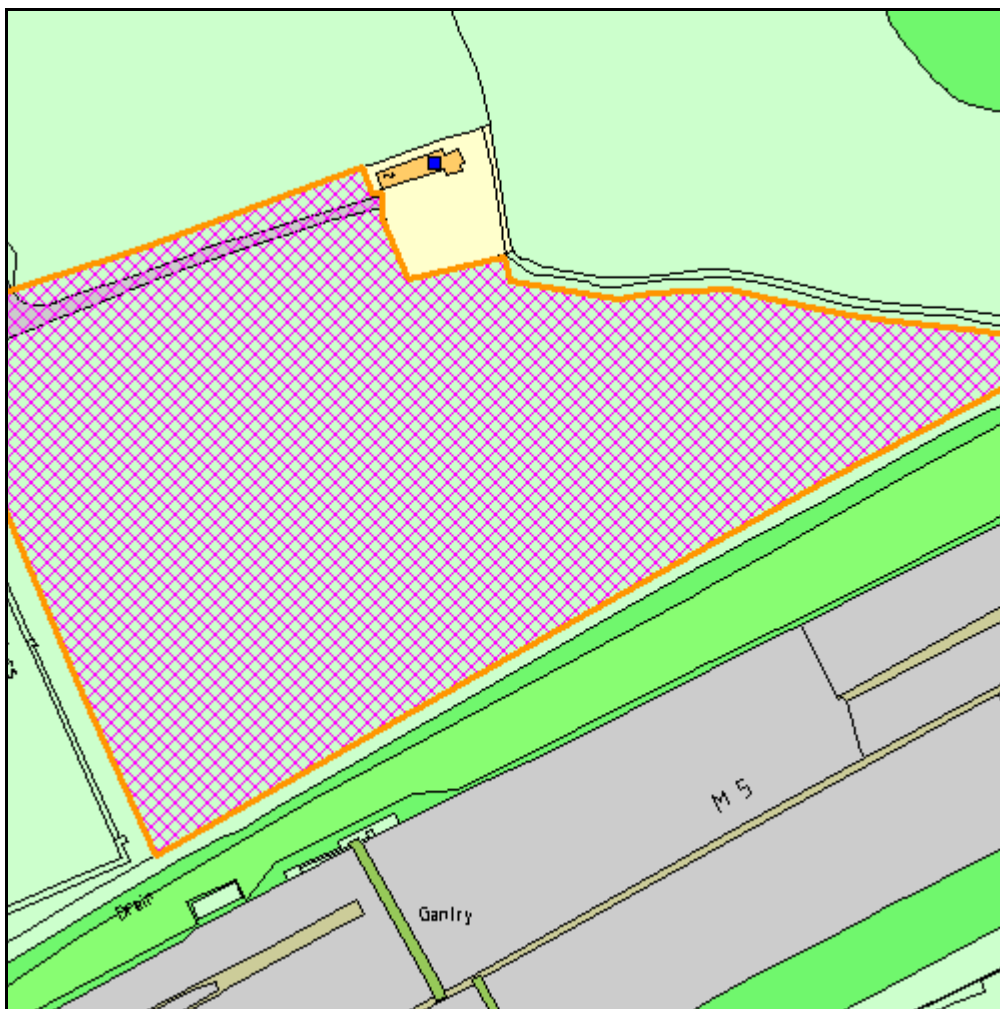
Floor Plan all received 4 October 2017

Reason

In the interests of clarity and to prevent the need for remedial action.

CIRCULATED SCHEDULE NO. 12/18 – 21 MARCH 2018

App No.:	PT17/3838/F	Applicant:	Mr McGuinness
Site:	Field Cottage 2 Gloucester Road Almondsbury Bristol South Gloucestershire BS32 4AF	Date Reg:	5th October 2017
Proposal:	Change of use of land from agricultural to equestrian use. Construction of outdoor manege	Parish:	Almondsbury Parish Council
Map Ref:	360938 183621	Ward:	Almondsbury
Application Category:	Minor	Target Date:	28th November 2017



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CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following concern from a neighbour about access and also because it represents a departure from relevant Green Belt Policy within the Adopted Development Plan.

In this case any resolution to grant planning permission for this development does not need to be referred to the Secretary of the State for Communities and Local Government as the development is not of a large enough scale and it would not have a significant impact on the openness of the Green Belt (referral criteria is set out in the Departure Direction 2009).

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the change of use of land from agriculture to equestrian use and for the construction of an outdoor manege.
- 1.2 The application site relates to a field situated alongside the M5 motorway with access from the A38. The site is in the open countryside and in the Bristol/Bath Green Belt.
- 1.3 During the course of the application the agent was requested to provide a flood risk assessment as a result of the size of the site being over 1Ha which was received and consulted on.
- 1.4 The application is for the personal use of the applicants who currently keep their horses elsewhere away from their home.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Practice Guidance April 2016

- 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
PSP3	Trees and woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity

PSP16	Parking Standards
PSP20	Flood risk, surface water and watercourse management
PSP30	Horse related development
PSP38	Development within Existing Residential Curtilages
PSP44	Outdoor sport and recreation outside settlement boundaries

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire Supplementary Planning Document: Green Belt (Adopted) 2007

South Gloucestershire Landscape Character Assessment (Adopted Nov 2014)

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT17/3836/F Erection of outbuilding to form stables incidental to main dwelling. Pending decision with this application.

4. **CONSULTATION RESPONSES**

4.1 Almondsbury Parish Council

No comment received

4.2 Other Consultees

4.3 Sustainable Transport

No objection subject to conditions.

4.4 Lead Local Flood Authority

A Flood Risk Assessment has been submitted as a result of the size of the field and accepted, therefore No Objection

4.5 Landscape officer

Query location in centre of field but no objection.

4.6 Highways structures

No comment

4.7 British Horse society

No response

Other Representations

4.3 Local Residents

One letter of objection received in relation to the following matters.

- Change of use of land is inappropriate in green belt
- Concern about the access – the existing access crosses the writers privately owned land and he has concern that buildings have been damaged in the past and additional vehicle movements will cause more risk to children and domestic animals when they cross the area owned by the writer.

- Current access is for the domestic use of the residents of Field Cottage (the applicants) and the use of the land for agricultural purposes which has entailed the occasional movement of cattle and haymaking activity.
- Object to change that will potentially alter the type and number of vehicles crossing their land.

5. **ANALYSIS OF PROPOSAL**

- 5.1 In the first instance the proposal must be considered in the light of current Green Belt Policy. The primary policy consideration is guidance contained in the NPPF. Design and siting for the manege will be covered by Policy CS1 High Quality Design and CS5 Location of Development, Policy PSP8 covers impact on residential amenity and the impact on the surrounding landscape and character of the site will be covered by Policy PSP1 and PSP2.
- 5.2 Turning to consideration of the Green Belt: The application includes the change of use of agricultural land to land for the recreational keeping of horses, but the change of use of land does not fall within the NPPF list of appropriate forms of development and recent case law has on balance suggested that changes of use of land are inappropriate development in the Green Belt. The case law acknowledges that this is a somewhat uncomfortable fit with the advice in the same part of the NPPF which seeks to encourage the use of Green Belt land for recreational and sport uses; and allows for new buildings for sport and recreation in the green belt as appropriate. It is noted that the draft NPPF intends to clarify the Government's position such that changes of use that are not harmful to the openness of the Green Belt would be classed as appropriate. However – at present this is not yet the Government's national policy.
- 5.3 Inappropriate development is by definition harmful to the Green Belt and as such very special circumstances are required to show that the proposal would outweigh any harm by reason of definition, harm to the openness of the area and any other harm. There are no stable buildings associated with this application as they form part of a separate application, as listed above. Notwithstanding the above, the overall design of the proposed manege requires additional assessment and this is covered in the appropriate section below.
- 5.4 Horse related development policy is also relevant to this proposal and is covered in this report under policy PSP30.
- 5.5 Impact on the Green Belt and surrounding landscape and very special circumstances
The NPPF declares that one of the beneficial uses of the Green Belt is to provide opportunities for outdoor sport and recreation. The proposal for the change of use of land for the keeping of horses for recreational use would therefore be in accordance with this general ethos. The proposal can therefore be given considerable weight in this respect. Furthermore, it is considered that the change of use of the land would not have a materially greater impact upon the openness of the Green Belt than the existing authorised use as agricultural; again this is given considerable weight in favour of the proposal. In addition, the site is rural and as such the keeping of horses would not be out of character. Appropriate conditions limiting for example business use and horse related equipment stored on the land can ensure the openness is maintained

and protect the surrounding landscape. These conditions can also ensure the development has minimum impact on the wider landscape and this is considered further below.

5.6 Very special circumstances

The agent has provided the following points as very special circumstances.

- The fencing of the manege is very similar to several variations of standard agricultural fencing erected by farmer and seen throughout the locality in other pasture fields.
- The fencing would not reduce the openness of the land, the post and rail fencing will actually have less impact on the openness than variations of livestock fencing which includes wire mesh.
- The grazing of horses on the land is no different to grazing agricultural animals such as sheep and cattle, visually the size and scale of the horse are broadly similar to the cattle previously grazed on the land.
- The scale of the horse grazing proposed is far less than would be seen for grazing cattle, therefore the visual impact would actually be reduced by grazing horses on the land.
- The use of the land is personal to the owners of 2 Field Cottage and is not for the purposes of a business so the activity on the site will be limited and negligible in comparison.

5.7 It is considered, taking the proposal as a whole, that the fencing around a manege is little different to stock fencing on agricultural land and the retention of open land for the grazing of horses is sufficient to outweigh the harm by reason of inappropriateness of a change of use. Moreover the use of the land will not have a greater impact on openness and would in fact act to keep the land open and the site is only intended for use by the owners of the nearby house for their personal enjoyment, not for any business use which might have further development requirements. Therefore the above reasons amount to very special circumstances sufficient to outweigh the harm to the Green Belt by reason of definition and harm to the openness of the area.

5.8 Horse Related Development

Policy PSP30 supports horse related development where possible near to existing groups of buildings where there are no existing suitable buildings and where an appropriate number of horses can be properly accommodated on the land. It can be that safe and convenient routes to bridleways are necessary and adequate provision for vehicular access, parking and manoeuvring space should not give rise to traffic conditions to the detriment of highway. Further any temporary structures and vehicles are appropriately stored to avoid harm or degradation to the countryside.

5.9 In this case the manege is located reasonably close to the existing house and it is proposed that the facility is for personal use only and in a relatively discrete location away from other properties such that it will not have a significant impact on the landscape or other people. It will be viewed against the existing hedge line and buildings where public view from the nearby playing fields exists. The proposal does not include stables, although they are part of an

associated pending application but this would not prevent the keeping of horses on the land and the manege being use to formally and safely exercise those horses, when not let loose in the field, for the personal enjoyment of the applicants. Transport issues are dealt with below.

5.10 Highway safety/transportation

The existing access arrangements are unusual in that the only access to the site is via a right of access through the pub car park. That said this does appear to be the only way that the existing land parcel is currently serviced. This being the case, and given that the change of use of the site to equestrian could potentially on the face of it generate more vehicle movements, even when compared with a more intensive agricultural use (which could occur without permission) the transportation impact of such a proposal would need careful assessment.

5.11 However, in this case the use of the site for equestrian is associated with the adjacent dwelling (Field Cottage), which would then substantially reduce the number of movements along the access, with the only additional movements being associated with farrier/vet visits and occasional moving of the horses. For this to be the case however, the use of the site would have to be restricted such that only horses associated with Field Cottage are permitted on site and that no livery is permitted at the site.

5.12 The provision of a manege at the site would reduce the need during inclement weather to exercise the horses off site (and hence further reduce the potential for additional vehicle movements).

5.13 In the event that this application is recommended for approval it is necessary to attach a condition that prohibits an equestrian business use at the site. This being the case then there would be no grounds to object from a transportation perspective given that currently the existing access is utilised by farm vehicles which are comparable in size to cars and horseboxes.

5.14 Whilst it is recognised that the neighbour has concerns about this access, officers feel that the change of use from agriculture to horse related activity on the personal scale proposed and associated with the existing house, would not cause a material change to the use of the access track. It is however understood that the new access for the New Operations Base for emergency helicopters is completed and that access to this plot of land will be improved by virtue of the a connection to the access serving the base. Therefore whilst officers find no material harm to the use of the existing access, with conditions of use, it appears that an alternative access is available to the site. Furthermore whilst the existing access is not part of the site or in the ownership of the applicant there appear to be access rights to the site and this is a civil matter which may need to be dealt with between the applicant and the owners of the existing access. This is not a consideration which should prevent planning permission being granted.

5.15 Landscape

There is no substantive landscape objection given its location below the M5 motorway, the proposal is appropriate in scale to the land and will otherwise

keep the land open. In this case it is considered inappropriate that permitted development rights should be withdrawn in order to prevent horse jumps as the land is not part of a protected amenity landscape other than Green belt where outdoor recreation is appropriate. Given that the site is only intended for personal or family use any ancillary vehicles will too be limited and likely located close to the house/track to the house where they will not materially detract from the wider landscape.

