



**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. 38/18

Date to Members: 21/09/2018

Member's Deadline: 27/09/2018 (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:

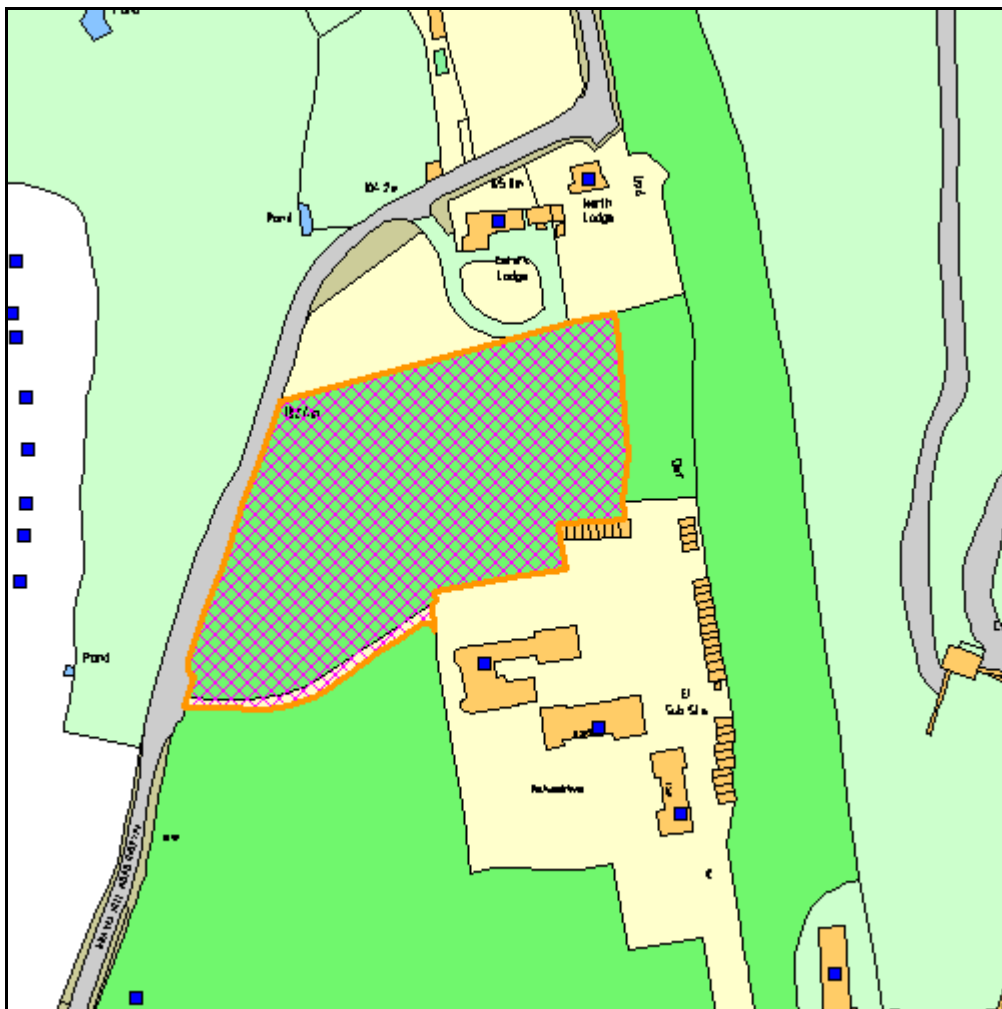
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK18/1676/F	Refusal	Land East Of Gravel Hill Road And North Of Rockwood House Yate South Gloucestershire BS37 7BW	Yate North	Yate Town Council
2	PK18/2030/F	Approve with Conditions	Morrisons Station Road Yate South Gloucestershire BS37 5PW	Yate North	Yate Town Council
3	PK18/2031/ADV	Approve	Morrisons Station Road Yate South Gloucestershire BS37 5PW	Yate North	Yate Town Council
4	PK18/2925/F	Approve with Conditions	Bridge View Mobile Home Westerleigh Road Westerleigh South Gloucestershire BS37 8QG	Westerleigh	Westerleigh Parish Council
5	PK18/3482/CLE	Approve	Homeapple Cann Lane Oldland Common South Gloucestershire BS30 5NQ	Siston	Siston Parish Council
6	PK18/3528/CLP	Refusal	36 Central Avenue Hanham South Gloucestershire BS15 3PQ	Hanham	Hanham Parish Council
7	PK18/3549/F	Approve with Conditions	6 Stockwell Avenue Mangotsfield South Gloucestershire BS16 9DR	Rodway	Emersons Green Town Council
8	PT18/1943/F	Approve with Conditions	Manor Farm House Awkley Lane Tockington South Gloucestershire BS32 4LP	Severn	Olveston Parish Council
9	PT18/3038/F	Approve with Conditions	37 - 51 (Odds Only) Rodney Crescent Filton South Gloucestershire BS34 7AF	Filton	Filton Town Council
10	PT18/3303/RVC	Approve with Conditions	Challacombe House Perrinpit Road Frampton Cotterell South Gloucestershire BS36 2AT	Frampton Cotterell	Frampton Cotterell Parish Council
11	PT18/3692/PDR	Approve with Conditions	2 Brins Close Stoke Gifford South Gloucestershire BS34 8XU	Stoke Gifford	Stoke Gifford Parish Council

CIRCULATED SCHEDULE NO. 38/18 – 21 SEPTEMBER 2018

App No.:	PK18/1676/F	Applicant:	Kestrel Care Village Limited
Site:	Land East Of Gravel Hill Road And North Of Rockwood House Yate South Gloucestershire BS37 7BW	Date Reg:	21st May 2018
Proposal:	Erection of three storey, 90no. bed nursing home with parking, landscaping and associated works.	Parish:	Yate Town Council
Map Ref:	372210 183971	Ward:	Yate North
Application Category:	Major	Target Date:	13th August 2018



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N.T.S.

PK18/1676/F

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure, following letters of support received from a local resident and Cllr Ben Stokes, which are contrary to the officer recommendation in this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a three storey, 90 bed nursing home with parking, landscaping and associated works at land to the east of Gravel Hill Road, Yate.
- 1.2 The application site comprises a 1.14 hectare area of land within the curtilage of Rockwood House, a grade II listed building. Chipping Sodbury quarry is to the east, and the site is situated outside of the settlement boundary of Yate within the open countryside. It is not within the Bristol/Bath Green Belt. Access to the site is through the existing entrance to Rockwood House, which is converted into residential apartments.
- 1.3 To the west and south of the scheme is the North Yate New Neighbourhood approved under outline applications PK12/1913/O and PK12/0429/O and with the nearest reserved matters approved under PK17/4260/RM and PK13/1185/RM. This development is substantially complete. Land to the south of the site, also within the curtilage of Rockwood House, has been granted permission to be utilised as allotments as part of the on-site Public Open Space contributions required for the new neighbourhood.
- 1.4 A screening opinion for the development was issued on 23rd July 2018, concluding that an Environmental Statement is not required.
- 1.5 Amendments have been received during the course of the application at the request of officers, including a revised drainage strategy, a noise and vibration assessment, as well as information regarding the type of care home in order to assess the need. Additional information regarding visibility splays at the access have also been received.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing

CS16 Housing Density
 CS17 Housing Diversity
 CS20 Extra Care Housing
 CS23 Community Infrastructure and Cultural Activity
 CS30 Yate and Chipping Sodbury
 CS31 North Yate New Neighbourhood

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

PSP1 Local Distinctiveness
 PSP2 Landscape
 PSP3 Trees and Woodland
 PSP8 Residential Amenity
 PSP11 Transport Impact Management
 PSP16 Parking Standards
 PSP17 Heritage Assets
 PSP19 Wider Biodiversity
 PSP20 Flood Risk, Surface Water and Watercourse Management
 PSP21 Environmental Pollution and Impacts
 PSP24 Mineral Safeguarding
 PSP40 Residential Development in the Countryside
 PSP44 Open Space, Sport and Recreation

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007
 Revised Landscape Character Assessment SPD (Adopted) 2014
 Waste Collection SPD (Adopted) 2015 (updated March 2017)
 Affordable Housing and Extra Care SPD (Adopted) May 2014

3. RELEVANT PLANNING HISTORY

- 3.1 PK18/016/SCR EIA Not Required 24/07/2018
 Screening opinion for PK18/1676/F. Erection of three storey, 90no. bed nursing home with parking, landscaping and associated works.
- 3.2 *Relating to land to the south of the site*
 PK17/4260/RM Approve with conditions 18/05/2018
 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).
- 3.3 *Relating to Rockwood House*
 PK17/1035/LB Approve with conditions 25/04/2017
 Installation of 5 no. replacement windows to first floor
- 3.4 *Relating to the development to the west*
 PK13/1185/RM Approve with conditions 09/07/2013
 Erection of 235no. dwellings on 8.99 hectares of land with landscaping and associated works including provision of open space.

(Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK12/0429/O).

3.5 *Relating to the North Yate New Neighbourhood*

PK12/1913/O Approve with conditions 16/07/2015

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.

3.6 *Relating to the development to the west*

PK12/0429/O Approve with conditions 05/10/2012

Erection of up to 250 dwellings on 8.99 hectares of land with provision of open space and associated works. Outline application with access only.

4. **CONSULTATION RESPONSES**

4.1 Yate Town Council
Objection.

The parking spaces shown on the indicative plan do not appear adequate for the number of staff and visitors addition grass-crete parking may be necessary (a tarmac entrance/refuge to the allotments along the drive could assist); allocated parking allowance will need to be made for emergency vehicles.

Pedestrian safety along Gravel Hill Road is of great concern there is no pavement, crossings or refuge points, especially where the Public Right of Way from the new Barratts development meets Gravel Hill Road, in addition there is currently insufficient lighting. The boundary relationship with existing neighbours needs to be managed sensitively; Further investigations may need to be considered in respect of noise and vibrations from the quarry (via South Gloucestershire Council Environmental Health);

The existing junction from Rockwood Road onto Gravel Hill Road will need a safety review due to increased traffic entering and exiting the area. The 3-storey height of the planned building will be overbearing for the existing neighbours.

4.2 Other Consultees

Public Open Space
No comments.

Environmental Protection

Acoustic report required, and other environmental considerations such as dust and air quality must be taken into account due to location adjacent to active quarry.

Revised comment following submission of Noise, Vibration and Air Quality Report:

The EP team has examined the requested Noise and Vibration report with particular interest on the impact of the adjacent active quarry. The appointed noise consultant has been advised of the council's position on applying noise criteria and agree monitoring positions.

The methodology and assessment are appropriate and on the basis of the reporting, a formal objection on noise cannot be substantiated.

Adult Services

The JSNA uses figures supplied by the Dept of Health, it was written in the last 12 months and is the latest available. While new care home services are usually more expensive it is hoped that people able to fund their own care will opt to move into the newer ones freeing up affordable capacity for SGC to use. With more supply, if SGC were able to use affordable care home services it may also go some way towards helping SGC to balance their budget as this is an area where the council are overspent.

There is also information newly available that South Gloucestershire (and Bristol) lag behind regional and national figures for delayed transfers of care, this is the measurements hospitals report to Dept of Health on the usage of acute beds that are 'blocked' by people no longer requiring acute hospital services. This can be because of a lack of capacity in the care home market.

Location is an important consideration for most families when choosing a care home who want to maintain their relationships.

Wessex Water

The site will be served by separate systems of drainage. Due to the distance from the existing public surface and foul water sewers long off site sewers will be required to agreed points of connection. Connection points will be subject to requisition application and assessment to consider the most suitable points of connection to minimise disruption and energy use. Requisition costs are likely to be above average.

Landscape

These comments broadly agree with the findings of the submitted LVIA. However, as far as can be seen, the LVIA mainly considers the wider landscape and fails to account for the close-up landscape and particularly the curtilage and setting of the listed building, Rockwell House.

It seems that rather than the LVIA informing the layout and design of the site, it feels like landscape proposal, not unusually, is an add-on afterthought, commissioned to justify the proposal. When approaching Rockwell House along the main drive, the house appears to sit nicely on its own in an informal landscape. The existing additions to the house are set back and hardly noticed, are well-articulated and are subservient to and in scale with the old house. The car parking is discreetly tucked behind the house.

The proposed development, on the other hand, is a great bulk of a building that is likely to dominate the old house, fails to respond to the house and its setting, fails consider other neighbours, and with car parking awkwardly and intrusively located at the front of the new building.

Archaeology

The DBA submitted with this application is insufficient to determine the application.

It has not assessed key sources of information that would reasonably be expected to have been consulted on a site such as this, and therefore cannot hope to make an informed judgement on the significance of the potential archaeology. I entirely disagree with the suggestion that no further work of any kind is necessary, particularly when considering a development of this size in a landscape of known Bronze Age and Saxon archaeology and where other sizeable developments have had pre-determination assessment.

I take the view that as there is archaeological potential to the site and do not believe that there is sufficient information presented in the current application to determine the significance of that archaeology. As such I object to the application until the results of a programme of archaeological evaluation comprising trial trenching has been submitted.

Environmental Policy

We note that in the Energy Statement the planned heating system is due to be a gas boiler with low temperature hot water boiler for hot water. However due to the size and nature of the development which will have a likely high energy demand we ask that consideration be given to alternatives such as the installation of a low carbon heating systems such as CHP for example as per Core Strategy 3 and 4.

In the statement it details that PV panels will be included on the roof wings and the size of the installation will be 27.5 kwp. We would encourage the applicant to consider the further maximization of PV on the roof of the building as part of the build as per Core Strategy CS3.

Maximizing the solar PV provision will help reduced the electricity bills of what is likely to be a higher energy demand facility due to its purpose as a nursing home.

Installation of PV panels would also contribute to South Gloucestershire Council's renewable energy targets as currently proposed 10% by 2036.

We note the reference in the proposal to the use of SuDS. We ask that consideration be given to the use of Green SuDs such as swales, ponds and wetlands for example.

Listed Building Officer

In giving special consideration to the desirability of preserving or enhancing the setting of the listed building in accordance with the clear expectations of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is

considered that the proposed development would be harmful to the setting of the listed building.

As a result of the harm found to the listed building, the development would not comply with paragraph 132 of the Framework which anticipates that great weight be afforded to the conservation of designated heritage assets, including their setting, nor policies CS9 and PSP17 which seek development that protects, and where appropriate, enhances or better reveals the significance of heritage assets and their settings.

The proposals would also result in significant harm to a locally registered historic park and garden, and so is considered contrary to CS9 and PSP17 in that regard also.

I would also advise CS1 and PSP1 could also be used to form a design based refusal reason.

Avon Gardens Trust

We write to object to this application, which will result in significant harm to the locally registered historic park and garden. The proposed development would be inappropriate in terms of its scale and massing and would result in the direct loss of a substantial part of the locally listed asset, and fragmentation of the remainder.

Highway Structures

No comment.

Sodbury Town Council

No comment.

Ecology

The ecology report recommends that further surveys are completed for bats, dormice, reptiles and hedgehogs. All of these are material considerations and information determining their presence/absence should be provided prior to consent.

West and Wales Utilities

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

Drainage

Drainage strategy is not acceptable as it has not been agreed with Wessex Water. SUDS condition to be applied to decision notice, as if Wessex Water do not give consent for the connection then a new strategy would be required.

Avon and Somerset Constabulary

No adverse comments.

Art and Development

If the application is approved, the Council should apply a planning condition for a public art programme that is relevant and specific to the development and locality and commensurate with its size and importance. The programme should be integrated into the site and programme. There are many good examples of the value of public art in health and care settings. However, this application makes no reference to public art in its Design and Access statement nor has a specific document relating to public art. The condition should require full details and designs to be agreed prior to commencement on site and delivered as part of the build programme.

Tree Officer

A tree protection plan and arboricultural method statement will be required.

Avon Fire and Rescue

No comment

Housing Enabling

No comment.

NHS

No comment.

Avon Wildlife Trust

No comment.

Transport

As it stands at present, given the limited information submitted - I am with the view that visibility from this access is substandard visibility and therefore, its increased use is not recommended.

I also mindful of the limited existing footway infrastructure on Gravel Hill Road. Whilst, there is a 2m wide footway on the eastern side of Gravel Hill Road between the site access and Peg Hill, I note from my site visit, that there is no pavement where the new public Right of Way (PROW - some 60m north of the access to Rockwood House) from the new Barratts development meets Gravel Hill Road. As this PROW route is likely to be used by both potential local staff and visitors walking to the new care- home, it is considered appropriate that the applicant investigates provision of a new footway link to the north of the development.

In conclusion, transportation development control raises a 'holding objection' against the proposed development, upon lack of sufficient data to determine the appropriateness of the access arrangement.

Minerals and Waste

The site does fall, in part, within a Minerals Safeguarding Area, as defined by PSP24 and identified on the Policies Map, with the westernmost part of the site located just outside.

These designations are areas where it is likely that mineral deposits exist and to enable us to assess the impact (if any) of non-mineral development upon the availability of potential mineral resources.

Policy PSP24 puts the onus of demonstrating whether a development within an MSA would result in the sterilisation of a potential mineral resources which may otherwise likely be extracted, upon the applicant. The level of information provided is however appropriate to the scale and nature of the proposed development and should take into account whether the resource is economic or viable to work, whether the quantity of resource is sufficient or where there are already significant constraints which would effectively prevent extraction.

In this respect I would concur with para 5.25 of the Planning Statement, which suggests that given the location, amongst existing development and the existence of significant trees between the site and the adjacent quarry that quarrying at this location, or an extension of the existing quarry would not be practical in this instance given the size and nature of the site. On this basis it is not considered that any likely mineral resource is viable and that this policy consideration has been addressed.

The Gardens Trust

No comment.

Avon Badger Group

No comment.

Avon Bat Group

No comment.

RSPB South West England

No comment.

Western Power Distribution

No comment.

Open Spaces Society

No comment.

Environment Agency

No comment.

Urban Design

No comment.

Other Representations

4.3 Local Residents

Twenty two letters of objection have been received for the development, and the issues raised have been summarised below:

Residential Amenity

- Three storey is too high and will overlook everything, including Rockwood House
- Noise caused by development will disrupt those living at Rockwood House, including elderly people and those with children
- Noise pollution once development is complete due to location of service area on the boundary with Rockwood House
- Loss of light to windows of north elevation of Rockwood House

Design/Heritage

- View from Autumn Brook development to the west may be affected
- Development is too large and too high and will not be hidden by trees
- An eyesore, totally overbearing and out of character. Resembles a prison
- Will ruin look of Rockwood House, impact on its setting
- External finish is not in keeping with Rockwood House
- Quiet rural setting will be lost
- Loss of the historic park associated with the listed building
- Surely listed building consent is required
- Proposed building is inconsistent with the Council's decisions on nearby developments which have ensured low visual impact and consistency with existing dwellings
- Inappropriate location in an unspoilt part of town. Yate is sprawling and merging with historic Chipping Sodbury
- Size of development more appropriate to an urban setting

Highway Safety

- Using the Rockwood House access will making the driveway more dangerous for residents
- Gravel Hill Road is already in bad condition, and often freezes in winter. It is also used as a rat run and there have already been several collisions along this stretch of road
- No separate access for heavy machinery during construction – dangerous for residents. Will also be used by ambulances and delivery vehicles
- Inadequate visitor and staff parking
- Gradient of driveway is such that nursing home residents may find it difficult to negotiate without assistance and will feel trapped
- No provision to improve public transport
- Visibility splay to the right when exiting is substandard and highway has no pavement
- Childrens play area on opposite side of Gravel Hill Road, so highway is used by children as well as joggers, cyclists and horse riders
- If granted, the highway must be designated as 20mph zone

Environment

- Trees and wildlife will be adversely affected
- Cumulative impact on wildlife with North Yate New Neighbourhood would be severe
- There is a Tree Protection Order over Rockwood House
- Has the required strategic sewerage infrastructure been met?

Other Issues

- Will reduce property value for residents of Rockwood House
- Short notice to comment

Two letters of support have been received, including one from Cllr Ben Stokes, raising the following points:

- Market leading, state of the art design
- Multi-million pound investment in the local area and local workforce will be utilised
- Ease the strain for bed vacancies in South Gloucestershire, for which there is an ever growing demand as the population ages
- The company met with local residents and Parish Council beforehand to gain their views
- Project is undertaken by family business who own and manage 5 other care homes in the South West
- Care home will be in an otherwise unused area
- In keeping with local development
- The associated cautionary 'elderly' road signs would slow down traffic

One neutral letter has been received from a local resident, stating the following:

- Further ecological surveys for bats and dormice have been recommended and have not been submitted

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Permission is sought for a purpose built nursing care home (use class C2) at the site to accommodate 90 beds across three floors, including communal areas such as a hairdressers, café, lounge, dining spaces, landscaped gardens and car parking. The site will employ 75 staff members, with 45 of these being employed on a part-time basis, however not all staff will be present on site at once due to the 24/7 nature of the development.

- 5.2 The site is situated outside of the settlement boundary of Yate, which is located to the west of the site beyond Gravel Hill Road, and so the site is therefore considered to be within the open countryside. Policy CS5 of the Core Strategy and policy PSP40 of the Policies Sites and Places Plan identifies that new development will first be directed towards the Bristol urban areas and within the established settlements. As the application is within the countryside, it is not an area suitable for new development and therefore the application is contrary to the development plan.

5.3 *Need for Nursing Care Home*

Policy CS17 of the Core Strategy identifies the need to contribute to the provision of homes and accommodation that are suitable for the needs of older people due to the current demographic trends which indicate that South Gloucestershire, and the UK as a whole, has an aging population. The South Gloucestershire Joint Strategic Needs Assessment (JSNA) (2016) draws attention to the significantly lower ratio of total care home beds (both residential and nursing) per head of population in South Gloucestershire than the regional and national averages. Often this puts a strain on hospitals, as patients that

would otherwise be discharged to care homes cannot be found beds, and service users are often forced to look outside of the district, such as in Bristol. Adult Services have confirmed that the JSNA figures are the latest available, and that there is a shortage of nursing beds and dementia care beds in South Gloucestershire.

- 5.4 Notwithstanding the above, officers are aware of a number of care homes have been approved since the JSNA figures were compiled, including 54 no. beds approved on 10th November 2017 at land off of the High Street, Hanham (PK15/3950/F), and 10 no. beds approved on Deanery Road, Kingswood in January 2017 (PK16/6136/F). The North Yate New Neighbourhood outline application included C2 units (PK12/1913/O) with the site to be marketed on occupation of the 400th dwelling, and would serve the same catchment as the proposed scheme, however this scheme has not yet been delivered.
- 5.5 In order to determine whether the above approvals have had a positive impact in reducing the shortage of nursing beds, the vacancy list was checked in August 2018 and there were only 3 dementia vacancies and 5 nursing vacancies in nursing homes across South Gloucestershire. Three of these vacancies were in a care home which the regulatory body stated requires improvement. It is worth noting that this check of current vacancies was undertaken in summer, where hospitals are not under winter pressures.
- 5.6 Officers had concerns regarding the weekly cost of the proposed beds, as the development is proposed to be a purpose built, modern facility, and information regarding the likely cost to service users was sought from the applicant. From the information received it seemed likely that many of the beds would be within the budget of Adult Services or the NHS, however this would be difficult to control once development was granted. Furthermore, should the weekly cost exceed Adult Services usual budget for a nursing bed or a dementia care bed, then it is likely that self-funders would occupy the development instead, and it is hoped that this would free up beds in existing homes for NHS/social care patients.
- 5.7 Whilst recent planning approvals have reduced the shortage somewhat, the demand for nursing/dementia beds as well as other care home places is expected to increase by 59% between 2015 and 2030 (South Gloucestershire Market Position Statement; Supporting Children, Young People and Adults to Live Independently - June 2016). Adult Services have confirmed that there is still demand for beds on a day to day basis, and that they consider this scheme will help to address the shortage. This public benefit is a significant material consideration which weighs in favour of the proposal when considering the planning balance.
- 5.8 *Five year housing land supply*
Paragraph 11 of the National Planning Policy Framework (NPPF) makes a general presumption in favour of sustainable development. In particular (in respect of decision making) paragraph 11 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;

- the application of policies in this Framework that protects areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

- 5.9 Currently, South Gloucestershire Council cannot identify a five year housing land supply, according to the Authority Monitoring Report (December 2017). In respect of residential development, the effect of the housing supply shortage is such that policy CS5 and CS15 are out of date. It is noted that this application is for a C2 use class (a nursing care home) rather than a C3 use class (a dwellinghouse), and that some Local Planning Authorities consider housing for older people such as beds in a C2 unit to contribute towards their five year housing land supply requirement. However, in the case of South Gloucestershire, the Planning Inspector at the examination in public for the South Gloucestershire Core Strategy (Adopted) December 2013 did not take into consideration the needs of C2 residential uses within the housing supply.
- 5.10 Following this, in 2014 and then later updated in 2015, the PPG was published and stated that Local Planning Authorities should count housing provided for older people, including residential institutions in a C2 use, against their housing requirement. This is consistent with paragraph 61 of the NPPF which requires the size, type and tenure of housing needed for different demographics, including older people, should be assessed and reflected in planning policies, with the approach to be taken to be set out within the Local Plan. In decision taking, evidence that development proposals for accommodation for older people will free up under occupied local housing for other demographics is likely to demonstrate a market need that supports the approval of such homes. The current local plan is silent on this issue, however the need for accommodation for older people and the impact that this would have on the freeing up of existing dwellings cannot be disregarded, and policy CS5 is out of date in this regard.
- 5.11 Weight is given to the fact that there is a need for older persons accommodation, and the direct and indirect impact it would have on the availability of housing in the district. As the exact number of houses which would be released is uncertain, the weight that can be afforded to this is limited, but does still weigh in favour of the proposal.
- 5.12 Returning to paragraph 11 of the NPPF, as policy CS5 is out of date with regards to the supply of accommodation for older people, applications for sustainable development should be approved unless the application of other policies in the NPPF that protects areas or assets of particular importance provide a clear reason for refusing the development proposed.
- 5.13 *Sustainability of Location*
Whilst the application is outside of the settlement boundary, it is close to the town of Yate which benefits from public transport routes and local facilities,

such as shopping and health facilities. There are bus stops less than 200 metres from the application site, however the path to these is unlit and a greater number of services are available from Barkers Mead, which is 720 metres from the site. The Barkers Mead bus stops run services to the centre of Yate, Bristol City Centre, Filton, Iron Acton and Winterbourne. Yate Shopping Centre and the other facilities in the centre of Yate is 1.2 miles from the site, or a 25 minute walk approximately. The journey would be shortened by bike and there is a shared footway and cycle way along Peg Hill, the B4060 and Goose Green Way into Yate town centre.

5.14 Given the nature of the development as a nursing home with 75% of the beds intended for dementia care, it is unlikely that the residents will utilise the walking, cycling and public transport opportunities in the area, and an assessment of visitor and staff access would be a more relevant indicator of sustainability. Given the location, it is likely that a number of 75 staff (45 of these part-time) would be able to access the site without using a private car, due to the proximity of the development to the workforce available in Yate.

5.15 The development is considered to be economically sustainable, as it would provide full or part-time employment for 75 individuals, the majority of which are likely to be sought locally from Yate or Bristol. Some employees may be walking distance from the site, whilst others can use public transport or cycle. Officers consider that the development can be described as 'sustainable' and the presumption in favour of sustainable development in paragraph 11 of the NPPF is therefore applicable.

5.16 *Summary of Principle of Development*

Although the development is outside of the settlement boundary of Yate, South Gloucestershire Council cannot identify a five year housing land supply. Paragraph 11 states that, in this instance, proposals for sustainable development should be approved without delay unless the application of other policies in the NPPF which protect areas or assets of particular importance provide a clear reason for refusing the development. Weight should be given to the identified need for older persons housing, as well as to the impact the development would have on the housing land supply, although limited weight is applied to the latter due to uncertainty on the number of properties that would be released.

5.17 Impact on the Heritage Asset

Rockwood House (formerly known as Yate House) is a Grade II listed building now converted into flats, with 20th century extensions to provide additional accommodation. The main facades of the original house, facing south and west are Ashlar with cream render on the remaining elevations and newer buildings, below a hipped slate roof. The main entrance to the house was originally from the south and the west elevation has curved bays fronting the gardens. The application site also forms part of the Yate House locally registered park and garden which is bound to the west and north by Gravel Hill Road; to the south by Southfield Way and to the east to the boundary runs along the line of the former formal approach that once featured lodge houses at either end. The north lodge survives but the southern lodge has been lost.

- 5.18 Rockwood House was once located in an isolated and prominent location to the eastern side of Yate. This prominence was enhanced by the topography, with the house sited on an elevated position. Due to modern development this prominence has been reduced over time, as well as due to the substantial mature planting that screens the house from its surroundings, however the site still maintains a rural, undeveloped character. Gravel Hill Road has the appearance of a 'country lane' which aids in contributing to the character of the site and its immediate context.
- 5.19 Although it is acknowledged that views of the proposed development may be limited from Gravel Hill Road due to the existing levels of screening along the roadside boundary that are to be retained, due to the sheer scale and massing of the building, there will be clear views of the building looking north from within the existing curtilage of Rockwood House and from views out from Rockwood House itself. The service area is positioned flush with the boundary, and so there is no space for a landscaping scheme to separate the two sites. Notwithstanding this, given the size of the proposal a landscaping scheme would not make the development acceptable, and it would still be visible in views from around the curtilage and within the listed building itself.
- 5.20 Officers are concerned that the development represents the significant urbanisation of the setting of the listed building. This is partly due to the loss of the perceived 'rural' setting that the locally registered garden provides. The footprint of the building and the associated car parking area is substantial and the building is positioned only 30 metres from the north facing elevation of Rockwood House, removing any reference that the house once had a historic relationship with the surrounding gardens. This is important because the significance of the building is derived not only from its architectural merit and historic interest, but from its setting within the locally registered park and garden.
- 5.21 The development is significantly larger than Rockwood House by reason of scale, massing and the design of the curved entrance gable and curved windows on the side elevations compete with the listed building, resulting in a loss of prominence. Although it is slightly set back from the principal elevation of Rockwood House, the proposed building is over twice the width and dominates the site. Whilst there has been some modern development surrounding the site and within the site to facilitate the conversion to residential in the 1990s, the extensions and garage blocks previously approved are to the rear of the house, are subservient, and have not significantly impacted on the extent of the park and garden. Officers also note that land to the south of Rockwood House has been approved to be allotments as part of the Public Open Space requirements for the North Yate New Neighbourhood, further changing the character of the registered garden and the setting of the listed building. This development, if approved, would result in the substantial loss of the park and garden and would set a precedent for further encroachment on the remnants left over.

5.22 Officers consider that the harm caused by the development would be less than substantial harm to the setting of the listed building, and significant harm to the locally registered historic park and garden. Paragraph 196 of the NPPF states that “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 the public benefit of providing 90 no. additional care home beds has already been discussed from paragraph 5.3 of this report, it is not considered to outweigh the harm to the setting of the listed building and locally registered garden. Paragraph 193 of the NPPF also states that great weight should be afforded to the conservation of heritage assets and their setting, whilst policies CS9 and PSP17 seek development that protects or better reveals the significance of heritage assets and their settings.

5.23 Archaeology

The site is situated within a landscape of known Bronze Age and Saxon archaeology. A desk based assessment has been submitted to support the application, however it does not include key sources of information that would be expected to have been consulted on a site such as this, and therefore cannot make an informed judgement on the archaeology of the site. It is likely that harm would be caused should the development go ahead without further investigations taking place, and this harm would be given weight in the planning balance. The Archaeology officer has requested that an archaeological evaluation to include trial trenching is carried out prior to determination, and in the absence of this the application is contrary to policy CS9 of the Core Strategy and policy PSP17 of the Policies Sites and Places Plan.

5.24 Design

Notwithstanding the aforementioned heritage issues, officers also consider that the development represents poor quality design which does not respond to the context of the site and its surroundings, by reason of its scale, massing and external appearance. It would appear incongruous within the site and would not assimilate sympathetically within the site, and would appear overbearing on the existing built form at Rockwood House. This is contrary to policy CS1 of the Core Strategy and policy PSP1 of the Policies Sites and Places Plan, and the harm identified has been given weight when considering to the planning balance.

5.25 Landscape

A Landscape Visual Impact Assessment has been submitted, and the Council’s Landscape officer agrees with its findings, which state that due to the topography of the site and the mature landscaping surrounding it, the development will not be prominent in any long distance views across the surrounding countryside. A landscaping scheme will be conditioned in the event the application is approved.

5.26 Regarding the impact of development within the site, the Landscape officer has reiterated the concerns of the Listed Building officer that the proposal will cause harm to important views within the site which contribute towards the setting of the listed building.

5.27 Trees and Woodland

The site is subject to a blanket Tree Protection Order, and the applicant has submitted a Tree Survey and Constraints Plan to support the application. This identified a number of category B trees within the site as well as 1 no. category A tree; the category A tree will be retained whilst some of the category B trees will need to be removed to facilitate development. A Tree Protection Plan and Arboricultural Method Statement is required. Ordinarily the Tree Protection Plan would be required prior to determination, however as the category A tree is not located immediately adjacent to the development, it is feasible that this tree can be retained. A pre-commencement condition is considered adequate to ensure that the trees are protected during construction.

5.28 Ecology

The submitted Ecology report recommends that further surveys are completed for bats, dormice, reptiles and hedgehogs, however the results of these surveys have not been forthcoming from the applicant. In the absence of these surveys, the Local Planning Authority does not have sufficient information to ensure that the development, if approved, would not be harmful to bats. This would be contrary to policy PSP19 and policy CS9 of the Core Strategy, as well as the Habitat Regulations 2012 (As amended).

5.29 Transport

In terms of access, the applicant proposes to use the existing access to the residential properties at Rockwood House. When exiting the driveway, visibility splays to the right of the site entrance are limited due to the existing road alignment, and the removal of vegetation would not enable visibility to be in accordance with Design Manual for Roads and Bridges Guidance. This is confirmed within the Transport Statement. Officers disagree with the applicant's justification that the access is existing and therefore does not require improvement. The vehicular movements that will arise from the development will result in a significant intensification of the access, and it is therefore necessary to improve the access. It is likely there will be a 130% traffic increase in the morning rush hour and a 100% increase in the afternoon rush hour. In order to justify a reduced visibility splay, evidence must be provided to show that vehicle speeds are low, and this information has not been forthcoming, nor has accurate splay drawings on a topographical survey as was previously requested by officers. In the absence of this information, the significant increase in traffic through the sub-standard access is considered to represent a severe highway impact (paragraph 109 of the NPPF) and constitutes a reason for refusal.

- 5.30 There is an existing footway on Gravel Hill Road between the site and Peg Hill, and this provides access by foot and cycle to the centre of Yate, and public transport into Yate, Bristol and beyond. A travel plan has been submitted in order to encourage sustainable transport choices for staff and visitors, and in the event the application is approved, a condition on the decision notice will ensure that the recommendations within the travel plan are adhered to. Subject to this condition, the proposed 25 car parking spaces are acceptable, and a further condition will ensure that the cycle parking is retained for such a purpose.

5.31 Residential Amenity

With the quarry situated to the east, the closest residential development to the property is the existing flats within Rockwood House itself. As the window to window distance would be approximately 30 metres at the closest point, it is unlikely that the development would cause inter-visibility or harm their residential amenities. Similarly, the new build development to the west such as Bluebell Close and Clayhill Drive are a significant distance away and will not experience any overlooking, overbearing or overshadowing. Some objection letters raised concern regarding the impact that the noise, dust etc during the construction period would have on the residents of Rockwood House and other surrounding properties, however officers consider that this would be a temporary inconvenience and cannot form a refusal reason on its own.

- 5.32 Turning to the amenities of the application site, service users would have access to a large, secure courtyard garden, and some residents would have access to a small private garden. Due to the distance between the site and surrounding properties, these gardens would not be overlooked. Concern was raised by the Environmental Health team regarding the proximity to the Chipping Sodbury quarry, and also noise from the proposed plant within the service area, and so the applicant submitted a Noise and Vibration Assessment. This concluded that blasting from the quarry would be faintly audible from the site and could be mitigated by the use of standard double glazing, and there is no need for specialist mitigation. An Air Quality Survey was also received to demonstrate that there would not be any material residual air quality impacts from the quarry on the proposed development.

5.33 Public Art

Developers of major residential schemes are required to demonstrate how their proposals will contribute to the objectives of the South Gloucestershire Cultural, Heritage and Arts Strategies through the provision of public art or cultural activities. This is stated within policy CS23, and The NPPF also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. In light of this, and in the event the application is approved, a condition should be applied to the decision notice to ensure a public art programme is integrated into the site.

5.34 Energy Use

The applicant has submitted an energy statement to support their application, and so the Environmental Policy team were consulted for comment. They recommended some changes to the development, including the placement of the proposed gas boiler to a low carbon heating system such as CHP. Some PV panels are proposed to be included on the roof wings, however it has been suggested to the applicant that additional PV is put in place to maximise the provision, reducing the electricity demand. Amendments have not been received to show this, however as some PV panels are proposed in the current plans officers consider that the development is in accordance with policy CS4a.

5.35 Drainage

The applicant intends to connect to a Public Surface Water Sewer approximately 200m from the site. The Lead Local Flood Authority do not have confirmation that Wessex Water will agree this, and if they will not then a new strategy would be required. It is therefore necessary to attach a condition to the decision notice to ensure a Sustainable Urban Drainage System (SUDS) is agreed prior to commencement of development.

5.36 Other Issues

Some objection comments have been received raising concerns that house prices will drop for the flats within Rockwood House, however this is not a planning issue and cannot be a reason for refusal.

5.37 One letter stated that the public consultation was not long enough, however the consultation has taken place in accordance with the Statement of Community Involvement.

5.38 Planning Balance

The development does not accord with the adopted development plan, as it proposes new development outside of the settlement boundary and within the open countryside, to the contrary of policy CS5 of the Core Strategy. This policy is currently out of date with regards to the five year housing land supply, including the provision of accommodation for older people, however the size of the shortfall cannot be confirmed and so the weight that can be applied in favour of the development is limited by uncertainty. The need for a nursing and dementia care home within the district has been identified, and this is a material consideration which weighs in favour of the proposal, as is the economic benefits offered due to the employment opportunities at the site. So in accordance with paragraph 11 of the NPPF, the development should be approved unless 'the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.'