- 5.16 It is noted that the manege appears to be located centrally in the field but once the access and landscaping for the air ambulance station is installed the manege will appear sensibly located alongside the proposed landscape scheme for that development and will be tucked into a 'tidy' corner of the field. Whilst the air ambulance access is not the responsibility of the applicant in this case the soft landscaping works proposed are considered sufficient to mitigate for the manege.

5.17 Flooding

The site had to provide a flood risk assessment as a result of the site area being over a hectare but the site is not in a flood zone and the Lead Local Flood Authority are satisfied with the content of that report.

5.18 Residential amenity

The manege is considered to be sufficiently far located from neighbours to prevent harm to them by reason of noise smell. Whilst it is appreciated that the site can gain access close to neighbours near the A38 it is not considered that the movement of vehicles as might be expected for personal use of the site would be materially different or detrimental to those neighbours. Such movements would also be more likely to be during the day than at other hours as dictated by agricultural need.

5.19 Horse welfare

The general guidelines from the British Horse Society are that each horse should have between 1-1.5 acres of land; in this case the field is 1.85 (ha) or 4.6 acres which just complies with the guidelines for a maximum of four horses, reducing by a quarter when taking in to account the fencing around the route to the New Operations Base for emergency helicopters which is within this site. However it is noted that these are guidelines for the keeping of horses and the applicant has also demonstrated that they have the adjoining 4.14 acre grass field to the north of the site for hay making and grazing which does not require a change of use. The site could on this basis cater for between 4 and 7 horses but as the associated grazing land is not formally attached to this application and the stables proposed on application PT17/3836/F only amount to five stables a condition should restrict the number of horses to five.

- 5.20 The development is then considered to be in accordance with the criteria listed in Policy PSP30.

5.21 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must

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

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

5.22 Planning Balance

The site is within the Green Belt and very special circumstances have been found and accepted regarding the change of use of the land for the keeping of horses. Weight is therefore given in favour for the use and the built form of the manege edge in this location. Impact on the residential amenity of closest neighbours has been assessed and no adverse effect found. Neutral weight is awarded for this reason. The proposal is therefore acceptable and is recommended for approval.

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: 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, including the very special circumstance shown to justify the change of use as set out in the report. The proposal will now be advertised as a departure to the development plan for 21 days and as such if new issues are raised as a result of this consultation they will be recirculated again in an amended report.

7. **RECOMMENDATION**

- 7.1 That the application be **APPROVED** subject the conditions set out below and subject to the receipt of no new comments as a result of the advertisement of this application as a departure from Green Belt policy.

Contact Officer: **Karen Hayes**
Tel. No. **01454 863472**

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 business use

At no time shall the manage or associated land be used for livery, riding school or other business purposes whatsoever.

Reason

In the interest of the limitation of traffic movements to and from the site and to protect the Green Belt from additional ancillary equipment and parking which could detract from the appearance of the Green Belt and to accord with policies PSP7 and PSP30 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted November 2017 and the NPPF.

3. No more than five horses shall use the land subject of this planning permission and these shall be associated with the Stabling at Field Cottage.

Reason

In the interest of the limitation of traffic movements to and from the site, the welfare of horses and to protect the Green Belt from additional ancillary equipment/degradation and parking which could detract from the appearance of the Green Belt and to accord with policies PSP7 and PSP30 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted November 2017 and the NPPF.

4. No more than one horse lorry and one other horse related vehicle (horse box/trailer) shall be located on the land at any one time and these shall be parked up when not in use only within ten metres of the existing residential curtilage of Field Cottage.

Reason

To protect the character and appearance of the area, and to accord with Policies CS1; CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP7 and PSP30 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted November 2017 and the National Planning Policy Framework.

5. Plans

The development shall proceed only in accordance with the following plans and information.

Location plan

Block plan

Elevation of Fence Plan A all received 3 October 2017

Flood risk assessment received 23/11/2017

Reason

In the interests of clarity and to prevent the need for remedial action.

CIRCULATED SCHEDULE NO. 12/18 – 21 MARCH 2018

App No.: PT17/5061/ADV

Applicant: Mr Tobie Holbrook
Cafe Grounded

Site: 7 High Street Thornbury Bristol South
Gloucestershire BS35 2AE

Date Reg: 27th November
2017

Proposal: Consent to display 1no internally illuminated static fascia sign.

Parish: Thornbury Town Council

Map Ref: 363693 190127

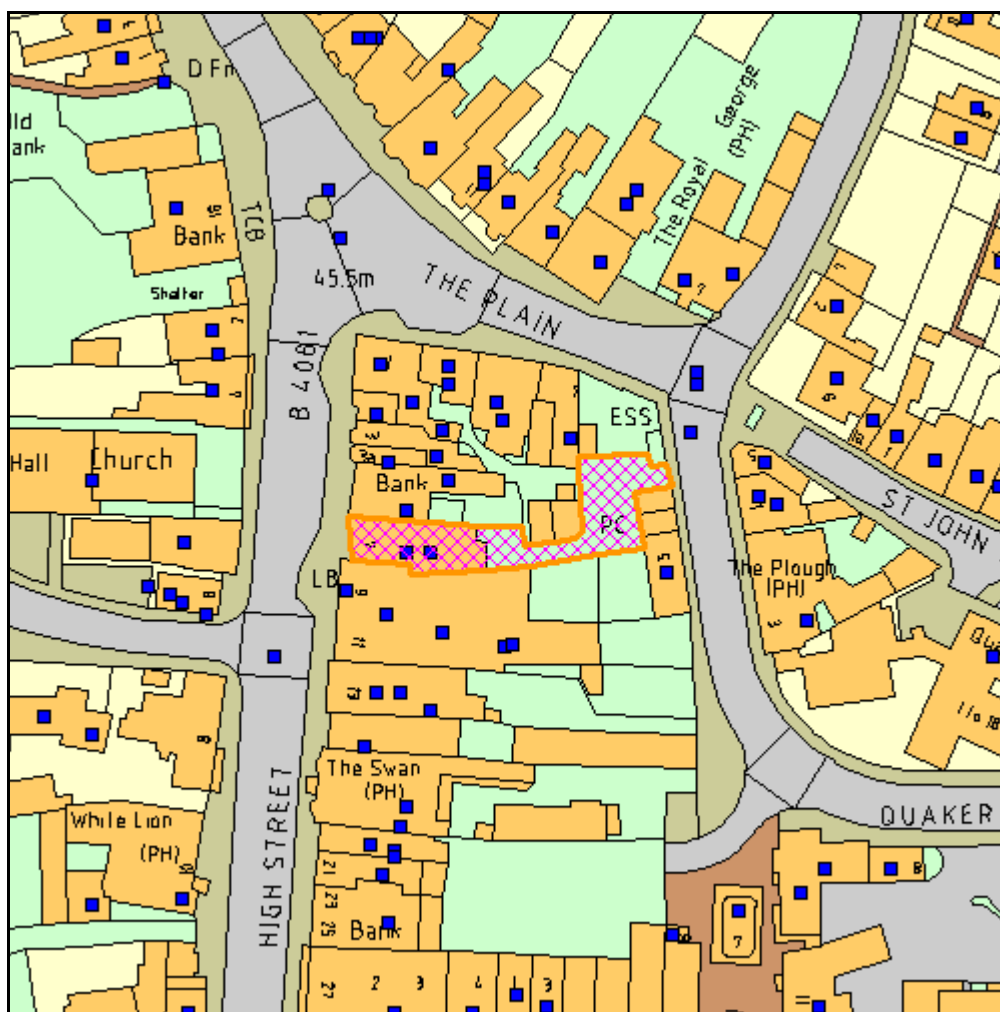
Ward: Thornbury North

Application Minor

Target 18th January 2018

Category:

Date:



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PT17/5061/ADV

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks advertisement consent for the display of 1no internally illuminated static fascia sign at 7 High Street, Thornbury.
- 1.2 The application relates to a new shopfront relating to an A3 restaurant/café granted under permission PT17/0249/F. The site is situated within the conservation area on Thornbury High Street.
- 1.3 Numerous redesigns were submitted to make the advertisement acceptable in conservation terms; a design which was considered suitable was received on 14th March, 2018.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
The Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development

Proposed Submission: Policies, Sites and Places Plan March 2015
PSP1 Local Distinctiveness
PSP34 Shop Frontages
- 2.3 Supplementary Planning Guidance
Shopfronts and Advertisements SPD (Adopted) April 2012

3. RELEVANT PLANNING HISTORY

- 3.1 PT17/0249/F Approved with Conditions 08.03.2017
Erection of single storey rear extension to form kitchen area and WC's (Class A3) restaurant/ cafe. Installation of extraction system to roof and creation of new shop front.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council

Objection due to this not being in line with the Conservation Area Policy and is out of keeping with the area.

Due to time limitations, Thornbury Town Council were not reconsulted on the revised design received 14th March 2018

4.2 Sustainable Transport

No objection

4.3 Conservation Officer

Original Plans

Recommend that this proposal be revised to remove the illumination, reduce the height of the fascia, and to look at how the fascia can avoid appearing as a reflective, modern aluminium tray. The 2017 permission proposed a traditional timber panel with moulded edge and the applicant should adjust the proposal accordingly.

Final Revised Plans

No objection; does note that backlighting is frowned upon in the conservation area; however, the finish of the sign and the fact that numerous shopfronts within the locality have backlit signs would reduce the impact on the conservation area.

Other Representations

4.4 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 state that a Local Planning Authority shall exercise its powers under these Regulations in the interests of amenity and public safety. The National Policy Framework (NPPF) states that those advertisements which clearly have an appropriate impact on a building or their surroundings should be subject to a Local Planning Authority's detailed assessment. Para. 67 of the NPPF sets out what should form such an assessment, consequently, this application will be considered with regard to amenity and public safety, as well as the advertisements cumulative impact.

5.2 Design, Visual Amenity and Conservation

The proposed internally illuminated fascia signage consists of a painted timber panel with mouldings, with backer mounted flat faced 0.9mm brushed stainless 50mm deep steel lettering with rear stud fixings. The panel will be painted in matt RAL3004. The writing would consist of the word "Grounded" in a highly stylised font, and "Café Bar" in a less stylised font. The lettering behind "Grounded" would be halo lit; although this would usually be undesirable within the conservation area, it is considered that the proposed finishes (matt paint

with brushed stainless steel on a timber moulded sign) along with the illuminance of the nearby signage would reduce the negative impact on the conservation area. The conservation officer agreed with this assessment.

- 5.3 The proposed signage is considered appropriate in terms of scale, design and finish, and is not considered to have a materially negative impact on the character of the conservation area. The illumination times of the proposed signage will be limited via condition, in order to reduce unnecessary illumination within the conservation area.

5.4 Public Safety and Residential Amenity

Although some of the signage would be illuminated, it would be against matt paint and behind brushed stainless steel at an illuminance value of 500 cd/m. The transport officer has confirmed that there are no objections in relation to the safety of road users. It is therefore not considered the proposal would be detrimental to public safety or residential amenity. However, a condition will be added to the decision notice to limit the times of illumination.

5.5 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.

- 5.6 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 It is recommended that the advertisement consent be **GRANTED**.

Contact Officer: Owen Hoare

Tel. No. 01454 864245

CONDITIONS

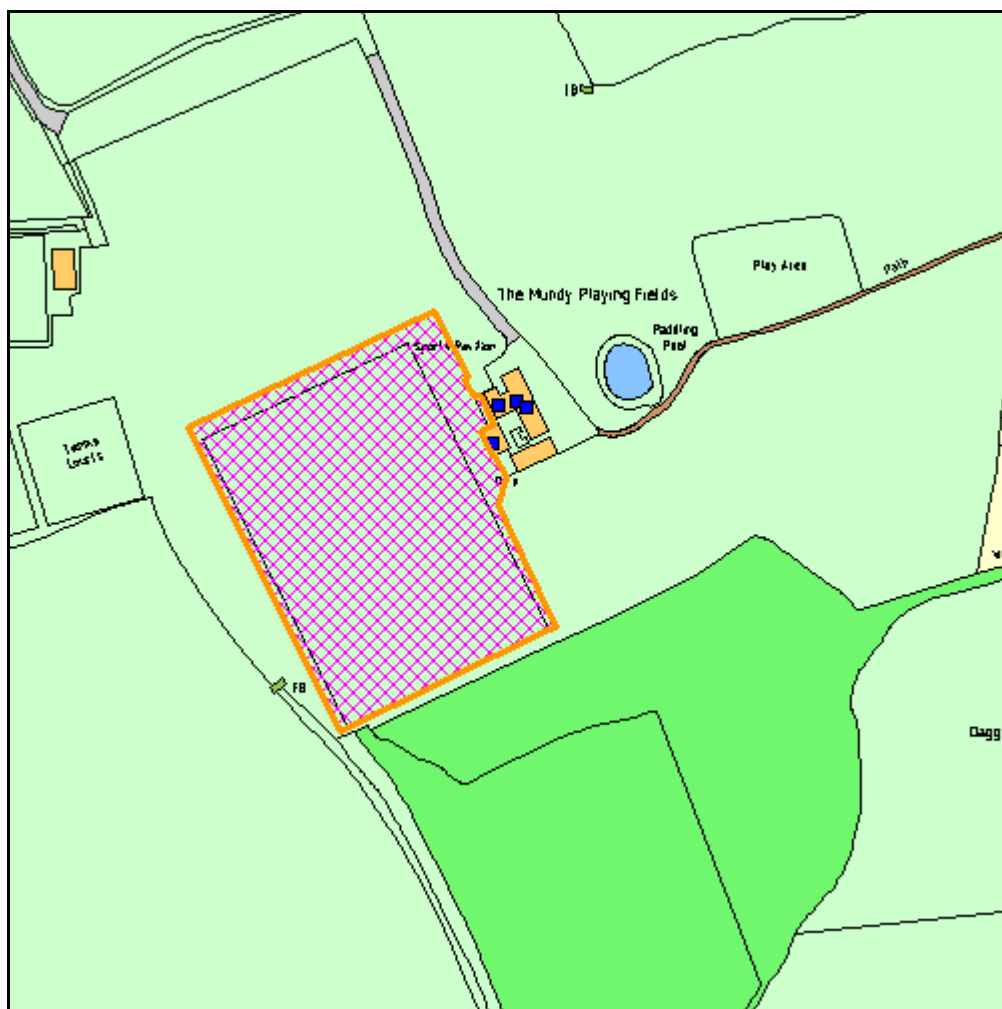
1. The illuminated sign hereby approved shall only be illuminated between 8am and 11pm

Reason

In the interests of visual amenity, and to accord with The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007.