5.39 The NPPF states that great weight should be given to the conservation of historic assets and their setting, even if the harm to the setting is identified as less than substantial, as is the case here. The harm to the listed building, as well as the substantial harm caused to the locally registered historic park and garden and the potential harm to the archaeology of the site weighs against the public benefits of the scheme when considering the test in paragraph 196 of the NPPF. Combined with the additional visibility and ecology harm which further weighs against the approval of the scheme, it is recommended that the development is refused.

5.40 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 an impact on older people within the district, as it relates to the supply of housing for this demographic. The impact is not considered to discriminate against old people, nor would it hold significant weight in the assessment of the planning application.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission is **REFUSED** for the reasons on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 864735

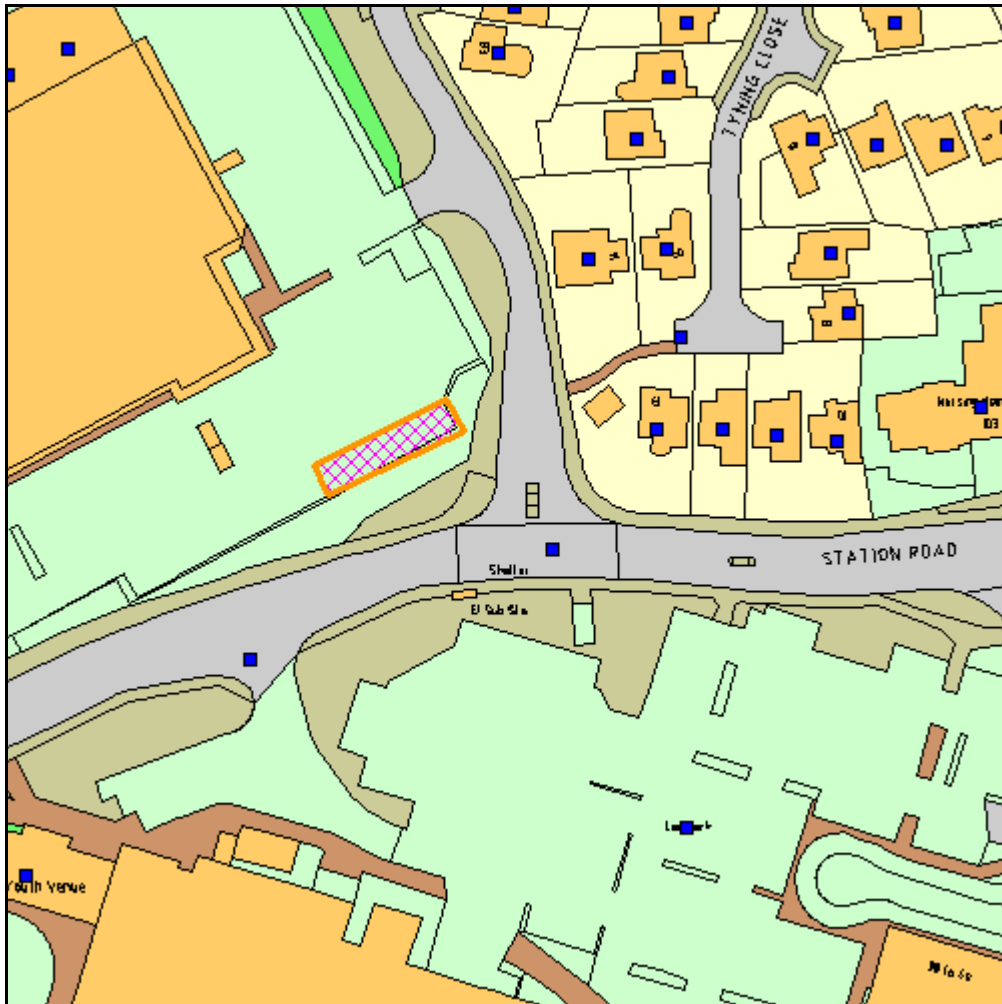
REASONS FOR REFUSAL

1. In giving special consideration to the desirability of preserving or enhancing the setting of the listed building in accordance with the clear expectations of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed development would be harmful to the setting of the grade II listed building known as Rockwood House. As a result of the harm found to the setting of the listed building, the development would not comply with paragraph 193 of the Framework which anticipates that great weight be afforded to the conservation of designated heritage assets, including their setting, nor policies CS9 of the Core Strategy (Adopted) December 2013 and PSP17 of the Policies Sites and Places Plan (Adopted) November 2017 which seek development that protects, and where appropriate, enhances or better reveals the significance of heritage assets and their settings.
2. The proposed development, if approved, would result in significant harm to the locally registered historic park and garden associated with Rockwood House. This would be contrary to policy CS9 of the Core Strategy (Adopted) December 2013 and policy PSP17 of the Policies Sites and Places Plan (Adopted) November 2017.

3. The scale, massing, form, design and siting of the development would, if approved, represent poor quality design to the contrary of policy CS1 of the Core Strategy (Adopted) December 2013 and policy PSP1 of the Policies Sites and Places Plan (Adopted) November 2017, and the National Planning Policy Framework.
4. The proposal has potential to cause harm to bats, reptiles, dormice and hedgehogs. Bats are a European Protected Species, afforded full protection under the European Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('The Habitats Directive 1992') implemented in Britain by the Habitat Regulations 2012 (as amended); and the Wildlife & Countryside Act 1981 (as amended). Reptiles and dormice are protected under the Wildlife and Countryside Act 1981 (as amended). The Ecological Appraisal by Clarkson and Woods dated December 2017 does not contain sufficient information to ensure that the development, if approved, would not be harmful to bats, dormice, reptiles and hedgehogs. This is contrary to policy PSP19 of the South Gloucestershire Policies Sites and Places Plan (Adopted) November 2017, policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the National Planning Policy Framework, and is also contrary to the Habitat Regulations 2012 (as amended) and the Wildlife & Countryside Act 1981 (as amended).
5. The development would, if approved, result in the significant intensification of the existing access which has substandard visibility. This would result in a severe highway safety risk to the contrary of policy CS8 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.
6. Insufficient information has been submitted to determine whether the development would impact upon the archaeological potential of the site, to the contrary of policy CS9 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 38/18 – 21 SEPTEMBER 2018

App No.:	PK18/2030/F	Applicant:	Car Park Valeting Limited
Site:	Morrisons Station Road Yate South Gloucestershire BS37 5PW	Date Reg:	17th July 2018
Proposal:	Change of use of land from car parking to hand car wash and valeting area (Class Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) and erection of portacabin and canopy.	Parish:	Yate Town Council
Map Ref:	371145 182653	Ward:	Yate North
Application Category:	Minor	Target Date:	10th September 2018



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100023410, 2008.

N.T.S.

PK18/2030/F

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of an objection from Yate Town Council; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a section of the car park attached to Morrison's Supermarket, located on Station Road, Yate. It is proposed to change the use of 9no. car parking spaces, located in the south-east corner of the car park, to a hand Car Wash and Valeting area (Sui Generis), to be used in association with the existing supermarket.
- 1.2 The proposal includes the erection of a single-storey, standalone pod unit measuring 4.8m x 2.44m and 2.6m high, having a gross internal floor area of approx. 12 sq.m.; together with an adjacent free-standing canopy measuring 8.12m x 4.9m and 3.9m high.
- 1.3 The proposal would result in the loss of 9no. parking spaces but 8no of these would be dedicated to the concession, approximately 4no. of which would be covered by the proposed canopy and 1no would accommodate the pod unit. The Hand Car Wash unit would be accessed from within the existing car park.
- 1.4 This application should be read in conjunction with application PK18/2031/ADV for advertisement consent which also appears on this Circulated Schedule.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP8 Residential Amenity
PSP16 Parking Standards
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP31 Town Centre Uses

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

3. RELEVANT PLANNING HISTORY

- 3.1 P87/2097 - Erection of supermarket, delivery area and car parking.
Approved subject to Section 52 Agreement. 1988.
- 3.2 PK09/5720/F - Creation of 12no. car parking spaces and 2no. Trolley Shelters
Approved 18 Dec. 2009
- 3.3 PK09/1140/RVC - Variation of condition 13 attached to planning permission P87/2079 to increase deliveries on Sundays to 4 within the hours of 9am to 11am.
Approved 21 Sept. 2009
- 3.4 PK00/1592/RVC - Variation of condition 13 of P87/2097 to allow one delivery to service yard on Sundays.
Refused – allowed on appeal.
- 3.5 PK16/1479/RVC - Variation of condition 1 attached to planning permission PK09/1140/RVC to allow deliveries during 06:30 – 21:30 Monday to Saturday and 09:00 – 16:00 Sundays.
Approved 3 Aug. 2016

4. CONSULTATION RESPONSES

4.1 Yate Town Council

In principle the installation of a hand wash and valet area would not be a problem, but they are picking the most visible location on the Station Road/ The Glen junction, with the canopy right on the corner. There is currently a nicely maturing landscaped cordon there, and the use of the washing chemicals will impact them, and the canopy they propose will impact upon the trees. So, wrong location. Would be better located to the rear of the store, where the breast screening unit locates, as this will be better screened from surrounding properties and the main road.

We object to the signs, which are well above the height of the fencing and landscaping and will seriously intrude into amenity of the neighbouring properties - and the landscaping was installed precisely to screen them.

The proposal is not for a simple canvass canopy but includes a large 2 room portacabin in bright blue right in the town centre, not screened at all. That is fine on an industrial estate but not in this sort of highly visible town centre location.

We do not object to low level signage of facilities. But this proposes a big banner display running the length of 5 car parking spaces, at a height of 3.6m (12 feet) running 11.5m (38 ft) right along Station Road. Plus a large fence running the length of the section along the main road.

A condition on hours of working will need to be in place to protect the amenity of adjoining houses.

4.2 Other Consultees

Transportation D.C.

No objection

Highway Structures

No comment

Lead Local Flood Authority

No objection

Economic Development

No objection

Other Representations

4.3 Local Residents

No Comments Received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design and Visual Amenity

The proposal seeks to introduce a portakabin and canopy to facilitate the change of use of an area of the car park into a Car Wash and Valeting facility. The part of the car park affected is situated in the south-east corner and is the furthest point from the entrance of the car park. As a result, the Car Wash would be located adjacent to Station Road on the periphery of the site and would not prevent the remainder of the car park from being used. The area in which the property is situated is characterised by retail and leisure uses and has no specifically defined character, furthermore this is a common change taking place at supermarkets across the UK and the location proposed is not sensitive to such minor changes. A very similar Car Wash was recently approved at Morrisons on Lysander Way, Patchway (see PT17/4082/F).

- 5.3 The concession pod would be metal with a graphic and signage wrap applied to the external surface which would be blue in colour. The glazing would be safety glass throughout. The fascias would also have applied graphics. The proposed canopy would be a steel framed cantilevered construction with tensile polyester fabric cover with PVC coating and finished in blue. The adverts are the subject of a separate application (see PK18/2031/ADV).
- 5.4 The Town Council have raised concerns about the location and appearance of the proposed facility, the proposal is however relatively limited in scale and given the area in which the site is located, would integrate adequately within its surroundings; the applicant has submitted 3D visuals to demonstrate this. The location is well screened by the existing high fencing to the East and the landscape buffer on the Station Road frontage. Furthermore the rear perimeter of the car valet unit would be defined by 1.8m high composite fencing in 'Anthracite Grey'. The proposal is not considered to result in any harm to the character and appearance of the host property and the area in general.
- 5.5 Residential Amenity
The host property is located within an established retail area on the edge of Yate and opposite the Leisure Centre. The nearest residential properties lie to the east within The Glen but these are well screened and relatively divorced from the Supermarket and Car Park areas. The proposed opening hours of the facility are 08.30hrs – 19.00hrs Mon to Sat and 10.00hrs – 16.00hrs Sun & Bank Holidays. These hours are considered to be appropriate and can be conditioned. No objection is therefore raised with regard to residential amenity.
- 5.6 Sustainable Transport and Parking Provision
The proposal would result in the allocation of 9 spaces to the franchise (just 3% of those on the site) of which only that used to locate the portakabin would actually be lost, as a result officers do not consider that this would have a significant adverse affect on the site's parking capacity. Moreover, as the majority of the facility's users would be shoppers visiting Morrisons, the proposed facility would not generate a significant number of additional vehicular movements to the site. Consequently there are no highways or transportation objections to this application.
- 5.7 Change of Use
The proposal site is situated in an established retail area and forms a large supermarket. The proposal would not increase or decrease the amount of retail space provided, but would result in the loss of 9 parking spaces which are considered to be ancillary to the retail use. As a result the proposal would not have any impact on the vitality or viability of the retail store, if anything it would improve its economic productivity. No objection is raised to the proposed change of use.
- 5.8 Environmental and Drainage Issues
As shown on drawing CHQ.18.15254-PL05 all dirty water from the car wash operation would drain into a silt trap located in the centre of the graded concrete wet bay, which then connects to the existing petrol interceptor on site. The water then connects to the main sewer pipe as existing.

- 5.9 Regarding trade effluent; all chemicals used would be bio-degradable. Chemicals would be diluted in a ratio of up to 1:500 resulting in low chemical content in water run-off. Main washing water is supplied from jet washers which deliver approximately 11 litres per min. Cars are washed for 3-4 minutes and therefore uses up to 44 litres per car. It is anticipated that up to 30 cars per day would be washed. Effluent disposal would be supported by a corresponding Trade Effluent Licence. The adjacent landscape buffer would not be affected by washing chemicals as suggested by the Town Council.
- 5.10 Exterior lighting would be installed underneath the canopy in the form of four 50 watt LED spotlights; these would illuminate underneath the canopy each with an output of 5000lm. Installed would also be two 150 watt floodlights attached to the support arms facing the wash pad, with an output of 15000lm each. The level of lighting is considered appropriate for this area and would only be used when required during the operating hours; which would be conditioned. Officers are satisfied that there would be no significant increase in light pollution in what is a central location of Yate.
- 5.11 As regards noise; this is likely to be minimal given that the facility would be well enclosed and located next to busy Station Road. The main source of noise would be the jet washers. Each jet washer would be set at 110 bar pressure, which is two-thirds below the minimum model of 340 bar thus giving a low noise reading. There would be no more than 3 jet washers on the site and these would only operate sporadically during operating hours.
- 5.12 Consideration of likely impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.13 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.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: 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).

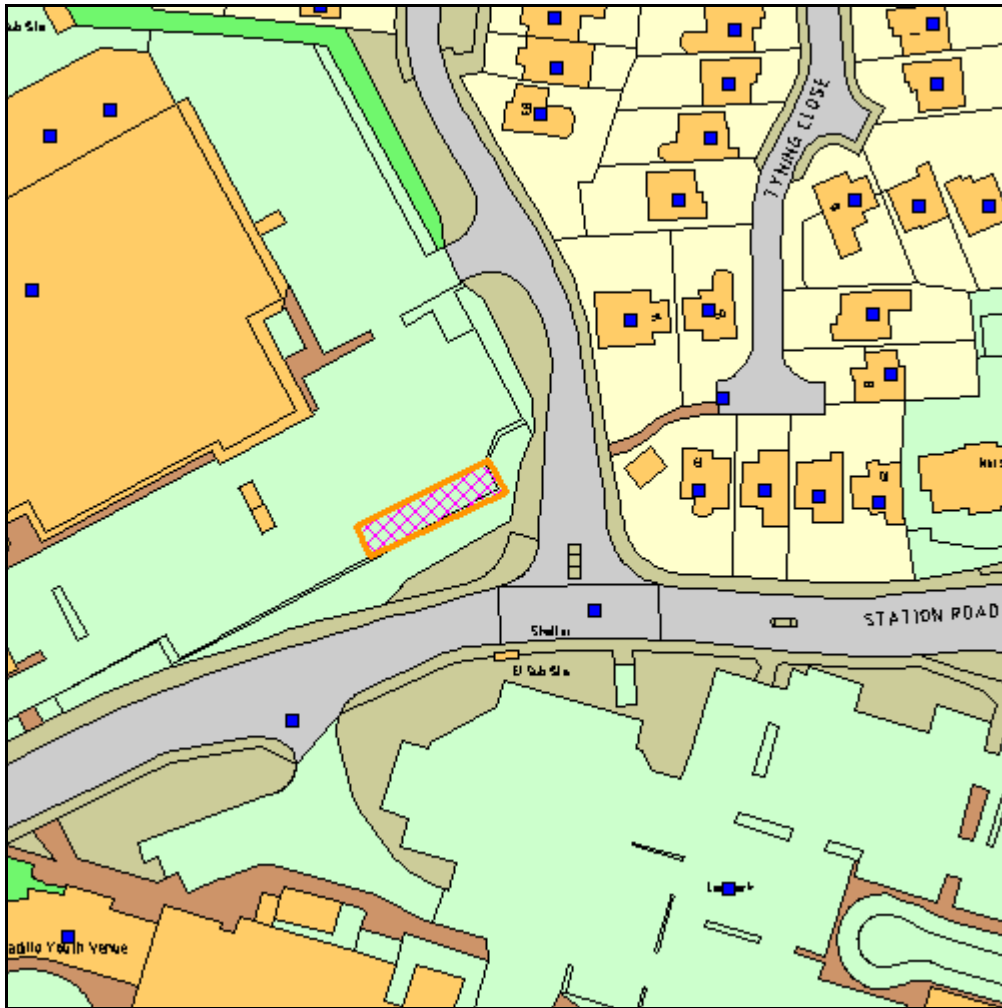
2. The use hereby permitted shall not be open to customers outside the following times 08.30hrs - 19.00hrs Mon to Sat incl. and 10.00hrs - 16.00hrs Sundays and Bank Holidays.

Reason

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

CIRCULATED SCHEDULE NO. 38/18 – 21 SEPTEMBER 2018

App No.:	PK18/2031/ADV	Applicant:	Car Park Valeting Limited
Site:	Morrisons Station Road Yate South Gloucestershire BS37 5PW	Date Reg:	17th July 2018
Proposal:	Display of 4no. non-illuminated fascia signs, 4no. non-illuminated hoarding signs and 4no. vinyl wrap signs.	Parish:	Yate Town Council
Map Ref:	371145 182653	Ward:	Yate North
Application Category:	Minor	Target Date:	10th September 2018



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PK18/2031/ADV

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This application has been referred to the Council's Circulated Schedule following the receipt of an objection from Yate Town Council; the concerns raised being contrary to the Officer's recommendation.

1. THE PROPOSAL

1.1 This application seeks advertisement consent for the display of a variety of non-illuminated advertisement panels and signs associated with a proposed Hand Car Wash and Valeting use at Morrison's Supermarket, Station Road, Yate. This application should be read in conjunction with application Pk18/2030/F for the Hand Car Wash which also appears on this Circulated Schedule.

1.2 The proposed signs consist of:

Hoarding Panels – 5mm Foamex PVC composite panels with digitally printed graphics and posters. Background colour RAL 5017 'Traffic Blue'. Signage to be screwed to composite fence posts at 2400mm centres,

External Cabin Elevations – Adhesive-backed digitally printed vinyl wrap applied to external elevations of cabin in RAL 5017 'Traffic Blue' with text in RAL 1023 'Traffic Yellow' and RAL 9016 'Traffic White'.