CIRCULATED SCHEDULE NO. 12/18 – 21 MARCH 2018

App No.:	PT17/5162/F	Applicant:	Mr Toni Watola Thornbury Town Football Club
Site:	Mundy Playing Fields Kington Lane Thornbury Bristol South Gloucestershire BS35 1NA	Date Reg:	1st December 2017
Proposal:	Installation of 6no. floodlights and erection of 2m high perimeter fence with associated works.	Parish:	Thornbury Town Council
Map Ref:	363386 189840	Ward:	Thornbury North
Application Category:	Minor	Target Date:	24th January 2018



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PT17/5162/F

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 Planning permission is sought for the installation of 6no. floodlights and the erection of 2m high perimeter fencing at Thornbury Town Football Club. The proposed floodlights and fencing will serve an existing football pitch. It should, however, be noted that there is common ground between the main parties that the fencing complies with the limitations set out in Class A to Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (GDPO) 2015 (as amended) and as such constitutes permitted development, which is a material consideration to this application. However, no such requirements apply to the floodlighting.
- 1.2 The application site is accessed from a lane off Kington lane and is within the Bristol/Bath Green Belt. The football club is located adjacent the western edge of the town centre of Thornbury and is therefore considered to be within the open countryside. Thornbury is an historic town designated as a conservation area (including a broad landscape buffer to the west), and very many of the buildings within the town are listed. The football club is located just beyond the conservation area boundary; however, the setting (including that of some listed buildings) could be affected.
- 1.3 The proposed floodlights would be located at each corner of the pitch and centrally along its eastern and western side lines. Their columns measure approximately 15.4m in height, 400mm in diameter at their base and taper to 100mm in diameter at their highest point. The proposal would also include green mesh fencing erected from the end of the storage/maintenance building, along the east (part of), south and west boundaries, finishing with a gate next to an existing onsite laurel hedge. The fencing will replace an existing post and rail fence on the south sideline.
- 1.4 Over the course of the application process, details of the proposed floodlighting design were submitted.
- 1.5 There are two public rights of way (OTH 51 & 52) adjacent to the site, one running mostly alongside the south touchline before turning to be joined by another to follow some of the west sideline. The proposed block plan shows that on the southeast side of the pitch there will be no change in position to the existing boundary fence and therefore the footpath will remain at its existing width. On the southwest side of the pitch the new mesh fence will be installed outside the existing boundary fence. Plan 1673-P000 Rev B, upon which the footpaths have been overlaid, indicates that there will be no encroachment upon the line of the footpath. No objection is therefore raised on this basis.

2. POLICY CONTEXT

2.1 National Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990
 Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)
 Town and Country Planning (General Permitted Development) (England) Order (GDPO) 2015 (as amended)
 National Planning Policy Framework (NPPF) March 2012
 National Planning Practice Guidance
 Managing Significance in Decision-Taking in the Historic Environment (GPA 2)
 The Setting of Heritage Assets (GPA 3)
 Historic England Advice Notes

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
 CS24 Green Infrastructure, Sport and Recreation Standards
 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 Impact Management
PSP17	Heritage Assets
PSP19	Wider Biodiversity
PSP21	Environmental Pollution and Impacts
PSP44	Open Space, Sport and Recreation

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 PT17/5163/F
 Demolition of existing dugout shelters and erection of spectator stand, ticket booth and 2no. replacement dugout shelters.
 Approval
 22.02.2018
- 3.2 ET17/0832
 Permitted development rights enquiry
 Complete

16.08.2017

3.3 PT16/6636/F

Demolition of existing dugout shelters and erection of replacement dugout shelters, spectator stand and 2m. high perimeter fencing. Installation of 6no. floodlights and associated works.

Withdrawn

07.03.2017

4. **CONSULTATION RESPONSES**

4.1 Thornbury Town Council
Support

4.2 Highway Structures
No objection

4.3 Sustainable Transport
No objection

4.4 Conservation Officer
Objection:

- harm to the character and setting of the conservation area and a few listed buildings
- public benefits must be balanced against harm identified

Landscape Officer

Objection:

- detrimental to the landscape character of the surrounding area
- public benefits would outweigh harm

Ecology Officer

Condition submission of a hedgerow management scheme

Open Spaces Society

No comment

Public Rights of Way

No objection

Lead Local Flood Authority

No objection

Environmental Protection

No objection

Street Care

No objection

Other Representations

4.3 Local Residents

13no. letters in total have been received from members of the public. 12no. of these are comments of support which raise the following points:

- approval will allow the club to be promoted, retain players and improve the quality of the sporting facility
- reflects the thriving nature and success of this Club
- consolidation of sports facilities in the area
- benefit to local community
- would not have a detrimental impact on the character and appearance of the area
- will encourage young people to participate in sport
- will boost local economy
- similar football club redevelopment schemes elsewhere in district
- no harm to residential amenity from floodlights
- refusal will prevent the club being promoted and lead to business decline
- refusal will prevent the club being promoted, likely impact player retention and put the business into decline
- necessary to support local population growth
- would not have a materially adverse visual effect on the character and appearance of the site and surrounding countryside
- floodlights and spectator stands are common features in playing fields
- floodlights to be used less frequently than local tennis club

1no. comment of objection has been received which is summarised below:

- less accessible to the public; public open space should be preserved; would set a precedent allowing other playing field segregation and development
- proposed fencing is an incongruous urban feature in a rural context
- proposed concrete path is unattractive, would require maintenance, have an adverse environmental impact and create unacceptable urbanisation in a rural setting
- visual impact harm and light pollution from floodlighting
- will result in increased traffic generation which could harm highway user safety, cause parking congestion, prevent waste collection and emergency services attendance; access lane should be made an enforced no parking zone
- club should buy and relocate to a suitable alternative site instead of improving their inadequate facilities

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Development in the green belt is by definition inappropriate development, however certain types of development which are acceptable within this designated area are set out under paragraphs 89 and 90 of the NPPF. Paragraph 89 states that one of these exceptions can be for the 'provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'.

- 5.2 Paragraph 132 of the NPPF, makes it clear that the significance of a heritage asset can be harmed by development within its setting. Accordingly, Officers consider it prudent to pay special attention to the desirability of preserving or enhancing the character and appearance of the Thornbury Conservation Area and any nearby listed structures, in considering the effect of the development on their settings. This is also in line with the provisions set out in Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.3 Policy PSP44 of the adopted Local Plan regards proposals for outdoor sport and recreation outside of urban areas and settlement boundaries. Policy PSP44 states proposals involving the improvement of sport and leisure facilities in locations such as in this application will be acceptable if the site is highly accessible via non-car means; would not have an unacceptable effect on the historic environment, character and diversity of the landscape; would not give rise to unacceptable levels of on street parking to the detriment of the surrounding area and highway safety; and, any external lighting or advertisements would not result in unacceptable loss of amenity nor constitute a road safety hazard.
- 5.4 New buildings will also be acceptable where the conversion or re-use of existing buildings is not viable and where they are essential for and proportionate to the use of the site for outdoor sport and recreation.
- 5.5 A previous application on the site for the erection of a spectator stand, ticket booth and 2no. replacement dugout shelters was allowed in February 2018. This previous permission is still extant and as such is a material consideration in respect of this application.
- 5.6 Accordingly, the proposal is acceptable in principle, provided it preserves the openness of the green belt, does not conflict with the purposes of including land within green belt and does not harm the setting of heritage assets.
- 5.7 Green Belt
The green belt serves five purposes – these are set out below from paragraph 80 of the NPPF:
- To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.8 Paragraph 89 in the Framework provides that the construction of new buildings in the Green Belt is appropriate. An exception is made for ‘the provision of appropriate facilities for outdoor sport... as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it’.

- 5.9 There is no dispute that the proposal relates to an existing facility for outdoor sport. It is to provide floodlighting for evening matches and perimeter fencing to keep the area secure while in use and after hours as well. Whereas the guidance in paragraphs 3.5 of PPG2 was that the facilities should be 'essential' in the sense of 'genuinely required' for the use, the Framework requires the facilities to be 'appropriate'. There is no definition of the meaning of that term.
- 5.10 The applicants have provided in their planning and heritage statement more detail of the requirements of Thornbury Town Football Club to progress to the Western Leagues. It is accepted that unless those requirements are met, the future of the Club would be at risk. It is therefore evident that the new facilities are requires on the Mundy Playing fields themselves. Accordingly the proposal would continue facilitating the active recreation use of the playing fields.
- 5.11 From what Officers saw on site, the proposal, in catering for additional use and up-grading the facilities, would add to the cacophony of structures on site. But none of those structures would appear obviously out of place amongst those that already exist (or recently approved) are the minimum necessary to meet the standards and criteria commensurate with 'Division 1/Premier Division' within the relevant section of the Western Leagues. For these reasons, it is concluded that the proposal is for 'appropriate' facilities in the terms of paragraph 89 of the Framework.
- 5.12 However, it is also necessary to consider any effect on the openness of the Green Belt and the purposes of including land within it. The proposal comprises the erection of a 2m high fence and 6no. 15m high floodlights on galvanised metal columns. The 2m high fence is permitted development; its inclusion in the application is for advice on the colour only. The fence will be on three sides only and the existing laurel hedge will be retained on the northern boundary. The floodlights will be located at equal distances on two sides of the pitch in order to minimise light spill around the edges. Each floodlight would contain four bulbs that would face downwards, on a slight angle facing the pitch, the size of the bulbs has been kept as small as possible to reduce their visual impact. The floodlights would be used during matches taking place at 3pm on Saturday afternoon from April to August and at 7:30 on Tuesday evenings during the winter.
- 5.13 There is a public car park for 80 cars to the north, the east is a pavilion with changing facilities, there is also a building used for the storage of equipment. The Thornbury Tennis Club is located to the west. Four of the tennis courts are lit with 6no. floodlights which are 6m high. Allotments are located to the east and a playing field to the south. There are telephone wires supported by timber posts across the playing field and various other features, including play equipment, within Mundy Playing Field.
- 5.14 The settlement boundary of Thornbury is located approximately 230m to the east. The site is just outside the Thornbury Conservation Area and is 50m at its closest point. The part of the Conservation Area that the application site is closest to are the 'open closes' which extend to the north around the historic town.

- 5.15 There is open countryside to the west. The Jubilee Way which is a major recreational route runs in an east/west orientation perpendicular to the pitch and then turns south and continues in that direction to the west of the allotments. There are numerous other footpaths criss-crossing the open recreational area and open countryside to the north and west. There are electricity power lines mounted on pylons which are visually prominent on the ridge to the south.
- 5.16 The landscape strategy for the Severn Ridges landscape character area includes:
- Proposals for new development and public facing boundary treatment should reinforce the particular and varying landscape and settlement character:
 - Preserve the tranquillity of the landscape, particularly to the north and west of the character area: and
 - Any new vertical development should avoid dominating or visually competing with landmark heritage assets or undisturbed rural landscape or skylines.
- 5.17 The floodlights will be visible in views from Thornbury town to the east, from within Mundy Playing Field and from the footpaths criss-crossing the area to the south-west, west and north-west. In views looking west from the town the floodlights would be set within an area that is unlit with the exception of the tennis courts. The floodlights on the tennis courts are significantly smaller than the proposed floodlights. When the proposed floodlights are in use they will add to the illumination coming from the tennis courts, although at a higher level and possibly a different brightness. This lighting will be detrimental to the darkness and tranquillity of the area. During the day the lighting columns will be tall vertical features which will stand out above the level landscape. They will be seen within the context of the existing buildings around the pitch and the electricity pylons on the ridge to the south.
- 5.18 The proposed floodlights will be detrimental to the landscape character of the surrounding area during both the day and night. Due to the existing buildings on site, the electricity pylons on the ridgeline to the south and the floodlights in the tennis courts, the surrounding landscape does not have an intact rural or historic character and this reduces the sensitivity of the area and therefore the significance of the visual harm. The potential harm is further reduced by the proposal to limit the use of the floodlights to Saturday afternoons during the spring and summer months and Tuesday evenings during the winter.
- 5.19 For similar reasons, it is concluded that development as proposed would not have a significant impact upon the openness of the Green Belt and that it would not offend any of the purposes of including land within it. Any impact, however minimal, would be outweighed by the benefits of providing a high quality sports facility for the area in general.
- 5.20 Effect on Heritage Assets
Thornbury is a former medieval market town, situated at the edge of the Severn Vale, some three miles east of the River Severn. The original settlement of

Thornbury was probably on the lower ground around the Church of St Mary. The new town was laid out in the mid thirteenth century and the current street plan reflects this period of development with the three streets of Castle Street, High Street and The Plain converging to a large market place, all enclosed by a town wall. Outside the town wall are the closes, paddocks, meadows, orchards and market gardens to enable the borough to operate independently of the manorial castle.