Canopy Fascia - 3mm Dibond aluminium composite panels with digitally printed graphics applied to the surface. Background colour of RAL 5017 'Traffic Blue' with text in RAL 9016 'Traffic White' and Pantone 343c 'British Green'. Signage panels to be screwed onto the steel canopy roof.

Cabin Fascia - 3mm Dibond aluminium composite panels in graphite grey.

Members are referred to the Proposed Unit Details and Visuals Plan Drawing No. 15254-PL05.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design

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

PSP1	Local Distinctiveness
PSP11	Transport
PSP34	Shop Frontages

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007
Shopfronts and Advertisements SPD (Adopted) 2012

3. RELEVANT PLANNING HISTORY

- 3.1 P87/2097 - Erection of supermarket, delivery area and car parking.
Approved subject to Section 52 Agreement. 1988.
- 3.2 PK09/5720/F - Creation of 12no. car parking spaces and 2no. Trolley Shelters
Approved 18 Dec. 2009
- 3.3 PK09/1140/RVC - Variation of condition 13 attached to planning permission P87/2079 to increase deliveries on Sundays to 4 within the hours of 9am to 11am.
Approved 21 Sept. 2009
- 3.4 PK00/1592/RVC - Variation of condition 13 of P87/2097 to allow one delivery to service yard on Sundays.
Refused – allowed on appeal.
- 3.5 PK16/1479/RVC - Variation of condition 1 attached to planning permission PK09/1140/RVC to allow deliveries during 06:30 – 21:30 Monday to Saturday and 09:00 – 16:00 Sundays.
Approved 3 Aug. 2016

4. CONSULTATION RESPONSES

4.1 Yate Town Council

In principle the installation of a hand wash and valet area would not be a problem, but they are picking the most visible location on the Station Road/ The Glen junction, with the canopy right on the corner. There is currently a nicely maturing landscaped cordon there, and the use of the washing chemicals will impact them, and the canopy they propose will impact upon the trees. So, wrong location. Would be better located to the rear of the store, where the breast screening unit locates, as this will be better screened from surrounding properties and the main road.

We object to the signs, which are well above the height of the fencing and landscaping and will seriously intrude into amenity of the neighbouring properties - and the landscaping was installed precisely to screen them.

The proposal is not for a simple canvass canopy but includes a large 2 room portacabin in bright blue right in the town centre, not screened at all. That is fine on an industrial estate but not in this sort of highly visible town centre location.

We do not object to low level signage of facilities. But this proposes a big banner display running the length of 5 car parking spaces, at a height of 3.6m (12 feet) running 11.5m (38 ft) right along Station Road. Plus a large fence running the length of the section along the main road.

A condition on hours of working will need to be in place to protect the amenity of adjoining houses.

4.2 Other Consultees

Transportation Development Control
No objection

Other Representations

4.3 Local Residents None 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 Planning Policy Framework (NPPF) states at para. 132 that control over outdoor advertisements should be efficient, effective and simple. The guidance goes on to state that advertisements should be controlled in the interests of amenity and public safety, taking account of cumulative impacts. Design and design quality is assessed in terms of visual amenity and cumulative impact, in accordance with policy CS1 of the Core Strategy. Public safety is assessed using saved policy T12 of the Local Plan to ensure that the signage is not detrimental of highway safety or presents a traffic hazard.

5.2 Design and Visual Amenity

The application site is situated within the setting of a large supermarket unit and where there are other commercial/retails units and a leisure centre within the vicinity of the site. Within this context and particularly given the proximity of the main building, the proposed signage is considered acceptable in terms of the impact upon visual amenity.

5.3 Overall, the proposed signage is considered appropriate in terms of scale, design and finish.

5.4 Residential Amenity

Although as indicated above, the area is largely characterised by commercial premises there are residential properties within the general vicinity of the site, in particular to the East along The Glen. The signage would be non-illuminated and well screened from the residential properties by existing high fences and

vegetation. There would be no significant adverse impacts on residential amenity.

5.5 Public Safety

The Council's Highway Officer has confirmed that the signs would not result in any material highways or transportation issues. It would not be adversely distracting to pedestrians or motorists travelling along nearby Station Road, nor would it restrict pedestrian and vehicular movements around the site.

5.6 Cumulative Impact

The proposal has been considered cumulatively within the locality having regard to the existing advertisements associated with Morrisons and neighbouring sites. The proposal would be experienced by users of the highway and existing supermarket. Having regard to the above and the commercial nature of the location, the cumulative impact is considered acceptable.

5.7 Equalities

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

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

6. CONCLUSION

- 6.1 The recommendation to **grant** advertisement consent has been taken having regard to the policies and proposals in the Development Plan set out above, and to all the relevant material considerations set out in the report.

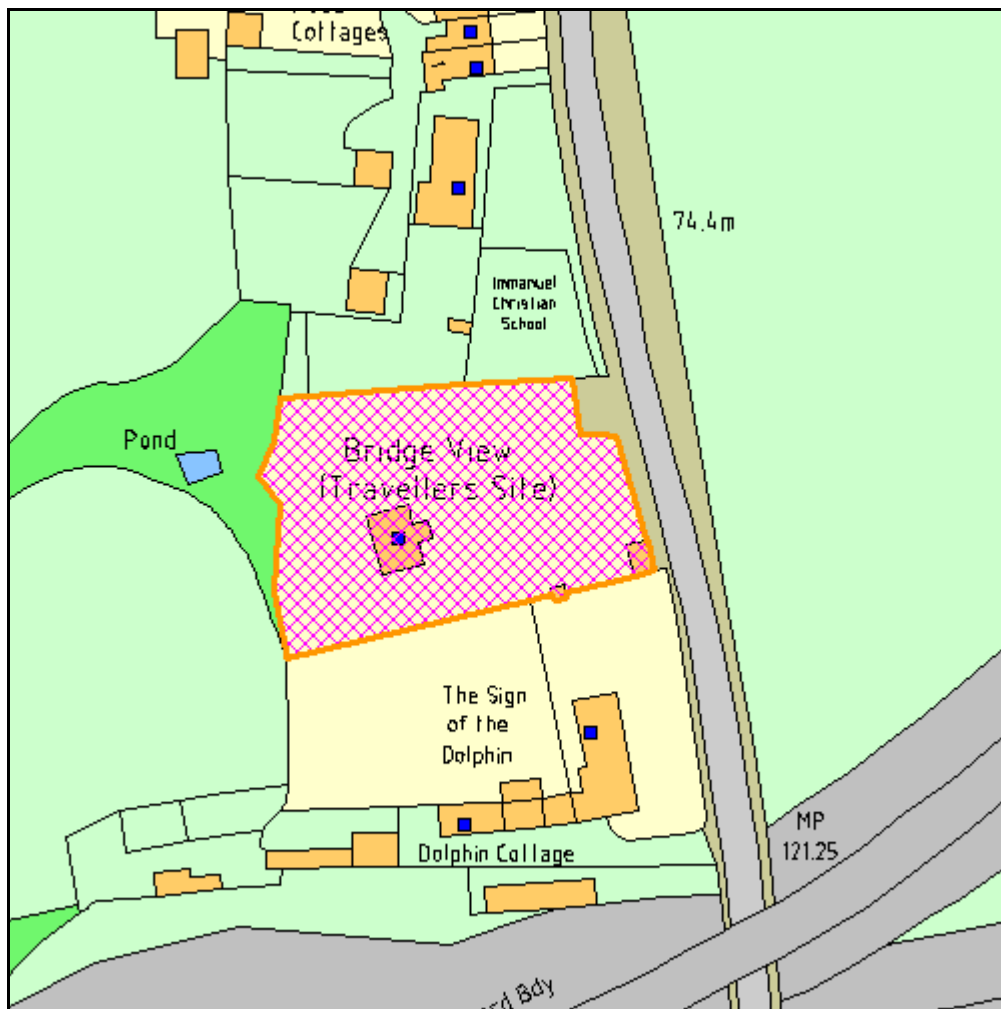
7. RECOMMENDATION

- 7.1 That advertisement consent be GRANTED.

Contact Officer: **Roger Hemming**
Tel. No. **01454 863537**

CIRCULATED SCHEDULE NO. 38/18 – 21 SEPTEMBER 2018

App No.:	PK18/2925/F	Applicant:	Mr & Mrs Connors
Site:	Bridge View Mobile Home Westerleigh Road Westerleigh South Gloucestershire BS37 8QG	Date Reg:	26th June 2018
Proposal:	Erection of 1no day room and siting of 1no mobile home and associated works.	Parish:	Westerleigh Parish Council
Map Ref:	369907 180393	Ward:	Westerleigh
Application Category:	Minor	Target Date:	17th August 2018



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PK18/2925/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections contrary to the officer recommendation.

1. THE PROPOSAL

1.1 The applicant seeks consent for:

- the erection of 1no. day room and the siting of 1no. mobile home and associated works.

1.2 The application site is situated on the west side of Westerleigh Road, Westerleigh and relates to Bridge View, an established Gypsy and Traveller pitch. The site is safeguarded by policy CS21 of the South Gloucestershire Local Plan Core Strategy 2013. The application site is sited beyond any settlement boundary within the open countryside and in the Bristol/Bath Green Belt. Heritage assets in the form of grade II listed buildings are present adjacent to the site.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (July 2018))

National Planning Policy Framework (Technical Guidance)

Planning Policy and Gypsy and Traveller Sites (PPTS). On August 31 2015 CLG issued an updated version of planning policy for Traveller sites (PPTS).

Planning (Listed Buildings and Conservation Areas) Act 1990

Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)

Historic England's Good Practice Advice in Planning Note 2 "Managing Significance in Decision-Taking in the Historic Environment".

Historic England's Good Practice Advice in Planning Note 3 "The Setting of Heritage Assets (2nd Edition)".

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

CS21 Gypsy and Traveller Accommodation

CS34 Rural Areas

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP4 Designated Local Green Spaces

PSP7 Green Belt

PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts

- 2.3 Supplementary Planning Guidance
 South Gloucestershire Design Checklist (Adopted)
 Planning Policy for Traveller Sites document (March 2012)
 South Gloucestershire Gypsy and Traveller Accommodation Assessment (GTAA) 2017

3. **RELEVANT PLANNING HISTORY**

Most relevant planning history:

- 3.1 PT13/2912/F Approved 23.10.13
 Erection of front porch to existing day room.
- 3.2 PT11/3324/F Approved 26.4.12
 Change of use of land for 2no. permanent gypsy and traveller pitches to include the stationing of 2no. mobile homes and retention of 1 transit pitch. Erection of 1no. day room.
- 3.3 PT10/0960/F Approved 14.6.10
 Change of use of land to gypsy caravan site to facilitate the retention of 1 no. existing mobile home and the siting of additional mobile home and erection of day room.
- 3.4 PT09/5184/F Split decision 16.11.09
 Change of use of land to gypsy caravan site to facilitate the retention of 1 no. existing mobile home and the siting of additional mobile home and erection of day room.

4. **CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council
 No objection

- 4.2 Corporate Travellers Unit
 The shortage of appropriate sites and pitches in the Council's area continues without realistic prospect of resolution within the life of the current or draft local plan. The intensification of privately owned sites is encouraged.

Once a family is established on its own land the need for publicly funded support is usually removed or significantly diminished as families achieve direct access to services. National research and local experience shows that problems arising from such sites are minimal in contrast to the social and financial difficulties which can arise from unauthorised encampments.

4.3 Strategic Planning Policy and Specialist Advice Team

No objection: considerable weight can be applied to Policy CS21 of the adopted Core Strategy, in combination with the demonstrable need for sites for pitches for Gypsy/ Traveller use in South Gloucestershire over the period to 2032.

4.4 Sustainable Transport

No objection

4.5 Lead Local Flood Authority

No objection

4.6 Archaeology

No comment

4.7 Environmental protection

The proposed development is located less than 250m from landfill at Westerleigh Rail Head, Westerleigh Road.

In order to ensure that the site is suitable for its proposed use, and in accordance with The National Planning Policy Framework, the following conditions are recommended for inclusion on any permission granted.

4.8 Highway Structures

No objection subject to an informative

4.9 Conservation Officer

Objection:

Contrary to Policy PSP17 of the Adopted Local Plan and the NPPF by virtue of the adverse impact on the setting of the listed buildings

Other Representations

4.10 Local Residents

There have been objections from one local resident. The points raised can be summarised as follows:

- add to my current loss of visual and residential amenity and privacy
- harmful impact on the landscape and setting of the nearby listed building
- very close to my boundary and will only be partially screened by planting
- the mobile home and its lighting will be very clear in winter
- roof and part of the day room will be visible at all times and this will be an intrusion to my privacy
- several buildings on the site have no planning permission
- often there are three touring caravans on the site and regular burning of materials producing irritant smoke

- concerned about the septic tank soak away and effluent flooding onto my land
- possible highway safety concerns
- permission should only be granted if special circumstances can be shown

5. **ANALYSIS OF PROPOSAL**

- 5.1 This application seeks planning permission for the erection of one day room and the siting of one mobile home and associated works.

Principle of Development

- 5.2 Policy CS21 is the principal policy in the development plan with regard to gypsy and traveller accommodation. It states, primarily, that a review will be undertaken as part of the Policies, Sites and Places Plan but that applications in the meantime will be considered having regard to the level of need and most recent government guidance. The policy then goes on to provide a selection criteria when considering applications and indicates that sites within a reasonable distance of facilities and services would be preferential to those in more remote locations. This policy also stipulates that in the Green Belt and AONB, development will only be acceptable where the test of 'very special circumstances' is applied. The site is located in the Green Belt.

Gypsy and Traveller Accommodation

- 5.3 Government policy on planning for the needs for Travellers is set out in the Planning Policy for Traveller Sites (PPTS). On 31 August 2015 CLG issued an updated version of PPTS. For the purposes of PPTS, "Travellers" means "Gypsies and Travellers" and "Travelling Showpeople", as defined below.
- 5.4 The most significant change introduced through the revised guidance is to the definition of Gypsies and Travellers and Travelling Showpeople. The changes in definition are seeking to effectively remove those who have ceased to travel on a permanent basis as falling outside of the definition of what it means to be a Gypsy/Traveller of a 'nomadic lifestyle' or Travelling Showperson.
- 5.5 For the purposes of the PPTS, 'Gypsies and Travellers' means (Annex 1):
Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 5.6 Furthermore, in the case of Gypsy/Travellers, to assist in making this distinction, additional considerations have been added to the definition which states (PPTS para. 2 of Annex 1: Glossary):

'In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life;*
- b) the reasons for ceasing their nomadic habit of life;*
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.'*

- 5.7 As was the case in previous guidance, Traveller site development in the Green Belt represents inappropriate development (Policy E). However, the revised PPTS goes further stating that: 'subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances'.
- 5.8 Where sites are proposed in the open countryside, the revised guidance also strengthened advice to LPAs, that new traveller site development in open countryside that is away from existing settlements should be very strictly limited. LPAs should also ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community or place undue pressure on local infrastructure (para 25).
- 5.9 Where LPAs cannot demonstrate a 5 year land supply of deliverable sites, this continues to be a significant material consideration when considering planning applications (para 27). However, the revised guidance introduces exceptions to further qualify this, for example where proposals involve land designated as (inter alia) Green Belt.
- 5.10 **South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)**
The Council adopted the Core Strategy on 11 December 2013. In accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, this application falls to be considered in accordance with Policy CS21 (Gypsy and Traveller Accommodation) of the South Gloucestershire Local Plan: Core Strategy.
- 5.11 When assessed against the Policy CS5 of the Core Strategy the application site falls outside any defined settlement boundary, within the open countryside. The site also lies within the Bristol and Bath Green Belt.
- 5.12 The development is proposed within the area safeguarded through Policy CS21 and aligns with the Council's strategy for intensification of residential use on its existing, authorised sites.
- 5.13 **Emerging policy: New South Gloucestershire Local Plan (2018 – 2036)**
Informal consultation (in line with Regulation 18, Town & Country Planning (Local Planning) (England) Regulations 2012) on the new Local Plan consultation document took place between 5 February 2018 and 30 April 2018. The consultation document included the Council's proposed approach to providing accommodation for Gypsies/ Travellers, and representations were invited. Consultation for this has now closed and the responses are being considered but the document can be viewed on the Council's website.

5.14 **Need for sites**

The change to national policy led to a need to refresh the Council's evidence base i.e. the GTAA 2013, which set the overall level of need for sites for Gypsy/Travellers and Travelling Showpeople which the Council will need to provide for through its planning policy framework.

5.15 In progressing the new South Gloucestershire Local Plan, the Council published its refresh Gypsy and Traveller Accommodation Assessment (GTAA) 2017, together with an explanatory note in February 2017 (as part of the Regulation 18 Local Plan Consultation) which sets out its approach to meeting the needs of its travelling communities up to 2032.

5.16 Based on the GTAA 2017, there is a need for 62 additional pitches for Gypsy/Travellers in South Gloucestershire by 2032.

5.17 **Conclusion of policy comments:**

PPTS states that the government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community (para 3).

5.18 Subject to this, as stated above, there is a high level of need for Gypsy/ Traveller pitches to be provided over the Plan period.

5.19 Given the outstanding level of need for sites in South Gloucestershire, the Council has taken a pragmatic approach in identifying the site as an existing, authorised Gypsy & Traveller site for inclusion in Policy CS21 of the Core Strategy. The proposed development would result in an additional residential pitch on an existing, authorised family site, therefore meeting the objectives of site 'intensification' within Policy CS21 and contributing to the existing shortfall of Gypsy and Traveller sites in the district. Moreover, the fact that this is an existing site is also considered to be a material consideration of some weight.

5.20 Notwithstanding this, in the case of proposals which come forward in the Green Belt, national policy is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para 16 of PPTS).

5.21 As the site is located within open countryside, it is for the case officer to consider whether the proposal is consistent with paragraph 25 of the PPTS, including whether the proposal respects the scale of, and does not dominate the nearby settled community. An assessment of whether the development would place undue pressure on local infrastructure should be undertaken.

5.22 In local planning policy terms, **considerable weight** can be applied to Policy CS21 of the adopted Core Strategy, in combination with the demonstrable need for sites for pitches for Gypsy/Traveller use in South Gloucestershire over the period to 2032.