- 5.21 The route to Thornbury from the A38, via Alveston, emerges at the southern end of the town. The route descends steeply, via a wooded and tightly enclosed road. At the foot of the hill the visitor emerges to a more open landscape, with long distance views over land to the west towards the Severn Estuary, and north towards the historic High Street. Rosemount House (grade II listed building) forms an important entrance gateway at this approach to the town and the preservation of its setting and views need to be carefully considered. This open landscape setting is an important reminder of the rural origins of Thornbury and its important relationship to the River Severn.
- 5.22 As mentioned above, the application is for 6no. 15m high floodlights on galvanised metal columns, evenly spaced around two sides of the existing football pitch. Each column will have 4 bulbs facing downwards and the application states that the bulbs are as small as possible to reduce their visual impact. The floodlights are proposed to be used during Saturday matches (April-August) and Tuesday evenings in the winter. The 2m high fence detailed within the application is understood to be permitted development.
- 5.23 Although not within the conservation area, the application site borders the part of the conservation area identified as 'the open closes around the historic town'. The open closes are important, providing vistas of the church tower and estuary and setting the town in its wider landscape context. Key enhancement strategies set out within the Thornbury Conservation Area advice note in relation to this area:
to 'seek to protect important views of the Church Tower and estuary';
enhance and protect the setting of the stream.
- 5.24 The principal issue which requires consideration with regard to impact on the character and setting of the conservation area and listed buildings is the introduction of the 6no. lights. At 15m they are significantly taller than the 6no. 6m high floodlights to the adjacent tennis courts. As tall, vertical features it is considered that they would be prominent in certain sensitive views from and towards the conservation area, and disturb this sensitive open, level landscape setting, particularly in views west at the approach to the town. The application confirms that the lighting would be used on a limited basis and therefore the light pollution aspect of the proposal is of less concern.
- 5.25 Listed buildings which are considered to require particular consideration area:
- St Mary's Church – due to its high grade and the fact that it is a tower is a key visual focus within the town;
 - Rosemount House and Park House – these are examples of large detached villas built in the town in the early nineteenth century on the west side of the

High Street, with large pleasure gardens and designed to take advantage of the landscape views towards the Levels.

- 5.26 Development which alters these views therefore does impact on the significance and setting of such listed buildings. It cannot be forgotten that preservation of the setting of listed buildings is a statutory duty, requiring great weight.
- 5.27 It is considered that there will be an element of harm to the setting of these listed buildings caused by the introduction of these tall vertical features. The application demonstrates that the harm has been minimised by the limited use of the illumination and the smallest bulbs possible. Views of the Church tower would not be impeded, but altered from certain points. It is recognised that these are features such as the pylons, tennis court lights, existing modern buildings and the recreation ground (play area) which have altered this landscape. This, coupled with the distance from the heritage assets, would result in the harm identified as being less than substantial. This therefore engages paragraph 134 of the NPPF, where the public benefits are required to be balanced against the harm identified.
- 5.28 The proposal would improve the quality of an existing sports facility, as encouraged by national advice and local policy. Officers are also aware that the provision of the spectator stand, dugouts, fencing, hardstanding and floodlights will allow the first team to be promoted, reflecting the thriving nature and success of this Club. And finally, it is understood that the football club allow the general public use of their facilities, whom would undoubtedly benefit also from the proposed installations and upgrade works. For all these reasons the total harm to the heritage assets in terms of the Framework is outweighed by the public benefits which would arise from the proposal.
- 5.29 Residential Amenity
Concern is expressed that the new fence would deter public access to the recreation ground. However, the fence would only enclose the main pitch. Swathes of space would remain open to all to the north of the enclosure and along the periphery towards the southern, western and part of the eastern boundaries. In any case, public access from the surrounding area is limited, to an extent, by fencing and hedging. There appears to be an entrance to the pitch from the clubhouse, but otherwise the only obvious other access is ducking under the post and rail fencing. This means that the pitch does not appear to be used as part of a pedestrian route from one part of the playing fields to another. Officers think that that is as it should be. After all, this is a football pitch rather than an incidental piece of public open space (which seems in plentiful supply nearby) and it is considered that not all public uses (dog walking being one) are entirely compatible with the proper use of a football pitch.
- 5.30 The same local resident is concerned that the proposal would set a precedent for further recreation ground enclosures of this type or playing field development which would, over time, erode the character of the area. In this respect it is a long established principle that each planning application should be determined on its individual merits based on the planning considerations

applicable at the time of the decision. However, where a proposal could be used to justify a proposal on another piece of land and that development would cumulatively add to harm then this may weigh against an initial development.

5.31 Because the fencing and floodlights would be set well into the playing fields, the prospect and privacy of surrounding residents would not be seriously affected. And although the floodlights would illuminate the pitch, an appropriate condition should ensure that such illumination would not impinge onerously on the amenity of those nearby.

5.32 It is therefore considered that the proposal would not seriously impair the peace and prospect nearby residents might reasonably expect to enjoy here.

5.33 Highway Safety and Accessibility

There is common ground between the main parties that the access lane is narrow and has limited passing places, but the proposals are relatively modest in scale and are unlikely to materially alter the site's travel patterns. Moreover the Highways Officer raised no objections to the proposal in this respect.

5.34 Environmental Impact

The proposal is not expected to result in a materially harmful impact on the surrounding environment.

5.35 Ecological Issues

A Bat Habitat Assessment and Activity Survey has been submitted in support of the proposed application by Smart Ecology (June, 2017); a summary highlights the findings below.

Bats

The majority of the site consists of amenity grassland, which is of low value to bats for foraging and commuting. However, the installation of floodlights would have an impact on more suitable habitat features in the wider area including hedgerows and ditches.

The habitat assessment identified the amenity grassland and improved grassland as offering negligible habitat for local bats. There are three hedgerows surrounding the site: a species-poor laurel hedge (northern), heavily managed hawthorn hedge adjacent to a stream (western), and another well-managed hedge adjacent to a dry ditch, but well-connected to the wider landscape (southern).

The western and southern hedges were assessed as offering moderate potential as both foraging and commuting resources for bats. The northern hedge was considered to offer negligible potential.

The three buildings associated with the playing fields had very few opportunities for bats and were affected by existing artificial lighting.

Bat activity surveys identified low levels of activity by bats mostly associated with the western and southern hedges, and green lane. Three bat species were recorded during the survey dominated by common pipistrelle. Noctule were

recorded flying high over the site and a single brief pass of a *Myotis* sp. was recorded near the northern hedge.

The hedgerows are currently intensively managed, keeping them low and contained. The report recommends that the management of the hedgerows be relaxed so that they can become tall and bushy, providing a screen for habitats on the dark side of the hedges should bats choose to feed there in the future.

- 5.36 The Ecology Officer therefore has no objections as bat activity within the area is low due to the low value of the habitats present, and, with a suitable condition in place, beneficial management of the surrounding hedgerows would provide a long-term benefit to bats.

5.37 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.

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

5.39 Other Matters

A number of other matters have been raised from the consultation procedure which have not been addressed above.

- 5.40 Officers note the local resident's comments regarding the concrete path, but as the Council confirmed via ET17/0832 that such work is permitted under the provisions of Class A to Part 12 of Schedule 2 of the GDPO 2015, its design and environmental impact are not matters that are relevant to this application.

- 5.41 The matter of an alternative location for the Club does not constitute a material planning consideration and has not been given weight in the determination of this application.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Policies, Sites

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

7. RECOMMENDATION

- 7.1 It is recommended that planning permission is GRANTED 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. Prior to operation, a hedgerow management scheme shall be submitted to the local planning authority for approval in writing. The scheme shall include management actions that would result in the hedgerows becoming tall and bushy by rotational cutting. The scheme should include a yearly timetable that can be rolled forward.

Reason

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

3. The floodlights hereby permitted shall be switched off between the hours of 22:00hrs to 08:00hrs Monday to Sunday.

Reason

In the interests of visual amenity, the character of the area and residential amenity, and to accord with Policy PSP44 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework.

4. The development shall be implemented strictly in accordance with the following documents:
Received 06.11.2017:
Existing Plan and Elevations (1673-E002 Rev C)
Proposed Block Plan (1673-P200 Rev C)
Site Masterplan (1673-P000 Rev A)
Proposed South and West Elevations (1673-P202 Rev A)

Planning & Heritage Statement
Proposed Elevations (1673-P201 Rev A)
The Location Plan (1673-E001 Rev B)

Received 11.12.2017:
Bat Habitat Assessment and Survey

Received 05.01.2018:
Photograph Locations

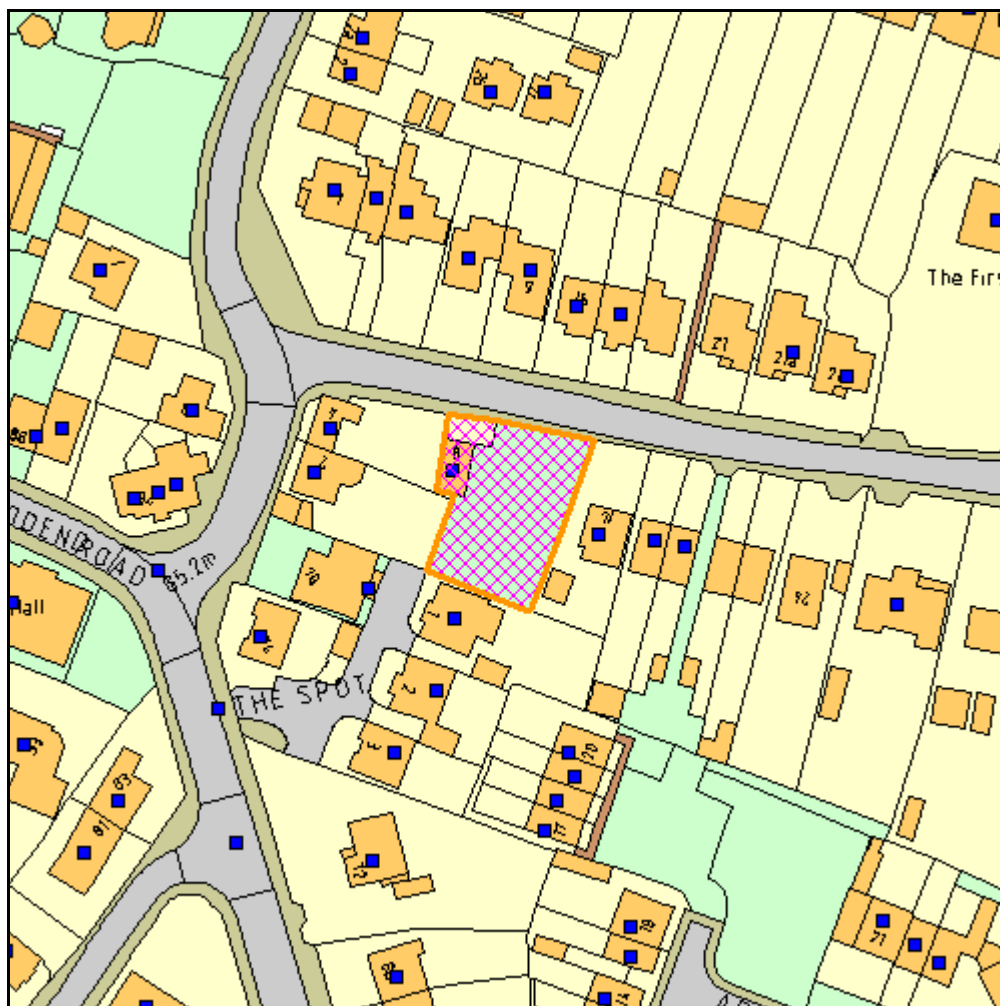
Received 21.02.2018:
Lighting Calculations

Received 12.03.2018:
Horizontal Illuminance Levels

Reason
For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 12/18 – 21 MARCH 2018

App No.:	PT18/0075/F	Applicant:	Mr P Endicott
Site:	Frampton Garage 6 The Causeway Coalpit Heath South Gloucestershire BS36 2PD	Date Reg:	12th January 2018
Proposal:	Erection of a single storey building to form store and staff facilities (Class B2) (amendment to previously approved scheme PT17/0851/F) (retrospective) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Frampton Cotterell Parish Council
Map Ref:	367397 181289	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	5th March 2018



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to representations received which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The site is located towards the eastern end of The Causeway; and is situated on its south side adjacent to 14, The Causeway. Currently the site is occupied by a small building and gravel car parking area and used by Frampton Garage as a customer car-parking area and reception for the car repair/maintenance business. The existing building is a recent construction and replaces a small building situated at the site. Planning application PT16/1604/F approved the use of the building and car parking area to be used in association with Frampton Garage (as a B2 industrial use).
- 1.2 This planning application seeks permission for retrospective planning permission for amendments to a previously approved scheme ref. PT17/0851/F. The alterations are relatively minor and it is proposed that the building would provide store and staff facilities associated with Frampton Garage.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (approved) December 2013

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS13 Non-safeguarded Economic Development Sites
CS34 Rural Areas

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP28 Rural Economy

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/0260/O Demolition of commercial garage and hairdressing salon to facilitate erection of four new dwellings on 0.13 hectares of land (Outline). Means of access and siting to be considered (in accordance with amended plans received by the Council on 24 May 2006).

Refused 4th October 2007

- 3.2 PT08/1014/O Erection of 4 no. dwellings on 0.062 hectares of land (Outline) with access and layout to be considered all other matters to be reserved (Re-Submission of PT06/0260/O)

Approved 16th May 2008

- 3.3 PT11/1312/RM Erection of 4 no. dwellings. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT08/1014/O).

Approved 6th June 2011 (expired 6th June 2013)

- 3.4 PT13/3174/O Erection of 4no. dwellings (Outline) with all matters reserved.

This application is under consideration at the time of writing this report.

- 3.5 COM/13/0184/OD Investigation that the site is being used as a car park

Investigation open pending decision in relation to PT13/3175/F

- 3.6 PT13/3175/F Change of use of land to car park in association with Frampton Garage for a temporary period of 3 years.

Approved 22nd November 2013

- 3.7 PT15/0636/F Demolition of existing Hairdressing Salon and erection of detached Retail Unit (Class A1)

Approved 21st April 2015

- 3.8 PT16/1604/F Retention of customer car park and Change of use of Hairdressing Salon (Class A1) to ancillary office and reception premises to be used in association with Frampton Garage (Class B2) (Retrospective)

Approved 5th September 2016.

- 3.9 PT17/0851/F Erection of a single storey building to form store and staff facilities. (Class B2).

Approved 13th June 2016

- 3.10 PT18/0078/F Erection of 1no. timber framed storage building (Class B2; as defined in Town and Country Planning (Use Classes) Order 1987) (Retrospective).

4. **CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council
No comment
- 4.2 Highway Authority
No comment.
- 4.3 Lead Local Flood Authority
Query method of foul sewerage.
- 4.4 Sustainable Transport
No objection
- 4.5 Archaeology Officer
No comment
- 4.6 Economic Development
No objection

Other Representations

- 4.7 Local Residents
1no letter of objection received. Comments as follows:
- Doors proposed would allow vehicular access to the building
 - Working outside of permitted hours.
 - Storage of industrial waste adjacent to property

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
The National Planning Policy Framework is generally supportive of positive economic development including the rural areas. Similarly, Policy CS34 of the South Gloucestershire Local Plan, Core Strategy seeks to protect employment and economic development in rural areas in order to provide local employment in the interests of sustainability. The development would have a positive impact upon the viability of the business use associated with the site at Frampton Garage. It is considered that the proposed building is acceptable in principle subject to considerations relating to visual and residential amenity impacts.
- 5.2 Design and Visual amenity
This application shows a number of alterations to the building proposed through ref.PT17/0851/F. These can be summarised as follows:
- Building moved away from front boundary of site
 - Removal of angular form
 - Introduction of an additional roller door
- 5.3 These alterations are fairly minimal in nature, and the building is considered to retain a similar appearance to that previously approved. Plans show that its

external materials would comprise of render, which would be in-keeping with nearby built form. On this basis, it is considered that the proposed development is acceptable in visual terms and does not undermine the character of the area.

5.4 Residential Amenity.

The use of the site to provide facilities in association with Frampton Garage is established through extant planning consents and such use is currently controlled by an hours of use condition. It is noted that local residents raised concerns that these hours were being breached. This is acknowledged. However, this application is only assessing the erection of a new building. If the hours of use are being breached at the site this would be a matter investigated by planning enforcement.

- 5.5 It is also noted that local residents are concerned that the amended design of the building and that it would allow access to vehicles. These concerns are understood, however, a condition is recommended to ensure that the building is only used for storage and staff facilities, in the interests of residential amenity.

5.6 Highway Safety

The application site is used for customer car parking and given the siting of the building, it results in some loss of such. Nevertheless, there is still a large area of car parking retained, and in the context of paragraph 32, it is not considered to result in severe residual cumulative impacts. Further, highway colleagues have not raised any concerns, and on this basis no objection is raised to these matters.

5.7 Drainage Issues

Additional information is sought from specialist colleagues in respect of foul water disposal. However, given the scale of the development proposed, the technical requirements of the foul drainage within the site is a matter adequately addressed by Building Regulation Legislation. Connection to the foul sewer is a matter for agreement between the developer and Wessex Water. On this basis, officers are satisfied that the matters relating to foul water drainage is acceptable.

5.8 Other matters

Local residents raised concerns about an existing skip on the site which is understood to be used to store industrial waste, and which is near to residential properties. These concerns are understood, however, are beyond the scope of this application. These concerns should be raised with Environmental Health, and enforcement would take place under different legislation.

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 That planning permission is **APPROVED** subject to the conditions set out in the decision notice.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

1. Use of Building

The use of the building hereby approved shall be used strictly for storage and staff facilities ancillary to the use of the car repair workshop located at 76, Woodend Road, Frampton Cotterell (Frampton Garage) and for no other purpose.

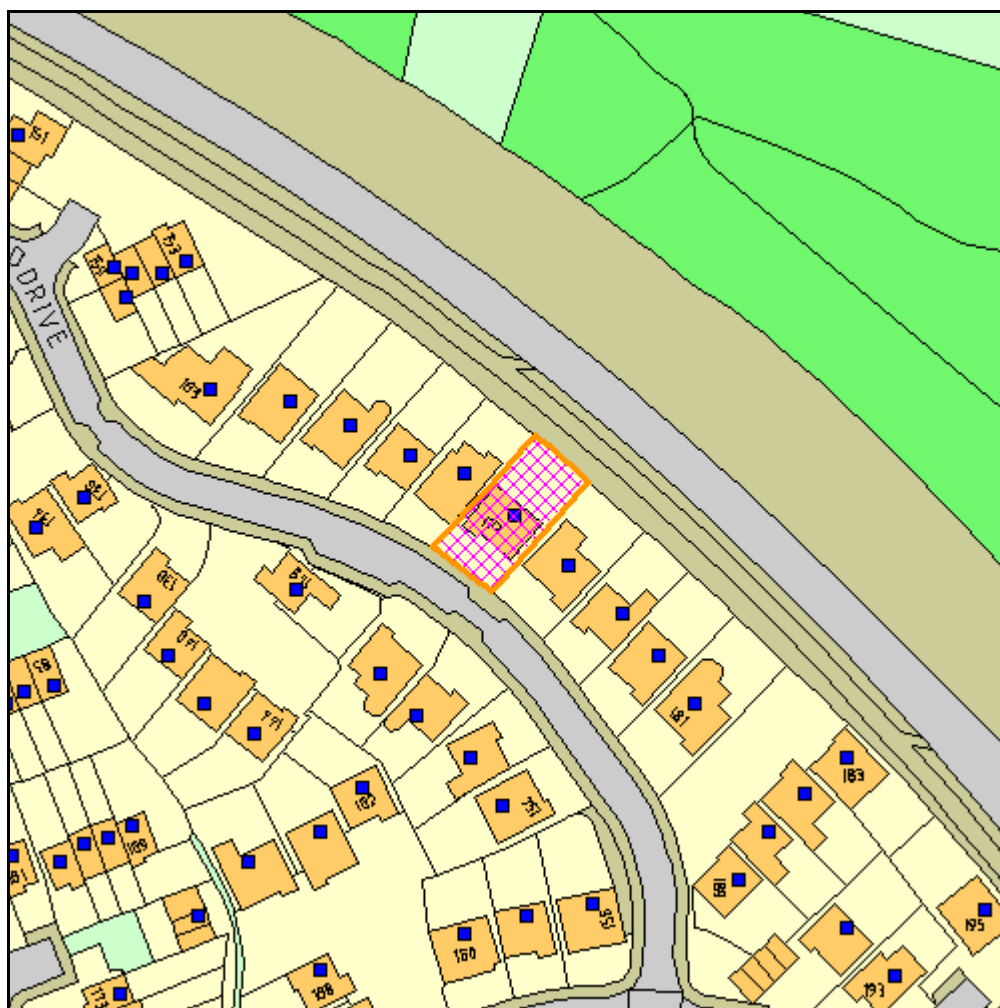
For the avoidance of doubt: there shall be no repairs of vehicles whatsoever carried out within the building.

Reason

To prevent unacceptable levels of noise and activity on the site; and in the interests of the residential amenity of the occupants of nearby residential dwellings and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; Policy PSP8 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 12/18 – 21 MARCH 2018

App No.:	PT18/0116/F	Applicant:	Mr And Mrs Peter Bennett
Site:	173 Wheatfield Drive Bradley Stoke Bristol South Gloucestershire BS32 9DB	Date Reg:	19th January 2018
Proposal:	Erection of single storey rear extension and rear Juliet balcony to form additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	361949 182332	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Householder	Target Date:	14th March 2018



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of single storey rear extension and rear Juliet balcony to form additional living accommodation at 173 Wheatfield Drive, Bradley Stoke.
- 1.2 The application site relates to a two storey, detached property which is located within a residential area of Bradley Stoke.
- 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

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 PT03/2916/F – Approved - 28.10.2003
Erection of two storey rear extension to form family room with bedroom over.
(Resubmission of PT03/1036/F).
- 3.2 P94/0020/412 – Approved - 13.07.1994

- Erection of 54 no. Dwellings and associated works. Construction of vehicular and pedestrian access on 4.4 acres of land.
- 3.3 P93/0020/393 – Approved - 09.03.1994
Erection of 72 no. Dwellings and associated works. Construction of vehicular and pedestrian access on 4.4 acres of land (in accordance with the amended layout plans received on 8 march 1994)
- 3.4 P84/0020/1 – Approved - 03.12.1986
Residential, shopping & employment development inc.Roads & sewers and other ancillary facilities on approx.1000 acres of land.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No Objections

Other Representations

- 4.2 Local Residents
This application received a total of 1 comment and 1 objection, these are outlined below.
- 1: No objections.
2: Object to the inclusion of any balcony that will cause privacy issues.

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 for the erection of single storey rear extension and rear Juliet balcony to form additional living accommodation
- 5.3 The proposed single storey rear extension will have a maximum height of 3.1metres, extend approximately 5.2metres from the existing rear wall and have a width of approximately 4.3metres. The proposal will include the installation of 1no rear flue and feature a flat roof with 1no window and 1no door to the rear elevation and bi-fold doors to the side (north-west) elevation. The proposal will introduce Cedar boarding to the rear elevation whilst both side elevations will be a mix of render and brick to match the existing dwelling.

- 5.4 A rear Juliet balcony also forms part of the proposal, this will replace the existing rear window located above the new single storey rear development and will include a glass balustrade.
- 5.5 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.
- 5.6 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.
- 5.7 A neighbouring occupier raised privacy concerns in relation to the proposed Juliet balcony. The introduction of a Juliet balcony to the first floor is not considered to have a negative impact in terms of overlooking of neighbouring gardens over and above the existing situation. The case officer is mindful of the potential to overlook from the roof, a condition will be attached to prevent its use as a terrace.
- 5.8 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
- 5.9 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.
- 5.10 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).
- 5.11 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.
- 5.12 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and

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

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Westley Little
Tel. No. 01454 867866

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 roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason

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

CIRCULATED SCHEDULE NO. 12/18 – 21 MARCH 2018

App No.:	PT18/0184/RVC	Applicant:	Mrs J Grose
Site:	Land Adjacent To Crossland Cottage Severn Road Pilning South Gloucestershire BS35 4HW	Date Reg:	23rd January 2018
Proposal:	Application to vary condition attached to PT16/2103/F (added by PT17/4701/NMA) to substitute the approved plans for drawing numbers 1-4 submitted with this application. (Retrospective).	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	355666 186922	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	15th March 2018



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is reported to the Circulated Schedule due to representation received, which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks permission for the variation of a condition attached to application PT16/2103/F. This condition lists the approved plans and states that the development should be built in accordance with those plans. This condition was added through a previous non-material amendment application ref. PT17/4701/NMA.
- 1.2 This process is one method of obtaining 'minor amendments' to applications. This is in line with Central Government advice that has identified this method in absence of any specific legislation to apply for minor amendments. This application seeks consent to vary the list of approved plans thereby allowing changes to the approved scheme.
- 1.3 The original permission ref. PT16/2103/F related to the erection of Erection of an agricultural building for the storage of hay, straw, fodder and agricultural machinery.
- 1.4 This application proposes changes to the design of the building. This is a retrospective application. It is proposed that 4no. approved plans would be substituted with 4no. proposed plans. The alterations can be summarised as follows:
 - Removal of open sided element. The building is now fully enclosed.
 - Timber cladding introduced, in replacement of concrete panel walls.
 - Front entrance door introduced to south east elevation
 - 2no. additional rooflights introduced.
- 1.5 As well as assessing the changes proposed as part of this application, an RVC decision has the effect of issuing a new planning permission. It is therefore also necessary to check all conditions attached to application ref. PT16/2103/F are still relevant and necessary and need carrying forward to this new application.