- 5.23 It is for the case officer to consider whether criteria 1-4 of CS21 have been satisfied, and it should be deferred to specialist officers for their assessment of the proposal and its compliance with national and local planning policy.
- 5.24 It is considered that given the shortfall of gypsy and traveller sites and the fact that this proposal would be the intensification of an existing site that **considerable** weight can be awarded in favour of the scheme. Notwithstanding this the proposal has to meet other tests including impact on amenity, on the nearby listed heritage assets, on highway. Of paramount importance is that it should accord with Green Belt policy. All these matters are discussed further below.
- 5.25 **Green Belt**
The application site is situated within the Bristol/Bath Green Belt. Only development which meets the criteria listed in the updated NPPF 2018 can be considered appropriate. Development which does not fall within this list is considered inappropriate for which very special circumstances must be shown that outweigh the perceived harm to the Green Belt resulting from the development.
- 5.26 The applicant has acknowledged that very special circumstances are required for the introduction of a new mobile home, day room and associated works and information has been provided. The details are confidential but relate to the health needs of the applicants themselves and the parent of Mrs Connors who would occupy the proposed new pitch. Full health details have been disclosed that are considered sufficient to be regarded as being very special circumstances. Consequently, in this instance the proposal is considered to accord with Green Belt policy and can be supported and **considerable** weight is given in favour of the scheme for this reason.
- 5.27 **Landscape**
The application site is situated within the Bristol / Bath Green Belt. The government places great weight to the protection of the Green Belt. .
- 5.28 The application site relates to an enclosed area, already allocated as a Gypsy and Traveller site. Very limited views are possible into the site given the boundary treatments of high walls, fencing, planting and gates. The introduction of further development within the site would therefore not have an adverse impact on the surrounding landscape.
- 5.29 **Heritage**
The development is located within the setting of two grade II listed buildings: The Sign of the Dolphin and the Grave Evangelical Church, now a school. The entrance gate piers to The Sign of the Dolphin are also individually listed at grade II.
- 5.30 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the PLBCAA") imposes a duty upon the decision taking authority to have a special regard to the preservation of listed buildings (and their setting) and the special features that it possess.

5.31 The statutory requirements of the PLBCAA are inscribed in the sequential approach to considering the impact of development on heritage assets contained within the NPPF. In determining planning applications, great weight should be given to the conservation of designated heritage assets; the more important the asset, the greater the weight. Paragraph 194 requires clear and convincing justification for any harm to, or loss of, the significance of a designated heritage asset, which may include harm caused as result of development within its setting.

5.32 *Significance of Heritage Assets*

This site originally comprised an open area of land between the listed buildings but presently has one day room in the centre of the site, with mobile homes to the rear and hardstanding and to the front. There have been various applications for planning permission for development at the site and efforts have always been made to keep the front of the site as open and undeveloped as possible in order to avoid harming the openness of the site and the former rural setting and visual relationship between the two listed buildings.

5.33 This proposal seeks permission to erect a further day room and mobile home on the southern boundary, closer to the road than any of the other modern structures in the site. This will bring development into a far more intrusive location that will encroach into views of and from the adjacent listed building. Unlike the caravans/motorhomes which are relatively transitory in nature, the day room and mobile home will be perceived as permanent additions to the site. Planting and fabric screening has been provided to hide the present buildings on the site which is sufficient to screen the plot from views along the footpath, but the site and the buildings therein can still be seen from the two listed buildings and from further along the highway. The setting of the listed buildings, notably the Sign of the Dolphin, has been adversely affected by the recent construction of the gantries and supporting infrastructure for the electrification of the railway. These tall metal structures sit in a very elevated and exposed location due to being on the raised embankment adjacent to the listed building and are very prominent and distracting features when approaching from the north. They are not viewed in the same way when approaching from the south though, and the application site is seen alongside the walled garden of the Sign of the Dolphin and in the foreground of the church.

5.34 *Assessment of Harm*

The proposal will introduce modern structures that will be seen in views to and from both listed buildings. These new structures will be of a style, form and appearance that will appear incongruous against the traditional construction, form and materials of the listed buildings. The proposed structures will intrude into their immediate settings and will lead to further erosion of the former open, rural context by intensifying the degree of permanent development in a very prominent part of the site. Such harm will contribute collectively to the harm already being caused by modern development in the local environs. As such, the application fails to preserve or enhance those elements of the setting that make a positive contribution to, or better reveal the significance of the assets.

- 5.35 Accordingly, the appropriate test to apply in considering this application is whether or not the harm to the heritage assets is outweighed by the public benefits of the proposal. In applying this test, it is important to recognise that, as a result of the statutory duties set out above, considerable importance and weight should be given to *any* harm to designated heritage assets.
- 5.36 *Application of Heritage Balance*
In line with the NPPF guidance, heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 makes clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.
- 5.37 Paragraph 196 discusses the balance to be made where less than substantial harm to a designated heritage asset has been identified. As stated above, it requires the harm to be weighed against the public benefits of the proposal. In undertaking that exercise the statutory duties of the PLBCAA apply and considerable importance and weight must be applied to the desirability of preserving the heritage asset.
- 5.38 The public benefits of the development are discussed elsewhere in this report. However, in terms of concluding the heritage analysis it is considered that the harm to the heritage assets discussed above is outweighed by the public benefits of the development, discussed below, and therefore that the test in paragraph 196 of the NPPF is passed.
- 5.39 Summary
It has been concluded that the applicant falls within the definition of a Gypsy and Traveller site for planning purposes and therefore the assessment of this application can progress on that basis.
- 5.40 With regard to the Green Belt there is an objection on the grounds of the scheme being inappropriate development but very special circumstances have been accepted as outweighing the harm.
- 5.41 Harm to the two listed heritage assets have been identified and to overcome the harm to heritage, it is necessary to consider whether the public benefits of the proposal outweigh the harm. That harm should be given great weight.
- 5.42 Local Assessment Criteria
The criteria listed in policy CS21 may be applied with full weight. This section will consider the locally derived assessment criteria including design, amenity, and environmental factors which will be considered against the relevant Core Strategy policy.
- 5.43 Environmental Considerations (CS21 – criteria 1 and 2)
Policy CS21 requires the development not to have unacceptable environmental effects.

- 5.44 Given the history of the site as being less than 250 metres from the landfill area at Westerleigh Rail head, an appropriate condition is to be attached to the decision notice to ensure that the site is suitable for its proposed use.
- 5.45 Subject to the above, the site would not be subject to or create unacceptable levels of noise or air pollution or smells, dust and contamination. The proposal is therefore acceptable in these terms.
- 5.46 **Residential amenity considerations (CS21 – criteria 3)**
Policy PSP8 expressly considers residential amenity. Development should not be permitted which has a prejudicial impact on the living conditions of nearby occupiers. The nearest residential property is immediately adjacent to the site to the south. An impact on amenity can arise from factors such as overlooking and privacy, noise, and overshadowing.
- 5.47 Comments from a nearby neighbour are noted regarding impact on privacy, views and lighting. The built form structures in terms of the mobile home and day room are single storey only and screened by high and dense planting. Therefore, the development would not introduce significant levels of overlooking to the detriment of privacy, nor would it overshadow the neighbouring site or be overbearing upon it. The mobile home and day room would be for domestic purposes and on this basis there would be no unacceptable amount of lighting to disturb adjacent neighbours.
- 5.48 Amenity considerations are considered to be a neutral factor.
- 5.49 **Design, Character and Appearance**
Policy CS1 is the principal design policy and it requires development to meet the highest standards of site planning and design which is informed by and respects the local character of the area. This part of Westerleigh Road is quite rural in character with only a few houses / buildings on this western side of the road. A greater level of development; can be found the other side of the railway bridge leading into the village of Westerleigh itself.
- 5.50 The development would result in the erection of one day room and the siting of one mobile home. The proposed day room would be set back from the high front boundary stone wall by around 11.5 metres and from the neighbouring boundary line comprising mature planting, by around 3.5 metres. In terms of appearance the day room would have double roman tiles for its roof, be finished in smooth render. It would occupy a footprint of around 10 metres by 7 metres plus a small entrance porch and achieve an overall height of around 4 metres. In terms of scale and appearance the proposed day room would match the existing day room and in this respect is acceptable.
- 5.51 The proposed mobile home would be positioned alongside the proposed day room, but further to the west, closer to the existing day room on the site and again set back from the neighbouring southern boundary by around 3.5 metres. It would be of a typical two berth mobile home design which is appropriate and acceptable on this site.

5.52 The proposal is therefore in accordance with policy CS1.

5.53 **Highways and Transport (including CS21 – criteria 4)**

The proposal would be to intensify the use of an existing site. It is acknowledged that the site is outside a settlement boundary and in the countryside. The existing access has acceptable visibility splays in either direction and has a sizable area in which to pull in off the main road in front of the gates. With regards to parking there would be sufficient room on site for both parking and manoeuvring to meet both the existing and needs arising from this proposal.

5.54 Turning to traffic generation, the proposal is equivalent to 1 dwelling. It would therefore generate around 7 or 8 trips daily, however it has been indicated to Officers that the occupant of the proposed mobile home does not drive and uses a mobility scooter. Notwithstanding this, the potential level of traffic increase is not significant and would not have a detrimental impact on traffic movement in the wider area.

5.55 The development would not have a significant impact on highway safety and is acceptable. This is therefore a neutral factor in the overall planning balance.

Consideration of Case Specific Circumstances

5.56 As stated, the Authority cannot demonstrate a 5-year supply of specialist accommodation for Gypsies and Travellers. As a result the development plan is out of date. This section will consider the specific details of this case and its contribution towards the overall supply of specialist accommodation in the district.

Need for Gypsy and Traveller Accommodation

5.57 As identified in the GTAA, there is significant need for additional gypsy and traveller accommodation in South Gloucestershire and an historic under supply of pitches. It is accepted that there is a need for additional specialist accommodation for which no provision is made in the development plan.

5.58 This is a factor of significant importance. The aim of planning policy is to meet sustainable housing needs, including that for Gypsies and Travellers. As a public body, the authority is also bound by the public sector equality duty where it is required to act to promote equality and this is highly relevant to the application in hand.

5.59 Officers therefore apply **significant and substantial weight** to the provision of additional Gypsy and Traveller accommodation and this weighs in favour of granting planning permission.

Personal Circumstances

5.60 As with every planning application, each must be assessed on its own merits. This includes, for applications such as this, the circumstances personal to the applicant.

- 5.61 A large and detailed file of information has been made available to the LPA setting out the medical history and conditions of both the applicants, Mr and Mrs Connors who currently reside at Bridge View, and also of the elderly parent of Mrs Connors who would be occupying the proposed new pitch. This elderly relative, Mr Elsey, is now at the stage where living on his own is problematic and becoming not feasible and he now requires additional care and support on a daily basis. There are no other family members living close by.
- 5.62 Care and support can therefore be provided by family members, namely the applicants, but for their own health reasons they cannot make frequent journeys across the country from South Gloucestershire to Bognor Regis in West Sussex to provide this support. By moving Mrs Connors' father to a pitch on this existing site, the applicants will be able to provide the required help and support to Mr Elsey whilst not adversely affecting or worsening their own medical conditions. Additional support would be provided by Mr and Mrs Connors' daughter who also lives on the site. It is common for Gypsy and Traveller families to live together in mixed generation groups for the purpose of providing help and support to each other.
- 5.63 The personal circumstances of the applicants and of Mrs Connors' parent are material considerations weigh in favour of the granting planning permission.

Very Special Circumstances

- 5.64 Although not a requirement in national policy (apart from development in the Green Belt), policy CS21 requires 'very special circumstances' to be demonstrated when considering applications for Gypsy and Traveller accommodation in the AONB.
- 5.65 The case of very special circumstances should be considered as per the information set out in the two sections above: need and personal circumstance.
- 5.66 As part of the special circumstances, weight should also be given to this application being the intensification of an existing and established Gypsy and Traveller site. Furthermore, the family are and have been settled in the area for some time.
- 5.67 Taking the above into account, Officers conclude that there are very special circumstances in this case. The proposal does not therefore conflict with policy CS21.

Overall Planning Balance

- 5.68 In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, this application is to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.69 For the reasons set out above, officers consider that the proposal complies with the Development Plan. It is therefore necessary to consider whether there are any material considerations which would justify a departure from it.

Harmful Factors

- 5.70 The analysis has identified that the development would result in harm to the Green Belt and the setting of the listed heritage asset.
- 5.71 The harm that would result to the Green Belt is of significant weight against the grant of planning permission.
- 5.72 Harm to heritage assets has also been identified. The level of harm has been concluded to be less than substantial. However, since 'great weight' should be given to the conservation of designated heritage assets in accordance with paragraph 193 of the NPPF, the harm to each of these designated assets should be given considerable importance and weight.

Favourable Factors

- 5.73 There is an unmet need for gypsy and traveller accommodation in the district. The proposal would contribute an additional pitch to overall supply in the district and assist in meeting the shortfall in provision. Gypsies and travellers have protected characteristics as defined in the Equality Act. Therefore, decisions by public bodies must consider the impact that the refusal or grant of planning permission would have on advancing equality for all.
- 5.74 The grant of planning permission would enable persons with protected characteristics to live in suitable accommodation and would therefore advance equality for all. It would also assist in meeting the authority's duty to provide such accommodation. This is a factor of **significant** weight and weighs substantially in favour of the grant of planning permission.
- 5.75 As part of this application, information on the personal circumstances of the applicant and their relative have been provided. The personal circumstances weigh in favour of the grant of planning permission.

Balancing Exercise

- 5.76 In considering whether any material considerations would justify a departure from the development plan, officers have balanced the harm which would result from the development against the benefits set out above.
- 5.77 While it is acknowledged that the development would result in harms to the Green Belt and potential harm to the setting of the listed heritage asset, and that those harms should each be given great weight, the resulting harm is concluded to be outweighed by social factors set out above. Significant weight is given to the very special personal circumstances of the applicant, significant weight is given to the undersupply of suitable accommodation within the district and considerable weight is given to the intensification of an existing gypsy and traveller site.
- 5.78 It is therefore concluded by Officers that, on the merits of this case and, having regard to all material considerations, the application should be determined in accordance with the development plan and planning permission should be granted subject to suitable conditions to mitigate the impact of the development.

Equalities

5.79 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.

5.80 With regards to the above this planning application is considered to have a positive impact as it would directly assist in addressing inequality for the reasons set out in the report.

Other Matters

5.81 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.

5.82 Concerns regarding septic tanks and effluent flooding onto adjacent land are not issues that can be considered under this planning application but would be covered under Building Control regulations. Regarding the burning of materials on site, this should be taken up with the correct department which could include Environmental Protection 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** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 It is recommended that planning permission is **APPROVED** subject to the conditions listed below.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The mobile home and one amenity block/dayroom hereby permitted shall be occupied only by Mr H R Elsey.

Reason:

The permission has been granted solely having regard to the special circumstances of the case and any use not in accordance with the requirements of the condition would require the further consideration of the Local Planning Authority in the light of the Development Plan, and any other material considerations.

3. If the pitch hereby approved, ceases to be occupied by the person named in condition 2 above, the use of that individual pitch hereby permitted shall cease and all relevant materials and equipment brought onto the premises in connection with the pitch, including the amenity block, shall be removed. Within 6 months of that time the land shall be restored to its condition before the use commenced.

Reason

The permission has been granted solely having regard to the special circumstances of the case, and any use not in accordance with the requirements of the condition would require further consideration of the Local Planning Authority in the light of the Development Plan, and any other material considerations.

4. The pitch hereby approved shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1: Glossary to the DCLG document Planning Policy for Traveller Sites August 2015.

Reason

To ensure that the site is not occupied by people other than those of Gypsy and Traveller status, given the limited availability of Gypsy and Traveller sites within South Gloucestershire.

5. There shall be no outside storage on the site.

Reason

In order to minimise the impact upon the character and visual amenity of the landscape and the Green Belt; and the setting of the adjacent listed buildings and to accord with Policy PSP7, PSP2, PSP11 and PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) November 2017.

6. The mobile home hereby approved shall be positioned as shown, and shall not exceed the foot print dimensions as shown upon Drawing: Proposed floor plan and elevations block plan Numbered PL 01. Thereafter the approved development shall be retained as such.

Reason

In order to minimise the impact upon the character and visual amenity of the landscape and the Green Belt; and the setting of the adjacent listed buildings and to accord with Policy CS1 of the South Gloucestershire Council : Core Strategy (Adopted) 2013, Policy PSP7, PSP2 and PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) November 2017.

7. The development hereby approved shall be completed strictly in accordance with the details shown upon drawing : Proposed floor plan and elevations Number PL 03 for the mobile home and drawing : Proposed floor plan and elevations block plan Number PL 01 which shows the day room.

Reason

In order to minimise the impact upon the character and visual amenity of the landscape and the Green Belt; and the setting of the adjacent listed buildings and to accord with Policy CS1 of the South Gloucestershire Council : Core Strategy (Adopted) 2013, Policy PSP7, PSP2 and PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) November 2017.

8. No commercial activities shall take place on the land, including the storage of materials.

Reason

In the interests of highway safety and in order to minimise the impact upon the character and visual amenity of the landscape and the Green Belt; and the setting of the adjacent listed buildings and to accord with Policy PSP7, PSP2, PSP11 and PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) November 2017.

9.
 - A) Desk Study - Previous historic uses of land within 250m of the site may have given rise to contamination. No development shall commence until an assessment of the risks posed ground gases from the quarry fill shall have been carried out and submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175 Investigation of potentially contaminated sites and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.
 - B) Intrusive Investigation/Remediation Strategy - Where following the risk assessment referred to in (A), a potential risk from ground gases is identified, no development shall take place until a ground gas survey has been carried out. A report shall be submitted for the written approval of the local planning authority and include a conceptual model of the potential risks to human health; property/buildings and service pipes. Where unacceptable risks are identified, the report submitted shall include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the preferred remediation option(s). The programme of the works to be undertaken

should be described in detail and the methodology that will be applied to verify the works have been satisfactorily completed.

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

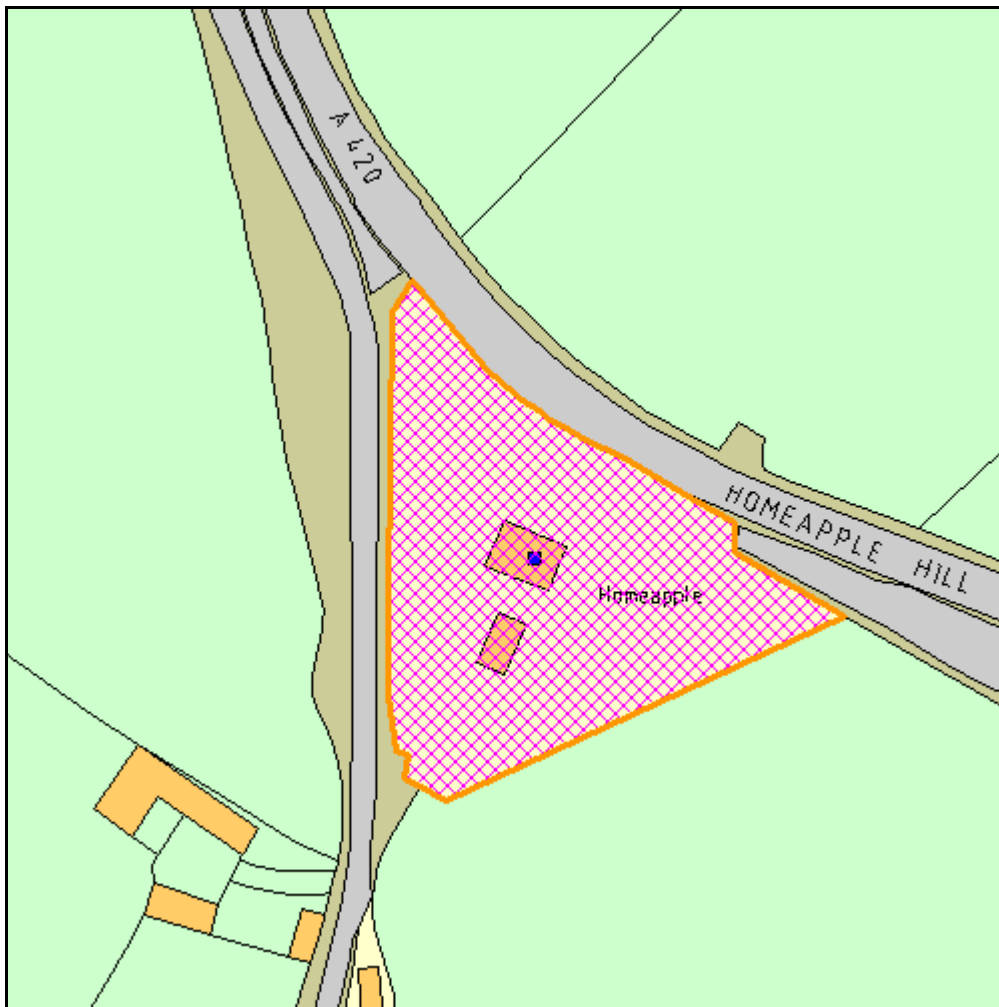
- C) Verification Strategy - Prior to first occupation, where works have been required to mitigate contaminants (under condition B) a report providing details of the verification demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in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

Reason

This is a prior to commencement of development to avoid any unnecessary remedial action in 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.

CIRCULATED SCHEDULE NO. 38/18 – 21 SEPTEMBER 2018

App No.:	PK18/3482/CLE	Applicant:	Mr Erminio Porcaro
Site:	Homeapple Cann Lane Oldland Common Bristol South Gloucestershire BS30 5NQ	Date Reg:	31st July 2018
Proposal:	Continued use of swimming pool, changing facilities and plant house, 3 no. garages with sun deck over.	Parish:	Siston Parish Council
Map Ref:	368539 172941	Ward:	Siston
Application Category:	Certificate of Lawfulness	Target Date:	25th September 2018



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PK18/3482/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 of existing development for the swimming pool, changing facilities and plant house, and triple garage at Homeapple, Cann Lane. These buildings and structures are used in connection with the residential dwelling at Homeapple and would therefore have a Class C3 classification (as defined in the Schedule to the *Town and Country Planning (Use Classes) Order 1987*).
- 1.2 The certificate of lawfulness is sought on the basis that the development is immune from enforcement action under section 171B(1) of the *Town and Country Planning Act 1990* ("the Act") as it has been complete for a period in excess of 4 years and, by virtue of section 191(2) of the Act, is therefore lawful.
- 1.3 This application follows two previous applications for certificates of lawfulness which are detailed in Section 3. The earlier applications were required to consider the change of use of the land; this is now resolved and an appropriate certificate of lawfulness granted.

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 PK17/5724/CLE Approved 29/03/2018
Use of land for residential purposes (Class C3, as defined in the Town and Country Planning (Use Classes) Order 1987) in connection with the dwelling known as Homeapple.
- 3.2 PK17/3715/CLE Refused 29/09/2017
Certificate of lawfulness for the existing swimming pool and associated changing facilities/plant house, garage and use of land as residential garden (Class C3; as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987)

Reason

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.

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 4.1 To support this application, the agent has submitted aerial photographs from June 2013 and June 2014.

5. SUMMARY OF CONTRARY 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.
- 5.3 The local planning authority draws on evidence from: Google Street View dated June 2014 (accessed 19 August 2017 in association with the determination of PK17/3715/CLE); Bing Streetside dated 29 March 2012 and 03 April 2012 (accessed 19 August 2017 in association with the determination of PK17/3715/CLE).

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 Siston Parish Council
None received
- 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 buildings are lawful.
- 7.2 Breach of Planning Control
From the planning history held for this site, the breach of planning control has been identified as:
- 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

- 7.3 However, the change of use of land to residential garden has subsequently been found to be lawful under PK17/5724/CLE. Therefore, that breach could not be subject to enforcement action and is no longer, for the purposes of determining this application, considered a breach of planning control.
- 7.4 Evidence has not been provided to make an assessment as to whether the development was carried out as permitted development. In the absence of information such as elevations and the precise dates of construction it is not possible for officers to confirm or deny whether planning permission was required for the garage, extension to outbuilding, or swimming pool. Nevertheless, it is unlikely that the land would be considered residential curtilage and therefore permitted development rights may not apply. It must therefore be assumed that planning permission would have been required for the development undertaken and the lack of planning permission constitutes the breach.
- 7.5 The applicant is seeking a certificate on the basis that the subject building have been substantially complete for a period in excess of 4 years. It is stated that by June 2013 the buildings were substantially complete with some roofing works outstanding and that by June 2014 the buildings were complete.
- 7.6 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.
- 7.7 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); [...]*
- 7.8 In order for this certificate of lawfulness to be granted it must be demonstrated that, on the balance of probability, the building operations have been complete for a period in excess of 4 years (as specified in Section 171B of the Act) and that no subsequent development has occurred. For this application, it would be 4 years (or longer) prior to the date of submission which was 31 July. Therefore the buildings should be in place and substantially complete prior to 31 July 2014.
- 7.9 Assessment of Lawfulness
As part of the consideration of PK17/3715/CLE the lawfulness of the subject buildings was considered. As part of that application, a statutory declaration was submitted. That document stated that the building operations were undertaken between 2009 and 2013. However, the Authority presented evidence from its own aerial photographs of the site and internet mapping

sources which reduced the weight that could be applied to the statutory declaration as the date of substantial completion was ambiguous.

- 7.10 The evidence submitted with this application is two aerial photographs. The first is dated June 2013. According to the cover letter, it demonstrates that the works were substantially complete with just the terrace and plant room roof requiring works. The next photo, dated June 2014 is stated to demonstrate that the works are complete.
- 7.11 Under the earlier application (PK17/3715/CLE), the issue was that evidence collected by the Authority provided a date of June 2014 when it was ambiguous as to whether any works were ongoing. This conflicted with the dates provided by the applicant at that time. The next available photo on Google Streetview is August 2015 where all works are complete.
- 7.12 It is not clear what works were being undertaken in June 2014 apart from it involved the roof. It is not known whether this was re-roofing or not. But, it is likely that the building could be considered substantially complete by that time.
- 7.13 On the balance of probability, the ambiguity that existed over dates when the earlier application was determined have been resolved. The development was completed sometime between June 2014 and August 2015. The Authority has no evidence to indicate that it could not have been completed in June 2014.
- 7.14 Summary
The applicant has stated that works were complete by June 2014. For this certificate to be granted, works must have been complete by 31 July 2014. While the Google Streetview image indicates roofing works were being undertaken in June 2014, there is no evidence that these works could not have been completed by the end of July that year. Evidence certainly concludes that the roof was complete by August 2015. Furthermore, although evidence has not been presented specifically on this topic, it is likely that it could be concluded that the development was substantially complete by June 2014 as indicated by the applicant.
- 7.15 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.*
- 7.16 It is therefore concluded that the carrying out of building operations are immune from enforcement under section 171(1) and 171B(3) and a certificate of lawfulness should be granted.

8 RECOMMENDATION

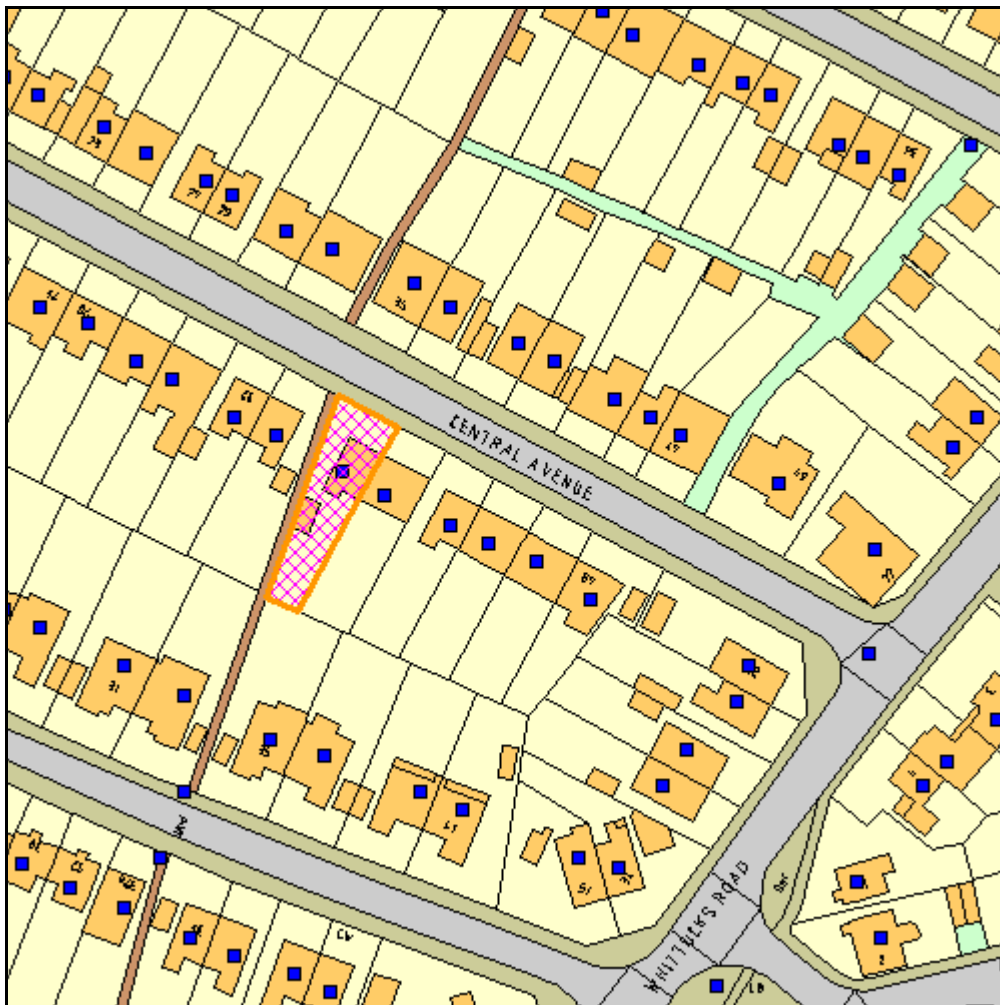
- 8.1 It is recommended that a Certificate of Lawfulness is GRANTED for the reason listed below.

On the balance of probabilities, the buildings in question have been substantially complete for a period in excess of 4 years prior to the application. Therefore, the buildings as described in the application are immune from enforcement action by virtue of section 171B(1) of the Town and Country Planning Act 1990 therefore considered to be lawful by virtue of Section 191(2) of the abovementioned Act.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CIRCULATED SCHEDULE NO. 38/18 – 21 SEPTEMBER 2018

App No.:	PK18/3528/CLP	Applicant:	Mr & Mrs Low
Site:	36 Central Avenue Hanham Bristol South Gloucestershire BS15 3PQ	Date Reg:	3rd August 2018
Proposal:	Installation of Hip to Gable roof extension and rear dormer to facilitate loft conversion.	Parish:	Hanham Parish Council
Map Ref:	364530 171963	Ward:	Hanham
Application Category:	Certificate of Lawfulness	Target Date:	24th September 2018



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PK18/3528/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 a hip to gable roof conversion; installation of a rear dormer; and insertion of roof lights to the front elevation to facilitate a loft conversion at 36 Central Avenue Hanham would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (As Amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class B and Class C.

3. RELEVANT PLANNING HISTORY

- 3.1 K7376
Approve (19.03.1993)
TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSIONS

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
No objection

Other Representations

- 4.2 Local Residents
One objection letter received relating to loss of privacy and an overbearing impact to the objectors and nearby retirement properties; design and character is out of keeping with the host dwelling and within the surrounding area; that a two storey side extension should be constructed; and that it would set a precedent.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Location Plan
Received by the Council on 30th July 2018

Existing and Proposed Elevations
Drawing No. 180310-02
Received by the Council on 30th July 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 alterations from hip to gable roof and the installation of 1no rear dormer to facilitate a loft conversion 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 proposed dormer window and roof alteration 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 principle elevation of the dwellinghouse and fronts a highway;**

The proposals do not extend beyond the plane of any existing roof slope which forms a principle 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. The rear dormer would result in a volume increase of 19m³; and the hid-to-gable alteration would result in a volume increase of 16m³. The total therefore would be 35m³; this is less than the 50m³ permitted.

- (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 submitted drawings show that a soil and vent pipe would be altered as such the proposal does not meet this criteria.

- (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;**

As noted in the application; and submitted drawings; the materials used will be of similar appearance to the existing dwellinghouse.

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

The hip-to-gable alteration is excluded as per point (b)(i). The rear dormer would not impact the eaves; it would be 0.5 metres from the outside edge of the eaves of the original roof; and the dormer 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.**

Submitted plans show the window installed on the side elevation of the dwellinghouse would be non-opening and obscure glazed.

6.4 The proposed development also includes the provision of 2 new roof lights to the front elevation. This development falls within Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits any other alterations to the roof of a dwellinghouse. This allows roof light additions subject to the following:

C.1 Development is not permitted by Class C 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) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;**

The roof lights proposed will not protrude more than 0.15 meters beyond the plane of the original roof.

- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or**

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

- (d) it would consist of or include-**

- I. the installation, alteration or replacement of a chimney, flue or soil vent pipe, or**
- II. the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**

The submitted drawings show that a soil and vent pipe would be altered as part of the overall development. As such the proposal does not meet this criteria.

6.5 No. 36 Central Avenue Hanham has no restrictions that would restrict the development proposed.

6.6 Other matters

As noted throughout this report, this application 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 express planning permission. Matters relating to a loss of privacy or an overbearing impact to nearby properties; design and character of the proposal; alternative proposals; or setting a precedent are not of relevance in determining this application.

7. RECOMMENDATION

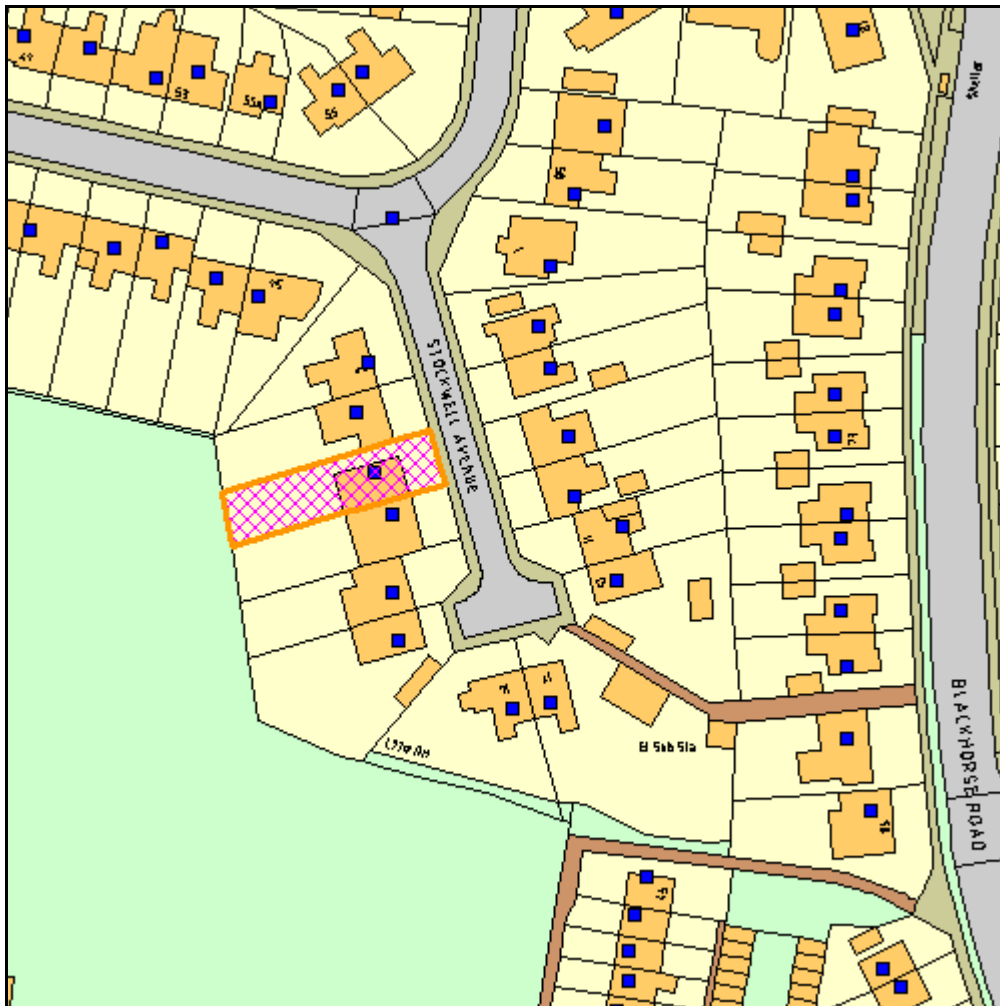
7.1 That a certificate of Lawfulness for Proposed Development is **refused** for the following reasons:

Evidence has been provided to demonstrate that on the balance of probabilities the development does not fall within permitted development for the curtilage of the dwellinghouse under Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) (As Amended) as it does not accord with Class B.1 (e)(ii) and Class C.1 (d)(i) as it would consist of or include the installation, alteration or replacement of a chimney, flue or soil vent pipe. Therefore it constitutes development that requires planning permission.

Contact Officer: David Ditchett
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 38/18 – 21 SEPTEMBER 2018

App No.:	PK18/3549/F	Applicant:	Mr & Mrs Williams
Site:	6 Stockwell Avenue Mangotsfield Bristol South Gloucestershire BS16 9DR	Date Reg:	13th August 2018
Proposal:	Erection of a single storey side and rear extension to form additional living accommodation. Installation of 1 No. side and 1 No. rear dormers to facilitate loft conversion.	Parish:	Emersons Green Town Council
Map Ref:	366265 176833	Ward:	Rodway
Application Category:	Householder	Target Date:	1st October 2018



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PK18/3549/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a single storey side and rear extension to form additional living accommodation and the installation of 1no side and 1no rear dormer to facilitate a loft conversion at 6 Stockwell Avenue, Mangotsfield.
- 1.2 The application site relates to a two storey, semi-detached property which is located within the settlement boundary of Mangotsfield.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

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

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

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Emersons Green Town Council
No objection

4.2 Sustainable Transport

A revised block plan has been submitted which shows two vehicular parking spaces. Although the level of parking complies with the Council's residential parking standards, the orientation of the parking is not considered acceptable. A revised plan is requested which shows the two spaces turned to allow the driver to drive on and reverse directly out onto the public highway.

Subject to revised plan addressing the above, there is no transportation objection raised.

Other Representations

4.3 Local Residents

Objection comments received from 2no local residents, summarised as follows;

Resident 1:

- Loss of privacy- The proposed dormer window on the north side would overlook the front of my property and neighbouring residents.
- The proposed higher roof to facilitate loft conversion would darken the road, pavement, front of property and driveway at night.
- I have recently lost a skyline view from a loft conversion at no.52 Stockwell Drive which I was not made aware of.
- The proposed plans for a loft conversion and dormer windows at 6 Stockwell Ave would further impact my skyline view.
- If building work started for both 6 and 7 Stockwell Ave at the same time it would cause considerable disruption to other residents.
- Stockwell Ave is a small idyllic 1960's residential area containing attractive semi-detached properties. I have concerns that extensions would lose a lot of character and charm of the Avenue.
- Emersons Green Town Council have found 'no objection' to the application which I believe is unfair at this stage having not taken into account the concerns of local residents.