THE SITE

- 1.6 The application site itself is located on land to the north west of Crossland Cottage, the site is accessed through Warth Lane which gains access itself from the A403 (Severn Road). The proposed barn would be located to the north west of an existing section of hardstanding and to the south of a hedgerow on a strip of grassland. A public right of way runs along Warth Lane.
- 1.7 The application site is located within the Bristol/Bath Green Belt, and within Flood Zones 2 and 3. The field of which it forms a part of, also lies close to the foreshore of the Severn Estuary which is notified as a Site of Special Scientific Interest (SSSI) and protected under the Wildlife & Countryside Act 1981 (as

amended) and designated as a Special Protection Area (SPA) under EC Directive 79/409 on the Conservation of Wild Birds ('the Birds Directive') and Ramsar site under the Ramsar Convention on the Conservation of Wetlands of Importance.

- 1.8 The Estuary is also a Special Area of Conservation (SAC) under European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('the Habitats Directive 1992'), implemented in Britain by the Conservation (Natural Habitats & c) Regulations 2010 ('the Habitat Regulations'), otherwise known as European or Natura 2000 (N2K) Sites.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 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

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

PSP18 Statutory Wildlife Sites

PSP19 Wider Biodiversity

PSP20 Flood Risk

PSP21 Environmental Impacts

PSP22 Rural Economy

PSP29 Agricultural Development

- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist Supplementary Planning Document (Adopted) August 2007
Development in the Green Belt SPD (Adopted) June 2007
South Gloucestershire Local Flood Risk Standing Advice (January 2014) (known hereafter as LFRSA).

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/2103/F Approve with Conditions 27.07.2016
Erection of an agricultural building for the storage of hay, straw, fodder and agricultural machinery.

- 3.2 DOC17/0012 Discharge of Conditions Decided 22.03.2017
Discharge of condition 7 (Landscape) attached to planning permission PT16/2103/F. Erection of an agricultural building for the storage of hay, straw, fodder and agricultural machinery.
- 3.2 PT17/4701/NMA No Objection 11.12.2017
Non material amendment to PT16/2103/F to list the approved plans as a condition.

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
No comment
- 4.2 Environment Agency
No comment received.
- 4.3 Highway Structures
No comment
- 4.4 Sustainable Transport
No objection.
- 4.5 Ecology Officer
No objection.
- 4.6 Natural England
No comment.
- 4.7 Lead Local Flood Authority
No objection.

Other Representations

- 4.8 Local Residents
2no. comments were received from local residents. Comments summarised as follows:
- Barn was never intended to be open sided and not intended to be built in accordance with planning permission
 - The application form states that the site cannot be seen from public road, footpath or bridleway. This is incorrect the site can be viewed at numerous points.
 - In breach of drainage conditions, the development has been completed and they have not complied with relevant flood reports.
 - Belief barn will be used for uses other than agriculture.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

The application is submitted under Section 73 of the Town and Country Planning Act 1990. In accordance with Section 73 (2) in determining such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission has been granted. The Planning Practice Guidance advises that every condition must always be justified by the Local Planning Authority on its own planning merits on a case by case basis. Furthermore, it advises that any proposed condition that fails to meet any of the six tests should not be used. Paragraph 206 of the National Planning Policy Framework states that planning conditions should only be imposed where they are:

1. Necessary
2. Relevant to planning.
3. Relevant to the development to be permitted.
4. Enforceable.
5. Precise.
6. Reasonable in all other respects.

5.2 Being mindful of the reasons for attaching the conditions in the first place, when assessing this application Officers will consider the impact of the proposed changes on visual amenity, highway safety, residential amenity and the historic environment. Following this it will also need to be considered what conditions attached to application PT16/2103/F need to be carried forward and if any further conditions need to be attached to any new consent.

5.3 **Material Changes in Policy**

In addition to the above, it is necessary to consider whether there have been any relevant material changes in policy since the condition was imposed. It is noted that since the previous application, and since the condition was issued as part of PT17/4701/NMA, there has been a material change in local planning policy. The Policies, Sites and Places (PSP) Plan has been adopted (November 2017) and replaces the South Gloucestershire Local Plan (2006). It is not considered that this change in policy since the determination of the previous application materially alters the assessment of the current application.

5.4 **Green Belt**

The development is located in part of the Bristol/Bath Green Belt. It is noted that the barn is now fully enclosed, and opposed to open sided. However, it remains an agricultural building. In the context of paragraph 89 of the NPPF, agricultural development is considered to be appropriate development in the Green Belt.

5.5 **Design and Visual Amenity**

The proposed variation of the condition issued as part of PT17/4701/NMA, would result in alterations to the exterior design of the building. The original proposal was for an open sided barn which had partly concrete and partly timber clad walling. The amended design is a fully enclosed barn, which is

- entirely clad in timber and which has an agricultural door introduced to the south east elevation. It is also noted that 2no. additional rooflights would be introduced, with a total of 8no. rooflights on the building.
- 5.6 While the appearance of the building has altered, it is considered that it retains an agricultural appearance and the materials are acceptable. Furthermore, the scale and size of the building would remain the same. As such, overall, the alterations are considered acceptable with regards to visual amenity.
- 5.7 Highway Safety
The proposed changes would not impact highway safety.
- 5.8 Residential Amenity.
It is not considered that the proposed alterations would have a detrimental impact to the residential amenity of surrounding occupiers.
- 5.9 Other conditions attached to PT16/2103/F
Planning permission PT16/2103/F was approved subject to 7 other conditions in addition to the condition issued as part of PT17/4701/NMA. The effect of an application under Section 73 of the Act is to grant a wholly new planning permission. Therefore, the conditions attached to the original consent should be replicated on the new permission, reviewed or removed. This section will assess the conditions attached to PT16/2103/F for relevance on this decision.
- 5.10 Condition 1
This condition related to the implantation of development within 3 years from the date of permission, in line with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended). It is noted that the development has been implemented, and this condition is therefore not required to be carried over.
- 5.11 Conditions 2
This condition is a compliance condition in relation to Flood Mitigation measures. It is understood from the applicant and local residents that the development has not complied entirely with the reports/assessments which were specified in the condition. However, there is currently no time period for compliance stated within the condition.
- 5.12 In order to ensure that this condition is enforceable and precise, it is recommended that this condition is re-issued with a time limit for compliance.
- 5.13 Condition 3
This condition restricts the use of the barn for agricultural purposes only. It is recommended that this condition is re-issued. Concerns were raised by local residents that the barn could be used by other purposes other than agriculture. However, given this condition, if this was the case this would comprise a breach of condition, and would be a matter investigated by planning enforcement.

5.14 Condition 4 and 5

These are compliance conditions in relation to Reasonable Avoidance Measures for Great Crested Newts and period of construction. It is recommended that it is necessary for these conditions to be carried forward.

5.15 Condition 6

This condition removed the permitted development rights of the of building. This is recommended to also be carried forward.

5.16 Condition 7

This condition relates to the provision of a landscaping scheme. It is understood that this condition has been discharged (ref. DOC17/0012) however has not been implemented. As such, a compliance condition is recommended to ensure that the landscaping scheme approved as part of ref. DOC17/0012 is implemented within a specified time period.

5.17 Other Matters

Local Residents pointed out that the site can be seen from numerous points, contrary to what the application form states. This was noted as part of a site visit attended by Officers.

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 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 condition be amended as requested.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

1. Flood Mitigation

The development hereby approved should be carried out in strict accordance with the following details submitted within the following reports/assessments on or before 31st March 2019:

- o Flood Risk Assessment prepared by North and Letherby received by the Council on the 27/04/2016;
- o Sequential Test and Exception Test Report prepared by North and Letherby received by the Council on the 21/07/2016;
- o Flood Risk Assessment prepared by Clive Onions dated the 22/06/2016.

Reason

In the interests flood risk mitigation and adequate drainage on the site, and to accord with paragraph 102 of the National Planning Policy Framework; Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and Policy PSP20 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017.

2. Use of Barn

The use of the permitted barn shall only be used for agricultural purposes as defined within Section 336 of the Town and Country Planning Act 1990. Within 3 months of the cessation of an active agricultural use at the site, the barn hereby permitted shall be removed, and the land shall be returned to its previous state (grassland).

Reason

The barn was only approved at this site due to the barn being required in connection within the existing agricultural use at the site, the barn passed the required Sequential Test and Exception Test on this basis. Further to this, the use of the barn was only reason it was considered to be appropriate in Green Belt terms. With this in mind, should the barn be used for another use, or the agricultural use cease at the site, the building permitted would not only not be reasonably required, but its very presence or differing use would require a full assessment against current planning policy. Further to this, the condition is required in accordance with the following policies: Sections 9 and 10 of the National Planning Policy Framework; Policies CS1, CS5, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and Policy PSP20 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017.

3. Reasonable Avoidance Measures (RAMs)

The development hereby approved shall be carried out in strict accordance with the submitted Reasonable Avoidance Measures (RAMs) Method Statement for Great Crested Newts dated 08/04/2016 prepared by Just Ecology.

Reason

In the interests of the sensitive ecological nature of the site and its surroundings; and to accord with Policy PSP18 and PSP19 the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

4. Period of Construction

The construction of the development hereby approved shall only be carried out between the 1st of April and the 30th of September in any year.

Reason

In the interests of the sensitive ecological nature of the site and its surroundings; and to accord with Policy PSP18 and PSP19 the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

5. Permitted Development Rights

Notwithstanding the provisions of Schedule 2 The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) (or any Order revoking and re-enacting that Order with or without modification), no development as specified in of Part 3 or Part 6, other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

In the interests of visual amenity, the openness of the Green Belt, and flood risk; and to accord with Policies CS1, CS5, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and Policy PSP7 and PSP20 of the South Gloucestershire Policies, Sites and Places (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

6. Landscaping

The Tree Planting Plan (received 20th February 2017) approved by the Council as part of ref. DOC17/0012 shall be implemented on or before 30th March 2019.

Reason

In the interests of visual amenity and the Coastal landscape and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and Policy PSP2 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

7. Plans

This decision relates only to the plans identified below:

The following plans were all received by the Council on the 29/04/2016:

Site Location Plan 1:1250;

Block Plan.

The following plans were all received by the Council on the 15/02/2018:

Proposed Elevations (2);

Proposed Elevations (3);

Proposed Ground Floor Plan (1);

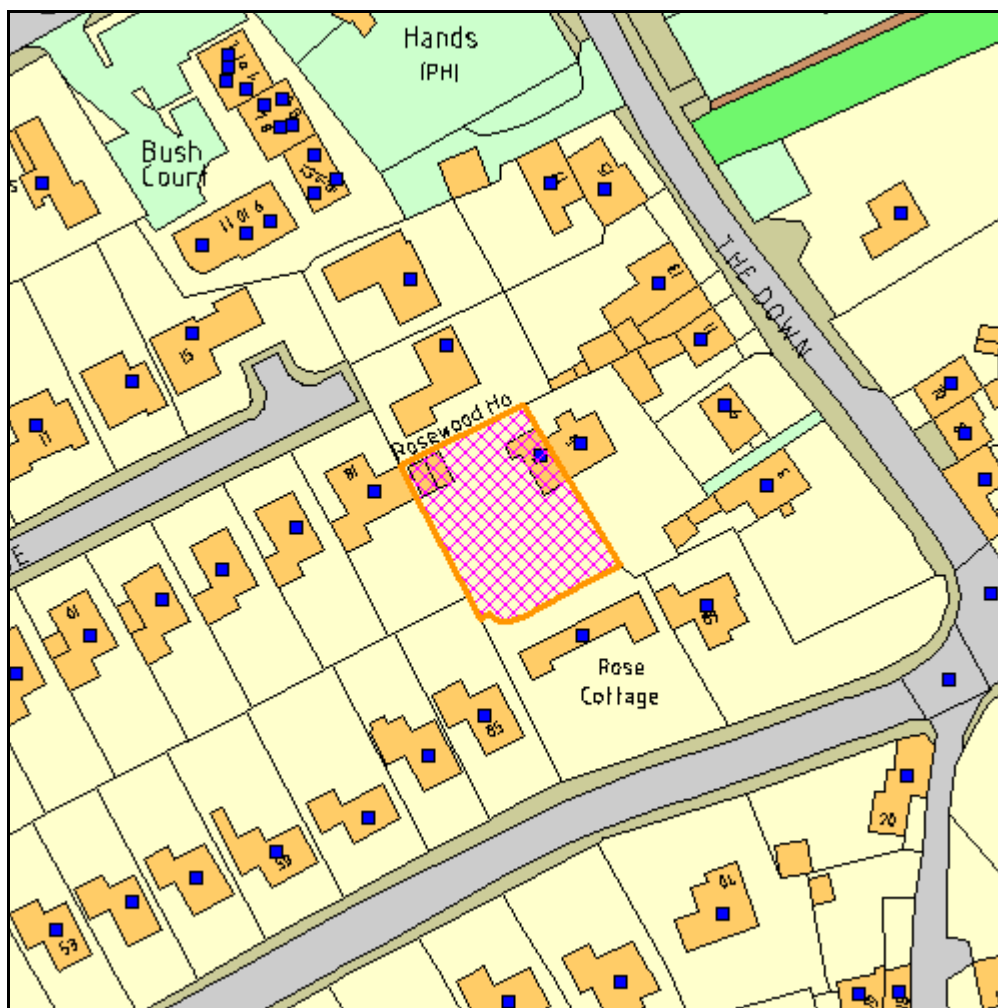
Proposed Roof Plan (4).