Resident 2:

- I have not been informed officially of the proposed changes.
- The garden wall that is also the garage dividing wall is on my property and carries electrical cable to various power points in the garden.
- Drainage for mine and my neighbour's garage roof is through my gully and waste pipe.
- Because number 6 and 8 have paved front gardens my front garden is regularly flooded by their run off.
- When my neighbour had an extension added many years ago but failed to provide a down pipe from the roof gully, I have their rain water as well as my own. Three houses and my own is too much rain water for my property to handle and is unacceptable.
- Any building work that entails entering or having scaffolding or altering any of my property I would be opposed to.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Design and Visual Amenity

The proposed development consists of a single storey side and rear extension and 1no side and rear dormer.

5.3 *Side and rear extension*

The host property includes an existing attached single garage which measures approximately 2.5 metres in width, 3 metres in height and 5.3 metres in depth. The proposal would extend the existing garage to the rear by a further 5.5 metres to meet the rear building of an existing single storey rear extension. The proposal would consist of a hipped roof with an eaves height of approximately 2.9 metres and an overall height of approximately 3.8 metres, the height of the existing garage would increase to match. A similarly sized side and rear extension has recently been approved at no.7 Stockwell Avenue.

5.4 *Side and rear dormers*

The proposed dormers would extend from the side and rear elevations and would consist of pitched roofs. A side dormer of a similar design can be found on the neighbouring property of the semi-detached pair and examples of side and rear dormers can be found in the surrounding area. Having calculated the volume of the proposed dormers it is noted that the increase in size of the roof space could be accommodated within permitted development; and in relation to this proposal a pitched roof is preferable to a box dormer.

5.5 *Materials*

Concern has been raised by a neighbouring occupier regarding the proposal negatively impacting on the character of the area. The existing property consists of spar render and tile cladding elevations, concrete roof tiles and white UPVC windows. The application is proposing that the dormer windows and extension are to be finished in painted render. As the proposed finish would not match the host dwelling or surrounding properties and the side dormer would be prominent within the streetscene, it is deemed necessary to include a condition for the materials to match host dwelling. All materials are deemed acceptable, subject to condition, and therefore the proposal is not considered to significantly impact the character of the area.

5.6 Overall, it is considered that the proposed development would not be detrimental to the character of the host dwelling or the surrounding area and is of an acceptable standard of design. As such, the proposal is deemed to comply with policy CS1 of the Core Strategy.

5.7 Residential Amenity

- Policy PSP8 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.8 Concerns have been raised by a neighbouring occupier at no.5 Stockwell Avenue, located on the opposite side of the highway, regarding loss of privacy and skyline view from the side dormer window. The current outlook from the front of no.5 is onto the semi-detached properties on the opposite side of the cul-de-sac, the proposed development is not considered to alter this outlook to an unacceptable level. Considering the distance between the properties and that the proposed side dormer window would serve a stairwell, it is not thought to result in any material overlooking issues. That said, to overcome any possible overlooking issues onto the immediate neighbouring occupier at no. 4 Stockwell Avenue a condition will be included for obscure glazing to be used. The proposed rear dormer includes a Juliet balcony and two small windows, it is noted that these could be installed without the need for planning permission under permitted development criteria; there is also a certain degree of overlooking from existing first floor windows onto neighbouring rear gardens which is common in housing layouts of this nature.
- 5.9 Concerns have also been raised from the occupier of no.5 Stockwell Avenue regarding loss of light, specifically darkening the front of his property and driveway at night. Considering the proposal would be located approximately 20 metres from the front of no.5 it is not thought by the Officer to result in a material loss of light impact. Due to the position of the proposed dormer windows, it is unlikely that they would result in a significant loss of light to any nearby occupiers.
- 5.10 The proposed single storey side and rear extension would be located approximately 2.5 metres from the side elevation windows that serve the kitchen of no.4 Stockwell Avenue. It is noted that the property is at a higher gradient to no.4 and that the proposal would have some impact on light, however the difference in height is minimal and due to the single storey nature of the proposal it is not considered to significantly affect the light currently afforded to the neighbouring occupier to such a degree as to warrant refusal, nor is it considered to result in a material overbearing impact.
- 5.11 The proposal will occupy additional floor space, however it is considered that sufficient private amenity space for the occupiers of the host dwelling would remain following development.
- 5.12 Overall, the subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal is not considered to result in an unacceptable impact on the residential amenity of its neighbouring occupiers or the host dwelling. Therefore, the development is deemed to comply with Policy PSP8 of the PSP Plan.

5.13 Sustainable Transport and Parking Provision

The application will increase the number of bedrooms from three to four; South Gloucestershire Council residential parking standards require three and four bedroom properties to provide two off-street parking spaces. The host property benefits from an existing driveway at the front of the property which is able to accommodate two vehicles. This will be unaffected by the proposal and as such no objections are raised in terms of transport.

5.14 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.

5.15 Other matters

The occupier of no.4 Stockwell Avenue stated they were not officially informed of the proposal. However, it has been recorded that a consultation letter was sent to this address on 13/08/2018.

5.16 The plans do not indicate that the existing wall between the two neighbouring properties would be altered, any work to a shared boundary wall would require a party wall agreement.

5.17 For a householder development of this size, any concerns with drainage would be satisfied by Building regulations.

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

5.19 The applicant has three years to begin the work and the Officer cannot determine when work will start for each proposal that is approved. However, to reduce the impact to local residents a condition restricting the time of working will be included.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: James Reynolds
Tel. No. 01454 864712

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

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

Monday - Friday.....7:30am - 6:00pm

Saturday.....8:00am - 1:00pm

No working shall take place on Sundays or Public Holidays.

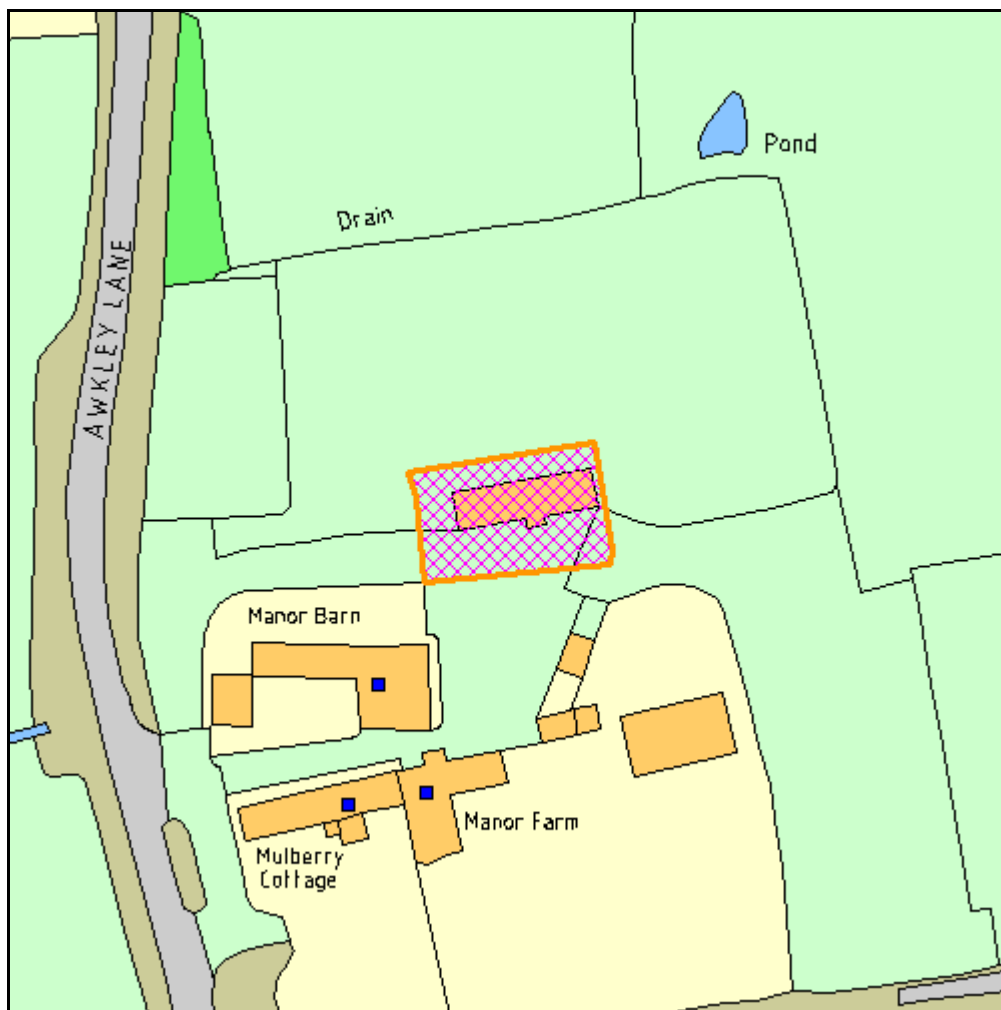
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 38/18 – 21 SEPTEMBER 2018

App No.:	PT18/1943/F	Applicant:	Mr Philip Scandrett
Site:	Manor Farm House Awkley Lane Tockington South Gloucestershire BS32 4LP	Date Reg:	2nd May 2018
Proposal:	Erection of single storey side extension to form additional living accommodation. Installation of side balcony (Retrospective)	Parish:	Olveston Parish Council
Map Ref:	359466 185844	Ward:	Severn
Application Category:	Householder	Target Date:	25th June 2018



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to Circulated Schedule due to representations that have been received which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a single storey side extension to form additional living accommodation as well as the installation of a side balcony, both to a converted building known as Barn at Manor Farm, Tockington.
- 1.2 The applicant has stated that the work has already started, and is therefore seeking retrospective permission.
- 1.3 The building itself is a converted barn, given permission under planning application ref. PT13/0956/F. Its elevations are comprised of natural stone and it has a pantile roof. It forms part of a wider group of former farm buildings relating to Manor Farm. The site is located within the Green Belt and outside of any settlement boundary. It is also located within Flood Zone 2.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2018

- 2.2 Development Plans

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
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP43	Private Amenity Space Standards

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/0956/F Approve with Conditions 16.04.2014
Conversion of agricultural building to provide detached dwelling with access and associated works (Retrospective)

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
No objection.
- 4.2 Sustainable Transport
No comment
- 4.3 Lead Local Flood Authority
No objection subject to condition requiring submission of flood risk mitigation measures.
- 4.4 Archaeology
No comments received

Other Representations

- 4.5 Local Residents
1no. objection and 1no. neutral comment were received from members of the public. Comments are summarised as follows;
- Increased roof area will increase the amount of rainwater directed through our property.
 - Existing drainage systems are over capacity and this will worsen existing situation
 - Proposed extension would clearly be visible from the road, contrary to the application form.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The NPPF states in paragraph 145 that the extension or alteration of a building in Green Belt would be allowed, providing that the development does not result in disproportionate additions over and above the size of the original building. Accordingly, the development would be appropriate in principle providing that it is not deemed disproportionate in relation to the original building.
- 5.2 CS1 of the Core Strategy seeks the highest possible standards of design and states 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. PSP38 allows the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. The proposal accords with the principle of development subject to the consideration below.

5.3 Green Belt

In terms of proportionate additions to buildings, PSP7 sets out a general guide in terms of what will be acceptable. This sets out that;

...an addition resulting in a volume increase up to 30% of the original building would be likely to be proportionate.

Additions that exceed 30% volume increase will be carefully assessed, with particular regard to whether the proposal would appear out of scale and proportion to the existing building. The larger a building becomes in excess of 30% over and above its original size, the less likely it is that the new extension(s) will be considered proportionate.

Additions resulting in a volume increase of 50% or more of the original building would most likely be considered a disproportionate addition and be refused as inappropriate development.

- 5.4 The development would involve two elements, both of which would be fairly modest additions. Officers have carried out volume calculations, and estimate that there would be a volume increase of around 20%. As such it is considered that the development would be proportionate, and would constitute appropriate development in the Green Belt.

5.5 Design and Visual Amenity

The development would involve the erection of a single storey side extension as well as the installation of a balcony. These would be modest developments. Plans show that the single storey side extension would match the depth of the existing property, it would extend by 4.2 metres, and would be set down from the existing ridge line by 0.4 metres. Accordingly, it is considered that it would appear as a subservient addition to the building. It is proposed that it would have natural stone elevations and a pantile roof which match the existing property. It would introduce bi-fold doors and high level windows to the west (side) elevation, as well as glazed panels to the front elevation, and 1no. window to the rear. These appear to match those fenestrations on the existing building.

- 5.6 Moving on to the proposed balcony, this would be on the opposite side (east) elevation of the property. Plans submitted as part of the original permission show that the first floor contains 2no. bedrooms, which are accessed by a spiral staircase. The balcony would adjoin to the side of one of the bedrooms. It would be canopied over two pillars and would have a glazed balustrade with doors opening out on to it. While this feature would be modern, given its location and size it is not considered that it would be unacceptable or harmful to the surrounding area.

5.7 Residential Amenity

The development is located in a cluster of buildings, which are largely residential converted agricultural buildings. Given the orientation of the proposed extensions, as well as the distance from nearby properties, it is not considered that any harmful impacts to residential amenity would occur.

The proposed balcony would look out onto an adjacent field to the east, and would not result in any material overlooking.

5.8 Transport

The development would not increase the number of bedrooms at the property, nor would it impact on existing parking provision or access. No objection is therefore raised to this matter.

5.9 Drainage and Flood Risk

Local residents raised concerns with regard to drainage matters. While these concerns are understood, these matters would generally be considered through building regulations rather than as part of the planning application. Further, it is noted that the Lead Local Flood Authority have not raised any principle concerns.

5.10 The site is located in Flood Zone 2. Drainage colleagues have raised no objection in principle to the development. However, they have requested that flood risk mitigation measures are required by condition in accordance with the Environment Agency Form; 'Householders and other minor extensions in Flood Zones 2 & 3'. They will also be required to clarify the means of managing surface run off. Subject to this information been submitted and reviewed by Officers, there is no objection with regards to flood risk.

5.11 Other matters

Local residents stated that the application form was incorrect when it stated that the development would not be visible from the road. It was noted on a site visit that the property is visible from the road at points.

5.12 Equalities

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

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

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 below

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

2. Prior to relevant works, the following shall be submitted to, and approved in writing by the Local Planning Authority.
 - flood mitigation measures in accordance with the Environment Agency Form: 'Householders and other minor extensions in Flood Zones 2 & 3'
 - details of the proposed method of surface run off

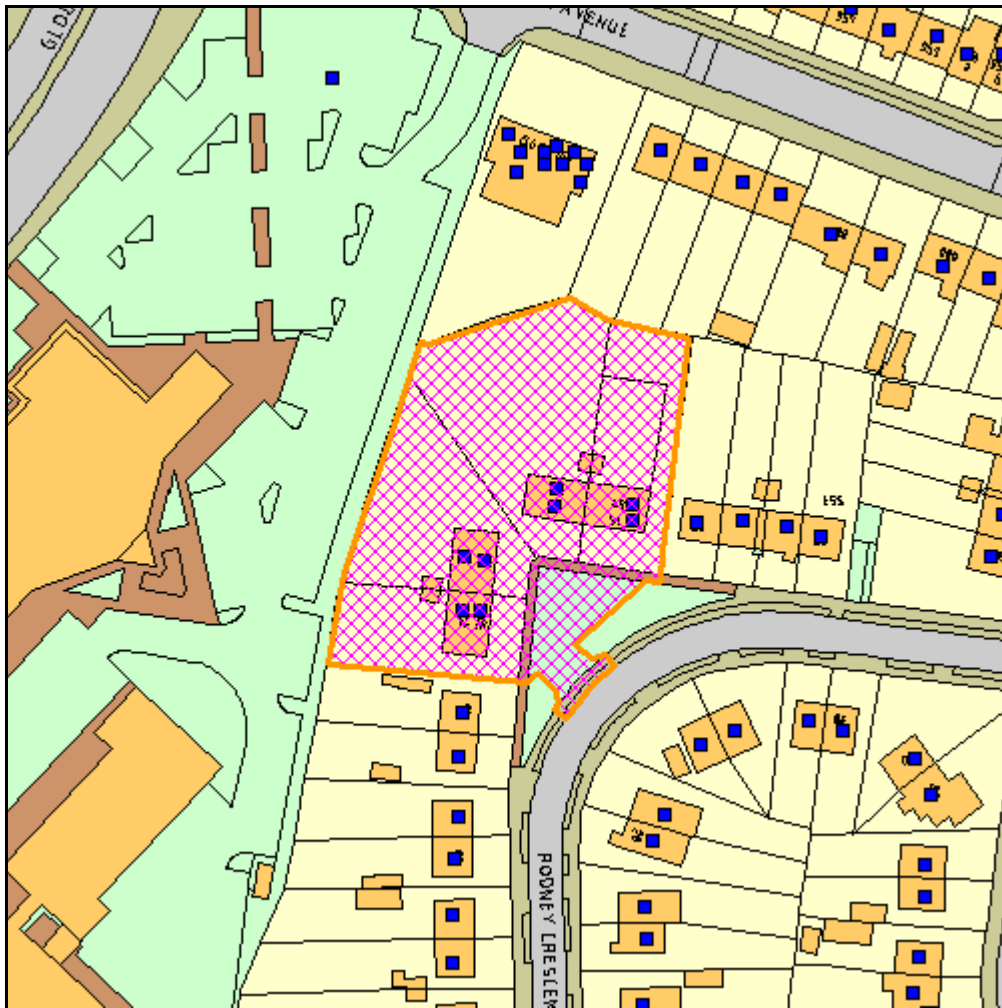
Development shall be carried out in accordance with the approved details.