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 12/18 – 21 MARCH 2018

App No.:	PT18/0204/F	Applicant:	Ms Sarah Walters
Site:	Stanley Cottages 7 The Down Alveston Bristol South Gloucestershire BS35 3PH	Date Reg:	5th February 2018
Proposal:	Erection of single storey front extension to form additional living accommodation.	Parish:	Alveston Parish Council
Map Ref:	362903 188085	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	2nd April 2018



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PT18/0204/F

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a single storey front extension to form additional living accommodation at Stanley Cottages, 7 The Down, Alveston.
- 1.2 The application site relates to a two storey, semi-detached property which is located within a residential area of Alveston. The site is located within the Bristol/Bath Green Belt.

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

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

South Gloucestershire Design Checklist (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/3608/F – Approved - 19.12.2011
Erection of single storey detached annexe ancillary to main residence (retrospective). (Amendment to previously approved scheme PT10/3387/F).
- 3.2 PT11/1584/NMA – Approved - 10.06.2011

- Non-material amendment to PT10/3387/F to use Double Roman "Farmhouse Red" tiles.
- 3.3 PT10/3387/F – Approved - 18.01.2011
Erection of single storey detached annexe ancillary to main residence.
- 3.4 P84/1254 – Approved - 11.04.1984
Erection of a two storey rear extension to provide a utility room with a bedroom over.
- 3.5 N5508/1 – Approved - 23.08.1979
Alterations and extensions to cottage to provide kitchen, living room, porch and hall, with bathroom and two additional bedrooms over (in accordance with amended plans received by the Council on 1st August 1979).

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No objections
- Sustainable Transport
No comments

Other Representations

- 4.2 Local Residents
This application received one letter of concern that raised two points, these are outlined below.
- 1: The site location plan is not accurate, does not show recent extensions.
2: The application site has poor access, past developments have covered the drive belonging to 67 Wolfridge Ride and caused drainage issues.

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 and Landscape

Development within the green belt is strictly limited to retain the open nature of the land. Extensions to existing dwellings can be appropriate provided that they are proportionate to the size of the existing dwelling.

- 5.3 The South Gloucestershire 'Development within the Green Belt SPD' states that Additions and alterations to buildings in the Green Belt will be acceptable provided they do not result in disproportionate additions over and above the size of the original building. As a general guide, an addition resulting in a volume increase up to 30% of the original building would be likely to be proportionate.
- 5.4 It has been calculated that the proposed extension represents a volume increase of approximately 2.6%. It is not therefore considered that the extension represents a disproportionate addition over and above the volume of the original dwelling. In addition to the above, given that the proposed extension is single storey only and is tucked up adjacent to the existing dwelling, the proposal will maintain the openness of the green belt.
- 5.5 Given the design, position of the proposed extension and the screening provided it is considered that the proposal can be regarded as being appropriate development in the Green Belt and not disproportionate to the host property. The proposal is therefore acceptable in Green Belt terms.
- 5.6 Design and Visual Amenity
The application seeks full planning permission for erection of a single storey front extension to provide additional living accommodation.
- 5.7 The proposed single storey front extension will have a maximum height of 2.9metres, extend 2.1 metres from the principal elevations and have a width of approximately 1.8 metres. The proposal will adjoin the existing front porch and feature a lean to roof with materials to match the existing dwelling. It will however remove the position of the "front" door from this area to the side. This will make the building less legible than was the case originally. However, given that the property is not readily visible in the street scene – being set behind Rose cottage; and the number of alterations that have already taken place any impact would be limited to the confines of the residential curtilage.
- 5.8 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 dwelling house.
- 5.9 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.
- 5.10 Concerns were raised regarding the information submitted, specifically that the site location plan does not show recent additions to the application site. During a site visit it was noted that the previously approved annexe is substantially

larger than that presented on the submitted plans. The case officer has taken this into account when determining this application.

- 5.11 Concerns were raised regarding the access to the application site which is via a shared driveway. The case officer concludes that given the scale and siting of the development there would not be a significant increase in traffic, parking demand or servicing of the site. The principal concern was in relation to the construction arrangements for previous applications which caused some inconvenience. However, notwithstanding that the construction phase of developments can bring heightened impact to the normal level of residential amenity, given the small scale of this domestic extension it would be difficult to justify any further intervention (for example a construction management plan) as a proportionate response.
- 5.12 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 generally enjoyed.
- 5.13 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.
- 5.14 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).
- 5.15 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 867866

CONDITIONS

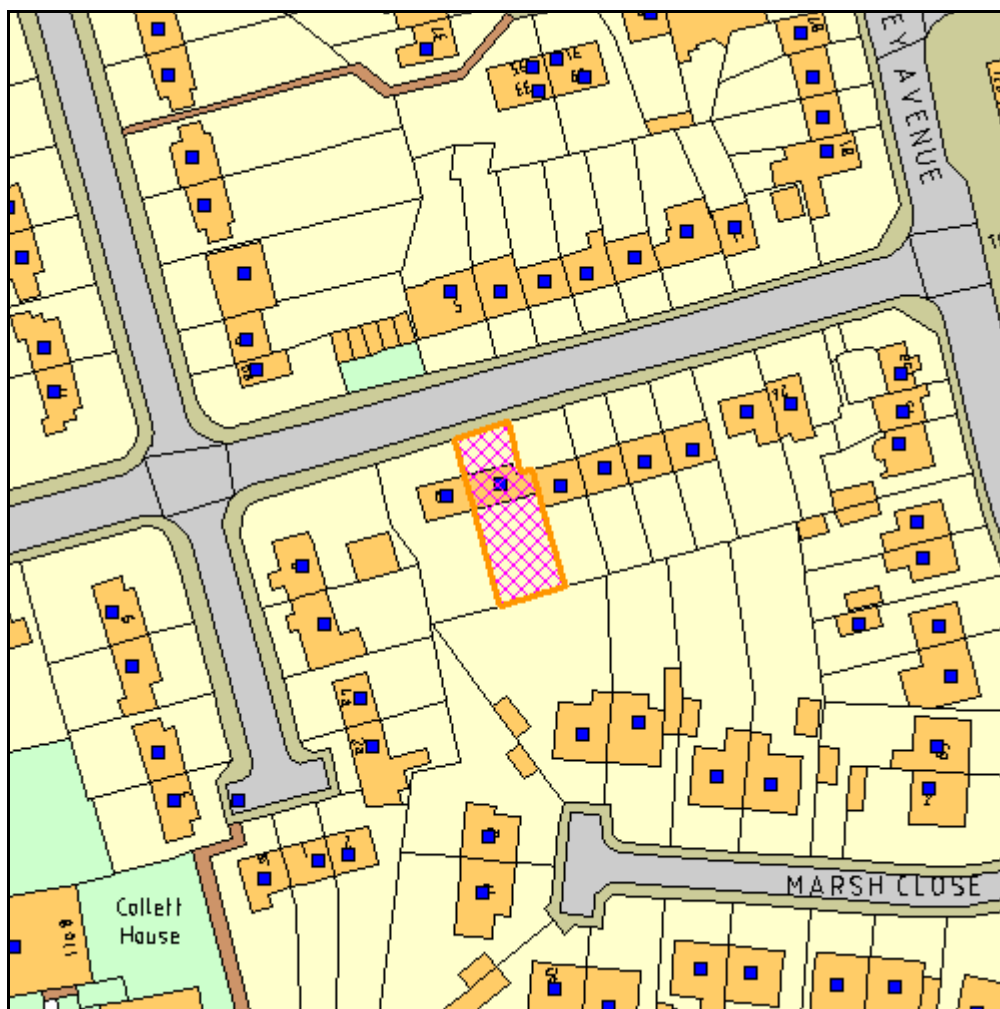
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 12/18 – 21 MARCH 2018

App No.:	PT18/0224/CLP	Applicant:	Mr Josh Agasee
Site:	12 Harcombe Road Winterbourne Bristol South Gloucestershire BS36 1HH	Date Reg:	26th January 2018
Proposal:	Certificate of lawfulness for the proposed erection of a single storey rear extension.	Parish:	Winterbourne Parish Council
Map Ref:	365031 180064	Ward:	Winterbourne
Application Category:		Target Date:	20th March 2018



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PT18/0224/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at 12 Harcombe Road Winterbourne 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 None

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
"No objection."

Other Representations

- 4.2 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Location plan
Received by the Council on 17th January 2018

Block Plan
Received by the Council on 16th January 2018

Existing and Proposed Elevations
Sheet 1 of 2
Received by the Council on 16th January 2018

Existing and Proposed Plans
Sheet 2 of 2
Received by the Council on 16th January 2018

6. **ANALYSIS OF PROPOSAL**

6.1 Principle of Development

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

6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015.

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 would be 3.4 metres. This 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 proposal does not extend beyond the rear wall of the original dwelling house by more than 3 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 of a boundary; however the eaves would not exceed 3 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 similar to 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.

- 6.4 12 Harcombe Road Winterbourne has no planning history that restricts the erection of a single storey rear extension. Nor are there any physical attributes regarding parking, access or amenity space that would prevent this development.

7. RECOMMENDATION

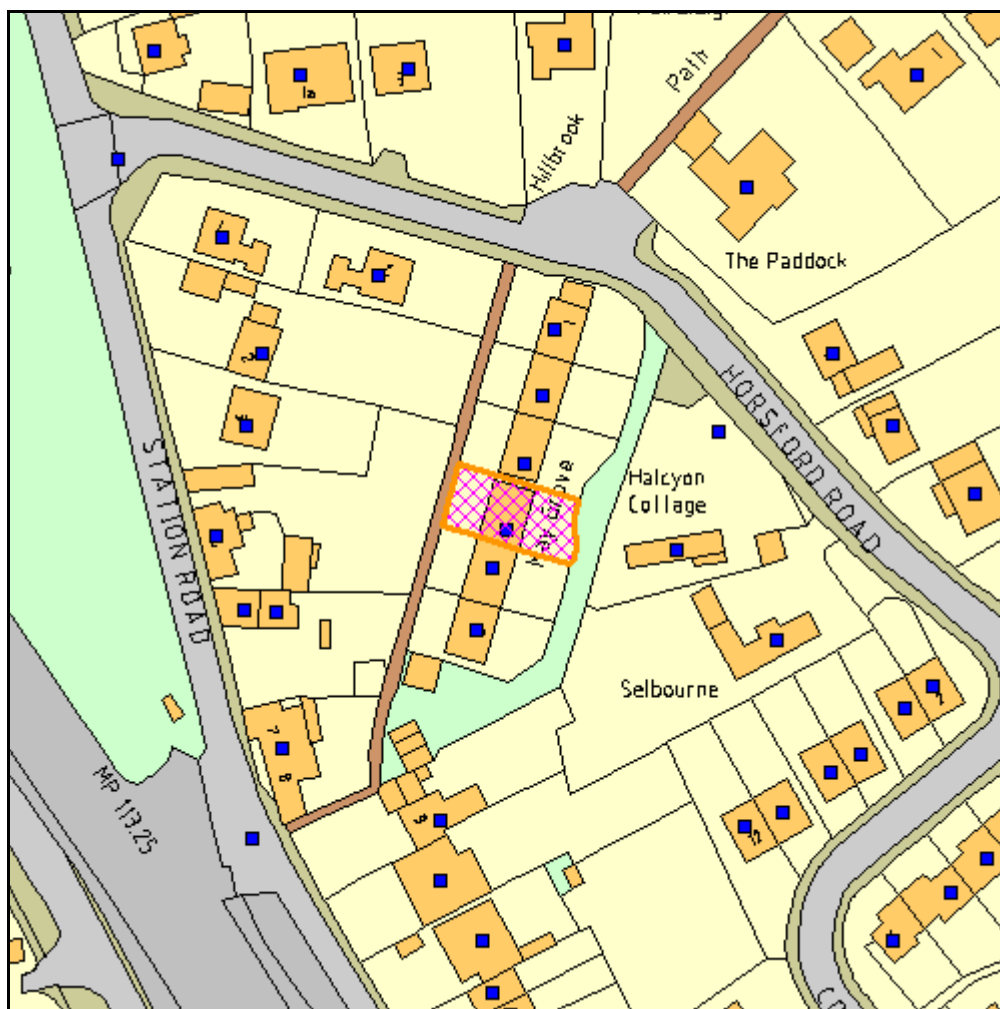
7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed single storey rear extension does 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: David Ditchett
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 12/18 – 21 MARCH 2018

App No.:	PT18/0330/F	Applicant:	Mr Luke Nicholls
Site:	4 May Grove Charfield Wotton Under Edge South Gloucestershire GL12 8SX	Date Reg:	26th January 2018
Proposal:	Demolition of existing single storey rear extension and shed. Erection of single storey rear extension to form additional living accommodation.	Parish:	
Map Ref:	372554 192170	Ward:	Charfield
Application Category:	Householder	Target Date:	21st March 2018



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PT18/0330/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 Planning permission is sought for the demolition of an existing single storey rear extension and shed, and the erection of a single storey rear extension to form additional living accommodation. The application relates to no.4 May Grove, Charfield.
- 1.2 The application site consists of an end of terrace bungalow set within a modestly sized plot. The site is located within the defined settlement boundary of Charfield. May Grove is made up of two terrace rows, each consisting of three bungalows and arranged in a linear fashion.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

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

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history associated with the application site.

4. CONSULTATION RESPONSES

4.1 Charfield Parish Council
No comments received

4.2 Other Consultees

Archaeology
No comment

Other Representations

4.3 Local Residents

One comment, raising an objection to the proposed development, has been submitted by a local resident. The main concerns raised are outlined below:

- We thought extension would be same size as, and in keeping with conservatories at neighbouring properties.
- Anything longer will obstruct views and will spoil the row.
- We have all kept within normal limits, as we were advised by Council when property was built. These plans look over the top.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design and Visual Amenity

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

5.3 The proposed extension would measure 4 metres in depth and 5.4 metres in width. The ridge height would be set at approximately 5 metres above ground level, with the eaves height set at the same level as the main bungalow, at approximately 3 metres above ground level. The extension would incorporate a hipped roof, and would be finished in render/brick cavity to match the host dwelling.

- 5.4 The proposed extension would project from the rear (east-facing) elevation. As the vehicular access for the row of bungalows is provided to the rear, the proposed extension would be visible from the shared access. Furthermore, despite being set a significant distance from the public highway along Horsford Road, the extension would be visible from the public areas offered along the highway. In this regard, it is recognised that the erection of the proposed extension would have some impact on the character and distinctiveness of the locality.
- 5.5 In terms of its relationship with the host dwelling, the proposed extension is considered to be of an appropriate scale and form. It is considered that the depth and width of the extension would allow for it to appear as a proportionate addition to the modest bungalow. It is also considered that the setting down of the ridge line from that of the main dwelling creates a degree of subservience between the extension and the host. In terms of its impact on the character and appearance of the host, the proposed extension is considered to be acceptable.
- 5.6 The main consideration is the extent to which the extension would impact on the character of the two terrace rows of bungalows. It is recognised that at present, there are no extensions present at any bungalows of the scale currently proposed. Several conservatories are present, however these are generally of a more modest depth, and are reduced in height due to their flat roof nature. In this regard, the proposed extension would form a prominent feature along the row. However the row of bungalows is not considered to be particularly distinctive, and as such the actual harm to visual amenity would be limited.
- 5.7 Account has also been taken of the fact that were the extension to be reduced in height and depth by one metre, it could be constructed without the need for express planning permission under permitted development rights. It is not considered that the proposed extension would have a significantly greater impact on the character of the locality than what could be lawfully constructed as permitted development.
- 5.8 Whilst the development proposal would have some impact in terms of visual amenity, it is not considered that the proposal would cause a significant degree of harm. On balance, it is considered that an acceptable standard of design has been achieved, and the proposal complies with policy CS1 of the Core Strategy and PSP38 of the Policies, Sites and Plan.
- 5.9 Residential Amenity
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity, and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.

- 5.10 When considering the impact of the development on the residential amenity of neighbours, the main neighbouring properties under consideration are the adjacent property to the north at no. 3 May Grove, and the adjoining property to the south at no. 5 May Grove.

No. 3 May Grove

- 5.11 In terms of any overbearing impact, it is recognised that the proposed structure would have some impact. However any impact is reduced by the slight degree of separation between the two properties. The hipped nature of the proposed roof also reduces the overall prominence of the structure from within the neighbouring garden. In terms of outlook, the proposed extension would not be visible from neighbouring windows, when applying the 45 degree rule.

- 5.12 In terms of overshadowing, sun movement calculations indicate the proposed extension would block the path of sunlight on to the neighbouring garden and in to neighbouring windows. However due to the modest depth of the extension, this would only be during a small portion of the day. Overall it is not considered that any potential overshadowing effects would cause a significant degree of harm to residential amenity.

- 5.13 In terms of overlooking, the structure would be single storey in nature, with no side-facing windows proposed. As such it is not considered that its erection would result in a loss of privacy through overlooking.

No. 5 May Grove

- 5.14 Due to being set towards the northern end of the host, the impacts on the adjoining neighbour to the south would be reduced. The extension would be set approximately 5m from the boundary, and as such any overbearing impacts would be limited. Furthermore, sun movement calculations indicate that the proposed extension would not block the path of sunlight on to the neighbouring property to the south. With regards to overlooking, no windows are proposed at the south-facing side elevation

Disturbance

- 5.15 It is not considered that the residential use of the extension would give rise to any significant disturbance. Given its relatively modest scale, it is also not considered that the erection of the extension would cause an unacceptable degree of disturbance during the construction period.

Amenity Space

- 5.16 Whilst the application site is of a modest size, it is not considered that the extension would be significantly larger, in terms of footprint, than the structures it would replace. As such, the provision of outdoor amenity space would remain largely unaffected.

- 5.17 On balance and for the reasons outlined above, it is not considered that the development proposal would have any unacceptable impacts on residential amenity, and the proposal is therefore considered to accord with policies PSP8 and PSP38 of the Policies, Sites and Places Plan.

5.18 Transport

The proposal would not result in an increase in the total number of bedrooms within the property, with overall number remaining at 3. The proposal would also involve the creation of a gravel parking area to the rear of the dwelling, adjacent to the proposed extension. As such, the proposal would increase on-site parking provision by a total of one space. Similar parking spaces have been created at other properties along the terrace rows, and as such the creation of a parking area as proposed is considered acceptable in this case. On balance, there are no concerns with regards to on-site parking provision or highway safety.

5.19 Trees and Vegetation

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

5.20 Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

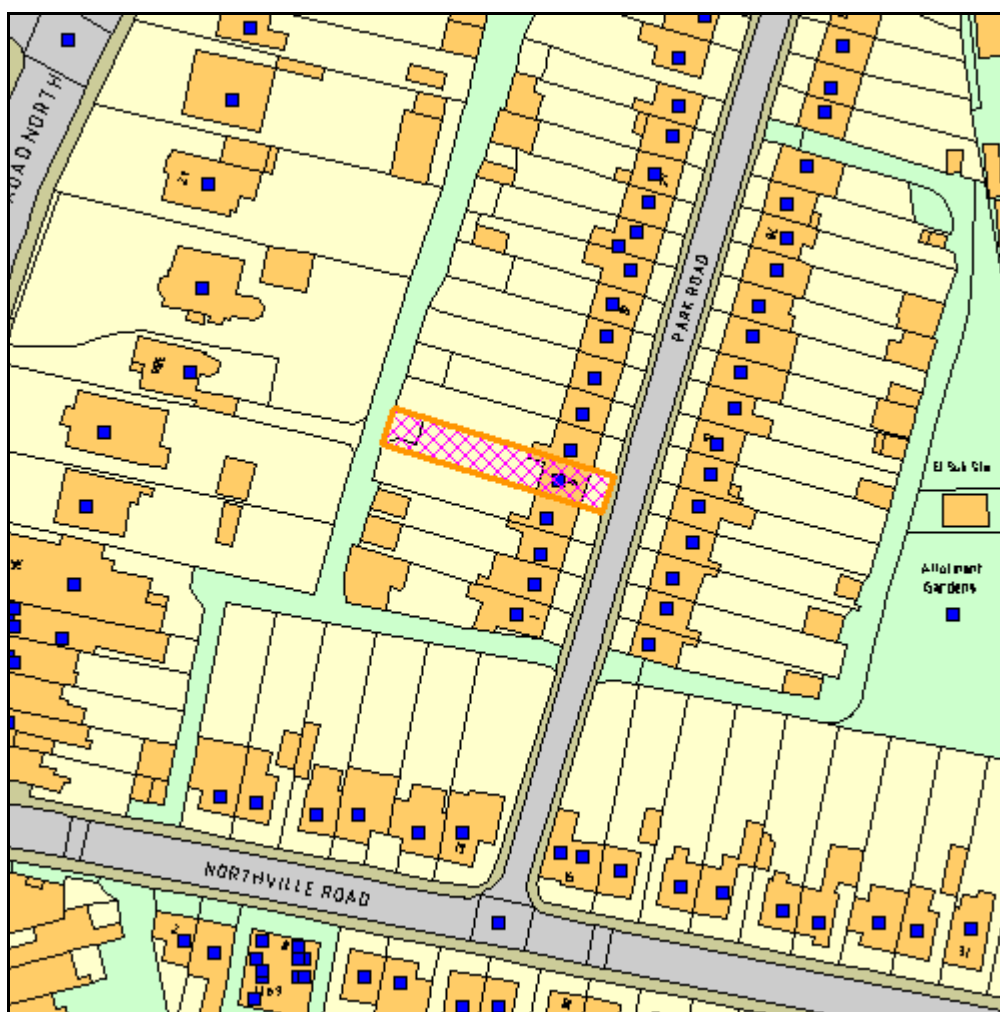
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 12/18 – 21 MARCH 2018

App No.:	PT18/0388/CLP	Applicant:	Catherine Llewellyn-Turner
Site:	9 Park Road Filton Bristol South Gloucestershire BS7 0RH	Date Reg:	26th January 2018
Proposal:	Certificate of lawfulness for the proposed installation of a rear dormer to facilitate loft conversion.	Parish:	Filton Town Council
Map Ref:	359995 178285	Ward:	Filton
Application Category:		Target Date:	22nd March 2018



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PT18/0388/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE.

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of 1no rear dormer at 9 Park Road Filton would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

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

The submission is not a planning application. Therefore 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. PT14/4317/PNH
No objection (27.11.2014)
Erection of single storey rear extension which would extend beyond the rear wall of the original house by 4 metres, for which the maximum height would be 3.42 metres and the height of the eaves would be 2.25 metres

4. CONSULTATION RESPONSES

- 4.1. Filton Parish Council
"No objection."

Sustainable Transport
"No objection."

Other Representations

- 4.2. Local Residents

No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

Location Plan

Drawing No. 9/PR/N/00/BR

Received by the Council on 24th January 2018

Rear Elevations

Drawing No. 9/PR/N/01/BR

Received by the Council on 24th January 2018

Side Elevations – Existing

Drawing No. 9/PR/N/02/BR

Received by the Council on 24th January 2018

Side Elevations

Proposed

Drawing No. 9/PR/N/03/BR

Received by the Council on 24th January 2018

Ground Floor Plan – Existing

Drawing No. 9/PR/N/04/BR

Received by the Council on 24th January 2018

First Floor Plan - Existing

Drawing No. 9/PR/N/05/BR

Received by the Council on 24th January 2018

Ground Floor Plan – Proposed

Drawing No. 9/PR/N/06/BR

Received by the Council on 24th January 2018

First Floor plan – Proposed

Drawing No. 9/PR/N/07/BR

Received by the Council on 24th January 2018

Second Floor Plan – Layout

Drawing No. 9/PR/N/08/BR

Received by the Council on 24th January 2018

Section A-A

Drawing No. 9/PR/N/10/BR

Received by the Council on 24th January 2018

Section C-C & Detail

Drawing No. 9/PR/N/12/BR

Received by the Council on 24th January 2018

6. **ANALYSIS OF PROPOSAL**

6.1. **Principle of Development**

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

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

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

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

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

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

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

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

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

The proposed dormer would be located to the rear of the property, as such would

not extend beyond any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway.

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

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

The property is a terraced house. Volume calculations extrapolated from the submitted drawings indicate that the total increase in roof space of the original dwelling would be 28m³.

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

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

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

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

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

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

- (a) **the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**
- (i) Submitted plans indicate that the proposed dormer will be finished in materials to match the finish of the existing roof.
- (b) **the enlargement must be constructed so that –**
- (i) **other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
 - (aa) **the eaves of the original roof are maintained or reinstated; and**
 - (bb) **the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and**

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

The dormer would be approximately 0.2m from the outside edge of the eaves of the original roof; and the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse. The eaves are maintained. As such the proposal meets this criterion.

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

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

No windows are proposed to the side elevations.

7. RECOMMENDATION

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

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

Contact Officer: David Ditchett
Tel. No. 01454 863131