Reason

To minimise the effect of flooding in order to comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 38/18 – 21 SEPTEMBER 2018

App No.:	PT18/3038/F	Applicant:	Merlin Housing Society
Site:	37 - 51 (Odds Only) Rodney Crescent Filton Bristol South Gloucestershire BS34 7AF	Date Reg:	4th July 2018
Proposal:	Demolition of 8no. dwellings and erection of 17no. affordable housing units with new access, parking, landscaping and associated works.	Parish:	Filton Town Council
Map Ref:	360431 179588	Ward:	Filton
Application Category:	Major	Target Date:	28th September 2018



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PT18/3038/F

INTRODUCTION

This report is referred to the Circulated Schedule in accordance with procedure given that comments have been received that are contrary to the Case Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of 17 residential units comprising 2 no. 3 bed properties and 6 no. 2 bed properties in two sets of terraced houses and 9 no. 1 bedroom flats accommodated in a three storey block located to the rear of the site at the north-western corner. A new access is to be provided and the site will accommodate 25 no. car parking spaces (22 allocated and 3 for visitors).
- 1.2 The application site is currently occupied by 8 no. flatted units on 0.3 hectares of land. The applicant has indicated in their submission that these properties are in a poor state of repair and fall below acceptable standards of living. At the time of the Case Officer's site visit these appeared to be unoccupied. A small area of landscaping lies to the front of the site. The existing properties have no allocated parking and are accessed by a footway. The application is made by Merlin Housing Association and the units are to all be of affordable housing.
- 1.3 The site is bounded to the north and west by trees. Beyond trees on the western boundary lie the building of SGS College while on the other boundaries the nearest buildings to the site are similar Cornish style residential units (with the exception of a Nursery to the north) or rendered housing with hanging tiles.
- 1.4 In support of the application the applicant has supplied the following information: a biodiversity survey and report; Ecological Impact Assessment, Tree Survey/Arboricultural Report and Land Contamination Report.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2018
National Planning Practice Guidance
- 2.2 Development Plans
South Gloucestershire Local Plan Core Strategy – Adopted December 2013
CS1 High Quality Design
CS4a Presumption in favour of Sustainable Development
CS5 Location of Development
CS8 Accessibility
CS9 Managing the Environment and Heritage
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
- 2.3 South Gloucestershire Local Plan: Policies Sites and Places Plan 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
PSP8 - Residential Amenity
PSP11 - Development Related Transport Impact Management
PSP16 - Parking Standards
PSP19 - Wider Biodiversity
PSP20 - Flood Risk, Surface Water and Watercourses
PSP43 - Private Amenity Space Standards

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Residential Parking Standards, Dec 2013
Affordable Housing and Extra Care SPD Adopted May 2014
Waste Collection: guidance for new developments SPD January 2015
CIL Charging Schedule and the CIL and S106 SPD (Adopted) March 2015

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT15/5379/PND Prior notification of the intention to demolish two blocks of 4no. Flats.
(No objection)

4. **CONSULTATION RESPONSES**

4.1 Stoke Gifford Parish Council

No objection

4.2 Other Consultees

Avon and Somerset Police

I am a Crime Prevention Design Advisor (CPDA) with a responsibility for Crime Prevention Through Environmental Design projects within South Gloucestershire area. As a Constabulary we offer advice and guidance on how the built environment can influence crime and disorder.

Sections 58 and 69 of the National Planning Policy Framework March 2012 both require crime and disorder and fear of crime to be considered in the design stage of a development.

Having viewed the information as submitted we find the design to be in order and complies appropriately with the crime prevention through environmental design principles.

Housing Enabling Team

Merlin Housing Association is proceeding with a redevelopment programme regarding a number of the PRC (pre-cast reinforced concrete) dwellings. This programme will address approximately 500 defective PRC properties. The project will span a period of

at least 7 years, redevelop 69 sites and enable regeneration across 30 different locations and provide quality sustainable homes.

For the purposes of assessing the affordable housing requirement this will be based on the net gain of those sites that trigger the current affordable housing requirement i.e. 11 units and more.

As this application is to demolish 8 dwellings and build 17, it creates a net gain of 9 units, which does not trigger the affordable housing requirement and based on our current policy (CS18) there would not be in this instance a requirement to secure affordable housing.

Landscape Officer

No landscape objection, although loss of trees queried. The Car park should include shade trees. Tree planting on the site should be maximised. Roadside trees should be significant.

Tree Officer

Given the comments received from the landscape officer, the Case Officer requested comments from the Tree Officer. Following a visit to the site, the following comments were received:

I have visited the site and have had the opportunity to inspect the trees identified for removal. I am in agreement with the findings of the tree report and have no objections to the removal of the trees identified for removal. I agree with the comments of the landscape officer regarding the need for a robust tree planting plan to enhance the site.

Sustainable Transport Team

Initial Comments

Elevations of the cycle parking provision are required
Refuse vehicle tracking needs to be shown correctly (currently plot 7 affected)
Car parking provision does not meet Council standards. 22 spaces plus 4 visitor car parking spaces are required

Following the submission of additional information to address the above points.

I can confirm that the revised details are considered satisfactory, as such there is no transportation objection to this proposal.

Lead Local Flood Authority

No objection in principle to the development subject to a condition being applied to secure a sustainable surface water drainage scheme.

Highway Structures

If the application includes a structure that will support the highway or support the land above a highway. No construction is to be carried out without first providing the Highway Structures team with documents in accordance with BD2/12 of the Design Manual for Roads and Bridges that will allow formal Technical Approval of the proposals to be carried out. The applicant will be required to pay the fees associated with the review of the submission whether they are accepted or rejected

Or

If the application includes a boundary wall alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner.

Ecology (summary)

No objection subject to conditions to ensure that all works proceed in accordance with the submitted reptile mitigation strategy and that prior to the first occupation of the development in accordance with the submitted Ecological Impact Assessment, bat, bird and hedgehog habitat provision is made.

Local Residents

There have been four letters of objection.

The grounds of objection received are summarised as follows:

- The area is already “packed”, with student houses and traffic from SGS college
- The traffic volume in Boverton Road is “ridiculous”
- There would be dust from the building works and building works traffic and disruption
- The proposal would involve the removal of a grassed area
- The proposal would involve a loss of parking for existing residents and provide insufficient parking
- Trees will be destroyed by the development
- The public consultation by the developer was not adequate
- Refuse and emergency service access to the road would be compromised by the development

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is within a defined settlement boundary. The starting point for consideration of the application is therefore Policy CS5 which directs development to within settlement boundaries and thus when looking at the principle of development this proposal is in accord with the development plan. Paragraph 11 of the National

Planning Policy Framework sets out the presumption in favour of sustainable development. It is considered that in principle the development plan has identified this as a sustainable location which accords with the presumption in favour of development as set out in para 11.

There is a requirement as set out in the NPPF for Local Authorities to demonstrate a deliverable five year supply of housing land. The Council cannot, at present, demonstrate such a supply of housing land. In the light of this the provision of 17 no. dwellings, (albeit 8 units are to be demolished although these in themselves do not meet modern standards), weighs significantly in favour of the application.

Furthermore the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments. While it should be noted that the provision of affordable housing cannot be secured by legal agreement (the net gain is below the threshold of 11), the applicant is an affordable housing provider and partner to the Authority). The provision of affordable housing is therefore in accord with the objectives set out above and weighs significantly in favour of the development.

There is therefore no in-principle objection to the development of the site for residential use. The remainder of this report considers the likely impact this level of development might have when assessed against relevant development plan policies and other material considerations.

5.2 Density

Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.* The NPPF sets out the importance of delivering a wide range of residential accommodation.

This application seeks consent for the erection of 17 dwellings on the site – which equates to approximately 60.7 dwellings per hectare (dph). At present the site density is 29 dph. The development would have a relatively high density compared to the surrounding area however as set out in the remainder of the report there is not considered (having regard to the amenity of the future occupiers, the ability to provide sufficient off-street parking, impact of the buildings upon existing occupiers or the street scene), to be any significant material harm that results from this higher density. On the contrary the development makes effective use of land for housing as is sought by Policy CS16 and the NPPF and in accord with Policy CS17 allows the delivery of a wide range of residential accommodation.

5.3 Scale, Design and Layout

Core Strategy Policy CS1 only permits new development where good standards of site planning and design are achieved. The Policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

The surrounding area consists mainly of post-war residential buildings. The existing units are two storey Cornish style units of red brick, render and vertical hanging grey/brown tiles. These take the form of semi-detached and terraced properties. On the opposite site are standard 1930's hipped roofed semi-detached properties.

It is proposed to introduce 2 no. terraces comprising three dwellings, a semi-detached pair and three storey block of flats to the rear. It is considered that the dwellings to the front are of a form and scale that complements their surroundings. In terms of materials of note is the grey timber effect cladding on the upper levels which to an extent mirrors the hanging tiles to be found in the area. A mix of brick and render is also to be used. The form and scale of these properties are acceptable.

The three storey element has a greater mass than other residential dwellings (although college buildings to the west are of the site are of a greater scale). The siting of the building to the rear of the site will lessen its impact to an extent as will the roof form. The design and appearance of this building which incorporates materials that match the new buildings to the front is considered acceptable.

Having regard to the provision of an acceptable level of private amenity space, appropriate distances between the proposed buildings and their existing neighbours and access and parking considerations the proposed layout is considered acceptable. Appropriate refuse storage is provided for the flatted element while the houses (and houses) and the layout was "tweaked" marginally to secure access for refuse vehicles.

PSP 6 indicates that developments should be encouraged to minimise end-user energy requirements over and above the current building regulations through energy reduction and efficiency measures with roofs orientated to accommodate the potential siting and efficient operation of solar technology. With respect to solar provision this would be possible at the site in particularly on the flatted element. With respect to end user energy requirements no specific information has been given following a request although it is noted that the policy only seeks to encourage rather than require in this instance (in contrast to development in greenfield locations). The applicant has indicated that recycled material will be used in the construction process.

The proposal is considered acceptable in these terms.

5.4 Landscape/Trees

PSP 2 indicates that development proposals will be acceptable where they conserve and where appropriate enhance the quality, amenity, distinctiveness and special character of the landscape.

The proposed development will result in the loss of a number of trees on the site, principally along the boundary with the college to the west of the site, however tree planting on the site is also proposed. The Tree Officer has visited the site and has confirmed that the trees being lost have limited value and are not worthy of protection however the siting of the new trees will need to be carefully considered in terms of siting, size/species to ensure a robust planting plan and for this reason a landscaping condition will be attached to the decision notice. The planting plan will need to be agreed prior to the commencement of the works. Some concern has been raised regarding the loss of a small area of open space at the site of the entrance. This area is quite small but nevertheless this loss will be noted in the planning balance below.

Subject to the above condition the proposed development is acceptable in landscape terms.

5.5 Impact Upon Residential Amenity

Residential amenity is assessed in terms of the extent to which a development will have an adverse impact upon the amenity of neighbouring occupiers by reason of impact upon outlook, (through appearing oppressive/ overbearing or by resulting in overshadowing of neighbouring properties) or by causing a loss of privacy to neighbouring occupiers through overlooking.

It is not considered given the scale and the location of the proposed buildings that any loss of amenity in the above terms will result for neighbouring occupiers. It is also considered that the development provides good levels of amenity for future occupiers, meeting the standard for private amenity space and an acceptable relationship between the new dwellings within the development.

Concern has been raised that the proposed development could cause disruption and disturbance during the construction period, whilst a certain level of disruption is inevitable during a construction project, it is considered appropriate given the close proximity of neighbouring properties to apply a condition to secure a construction management plan.

5.6 Drainage

Policy CS9 of the Core Strategy requires development to be located away from areas of Flood Risk and to reduce and manage the impact of flood risk from the development through location, layout, design, choice of materials and the use of Sustainable Drainage Systems.

The application site lies in flood zone 1 – an area at the lowest risk of flooding. Subject to a condition requiring the submission for approval of and full implementation of a Sustainable Urban Drainage scheme, the Lead Local Flood Authority raise no objection to the proposed development.

There is no objection to the development on drainage grounds subject to this condition. An informative will be attached to the decision notice to advise the applicant of the close proximity of the public sewer and their duties in relation to this during the construction period.

5.7 Ecology

Policy CS9 of the Core Strategy and the provisions of the National Planning Policy Framework seek to conserve and enhance the natural environment, avoiding or minimising impacts. This is supported through PSP 19 and is reiterated in paragraphs 174 to 177 of the NPPF.

An Ecological Impact Assessment was submitted in support of the proposal by The Landmark Practice (June 2018) and a supplementary reptile mitigation strategy was sought and received while this application was being considered. No designated site is predicted to be affected by the development.

No evidence of roosting bats was observed during the building inspection, partially due to restricted access internally. Due to the number of potential roost features present externally such as hanging tiles, two further emergence re-entry surveys were completed. One common pipistrelle was recorded emerging from beneath a hanging tile on the southern elevation of Number 49/51. Common pipistrelles were the only species recorded during this survey. No bats were recorded re-entering the building on the dawn survey despite activity after sunset. The report surmises that there is a nearby roost.

The report categorises the building as a non-breeding roost by an individual common pipistrelle for which a European Protected Species Mitigation licence will be required to undertake the demolition lawfully. The Council Ecologist recommends that a condition to secure the provision of bat boxes should be applied to the decision notice. In addition a landscaping condition will ensure tree planting to the benefit of bats in mitigation of tree loss.

With respect to birds it is recommended that a condition is attached to the decision notice to secure bird boxes. No newts, badger or hedgehog activity was recorded on site in the habitat survey undertaken by the applicant. It is considered appropriate to include within a condition the means to encourage foraging by hedgehogs namely by securing appropriate boundary treatments i.e. with gaps.

The key ecological consideration concerns the presence of slow-worms on the site that have thrived given the areas of grassland and scrub and vacated properties. The survey identifies this protected species population as being of local significance. The Council Ecologist during the course of considering this application requested an additional mitigation strategy document to more clearly identify an appropriate strategy for mitigation. The applicant has proposed a “translocation exercise” and the Bristol Golf Club has been identified as a possible site for this relocation. The majority of habitat is thought to be suitable but habitat enhancement work will be required to increase the ‘carrying capacity’ of the site, including the installation of three reptile hibernacula. The report also identifies the means and methods for “capture”. An appropriate condition is therefore recommended to ensure that the development proceeds in accord with the recommendations within the submitted reports.

Subject to the conditions set out above there is no ecological objection to the proposed development.

5.8 Transportation Issues

The NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'. PSP11 indicates that development proposals that generate a demand for travel will be acceptable among other criteria where "*appropriate, safe, accessible, convenient and attractive access and "it would not generate traffic that would create or contribute to severe congestion...or have an unacceptable effect on highway and road safety"*". In addition PSP 16 sets out minimum car parking standards for residential development.

Concern has been raised that the proposed development would result in the loss of on-street parking provision. While it is noted that the creation of the access would result in the loss of a limited number of on-street spaces, others remain. It is also worth noting that the 8 no. existing residential units on the site do not have allocated off-site parking provision and thus if currently occupied would use on-street parking. The site itself, with the provision of 25 no. spaces (22 no. for residents and an additional 3 no. spaces for visitors will contain all its parking needs. The access itself is considered acceptable in terms of highway safety with appropriate visibility provided on either side. Concern had been raised regarding the regarding tracking for refuse lorries, as well as the provision of adequate cycle storage, both these issues have now been addressed satisfactorily.

In summary subject to a condition to ensure that the vehicle parking spaces are provided prior to the first occupation of the development and a further condition to require the secure cycle parking provision to be provided in accordance with the submitted details in the location shown, the proposal is considered acceptable in highways terms.

5.9 Planning Obligations

The proposed development represents a net gain of nine properties. As such the proposed development falls below the threshold at which planning obligations can be secured.

5.10 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 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. In most circumstances, planning policy sufficiently addresses equality issues and a proposal that primarily accords with the Development Plan - with no

further specific information on how the development responds to those with protected characteristics - would be likely to have a neutral impact on equalities.

In this case the proposed development would have a neutral impact in these terms.

5.11 Planning Balance

The proposed development would result in the loss of a small triangular piece of grassland at the front of the site although it should be noted that an area of grass either side of the entrance would be retained. Some trees along the rear boundary of the site principally with the college, would be removed albeit these are not deemed of high quality by the Tree Officer (and a robust planting scheme would provide mitigation for this loss). These are the considered to be the main harms caused by the development. While concerns regarding increased traffic are noted any additional impact is not considered significant and the site will cater for its off-street parking requirements which is a betterment on the current situation whereby if the properties were occupied on-street parking would be required. Any impact upon the ecology of the site can be mitigated through the use of appropriate conditions as set out below.

The principal benefit of the scheme is the provision of 17 no. modern units of affordable housing which will help meet the housing need of the district. In addition it is considered that these properties, including the flatted element represent an improvement in visual terms on the current buildings which are quite dated in appearance.

It is considered that the benefits of the proposal considerably outweigh any resulting harm and that the recommendation is therefore that subject to the conditions below, the decision is that the application be granted.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: David Stockdale
Tel. No. 01454 866622

CONDITIONS

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

Reason

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

2. Construction Method Statement

Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accordance with approved details. For the avoidance of doubt, the Statement shall include details of:

- (i) The hours of working
- (ii) The parking of vehicles of site operatives and visitors
- (iii) Loading and unloading of plant and materials
- (iv) Storage of plant and materials used in constructing the development
- (v) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (vi) Wheel washing facilities
- (vii) A detailed Dust Management Plan (DMP), with measures to control the emission of dust and dirt during construction
- (viii) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason

In order to protect the amenity of the area during the construction period and in the interests of highway safety to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and the provisions of the National Planning Policy Framework 2012.

A pre-commencement condition is needed in order to avoid the need for future remedial action.

3. Approved Plans List

This development shall be implemented in accordance with the plans identified below:

Received 29th June 2018

5160-P-01 REV A	SITE LOCATION PLAN
5160-P-05 REV A	EXISTING BLOCK PLAN
5160-P-17	PROPOSED HIGHWAY ADOPTION
5160-P-250 REV B	PLOTS 1-3 (PLANS AND ELEVATIONS)
5160-P-251 REV B	PLOTS 3-6 (PLANS AND ELEVATIONS)
5160-P-252 REV B	PLOTS 7-8 (PLANS AND ELEVATIONS)
5160-P-253 REV A	GROUND FLOOR PLAN, FLAT BLOCK, PLOTS 9-11
5160-P-254 REV A	FIRST FLOOR PLAN, FLAT BLOCK, PLOTS 12-14
5160-P-255 REV A	SECOND FLOOR PLAN, FLAT BLOCK, PLOTS 15-17
5160-P-256 REV B	ELEVATIONS, FLAT BLOCK, PLOTS 9-17

5160/P/850
5160/P/851

INDICATIVE STREET SCENE A-A
INDICATIVE STREET SCENE B-B

Received 29th August 2018
5160-P-15-REV D PROPOSED SITE PLAN
5160-P-18 REV A REFUSE VEHICLE TRACKING
5160-P-19 REV A FIRE APPLIANCE TRACKING
5663-P-257 REV A BIN AND BIKE STORE

Reason
For the avoidance of doubt

4. Landscaping

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

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

A pre-commencement condition is required as the type of trees and their location will have to be agreed prior to any building work commencing to avoid the need for any future remedial action.

5. Off Site Parking Provision (Vehicle and Cycle)

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

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

6. Sustainable Urban Drainage

No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. A detailed development layout showing surface water and SUDS proposals is required as part of this submission. The development shall thereafter proceed in accordance with the agreed details.

For the avoidance of doubt we would expect to see the following details when discharging the above conditions:

- Confirmation and acceptance of an agreed connection point and discharge rate for surface water disposal from Wessex Water.
- A clearly labelled drainage layout plan showing the pipe networks and any attenuation features or flow control devices where applicable.
- Drainage calculations to show there is no flooding on site in 1 in 30 year storm events (winter and summer); and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- 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 an allowance for climate change storm event (winter and summer).
- The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding (where applicable).
- The plan should also show any pipe node numbers referred to within the drainage calculations.
- A manhole / inspection chamber schedule to include cover and invert levels.
- 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

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. A pre-commencement condition is required in order to prevent the need for future remedial action.

7. Ecology (Reptiles)

The works shall proceed in accordance with the Reptile Mitigation Strategy (dated 7th September 2018) by The Landmark Practice. The methods in this document shall be adhered to from the start of the project and thereafter.

Reason

In order to protect and enhance the ecology of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013.

8. Biodiversity Enhancement

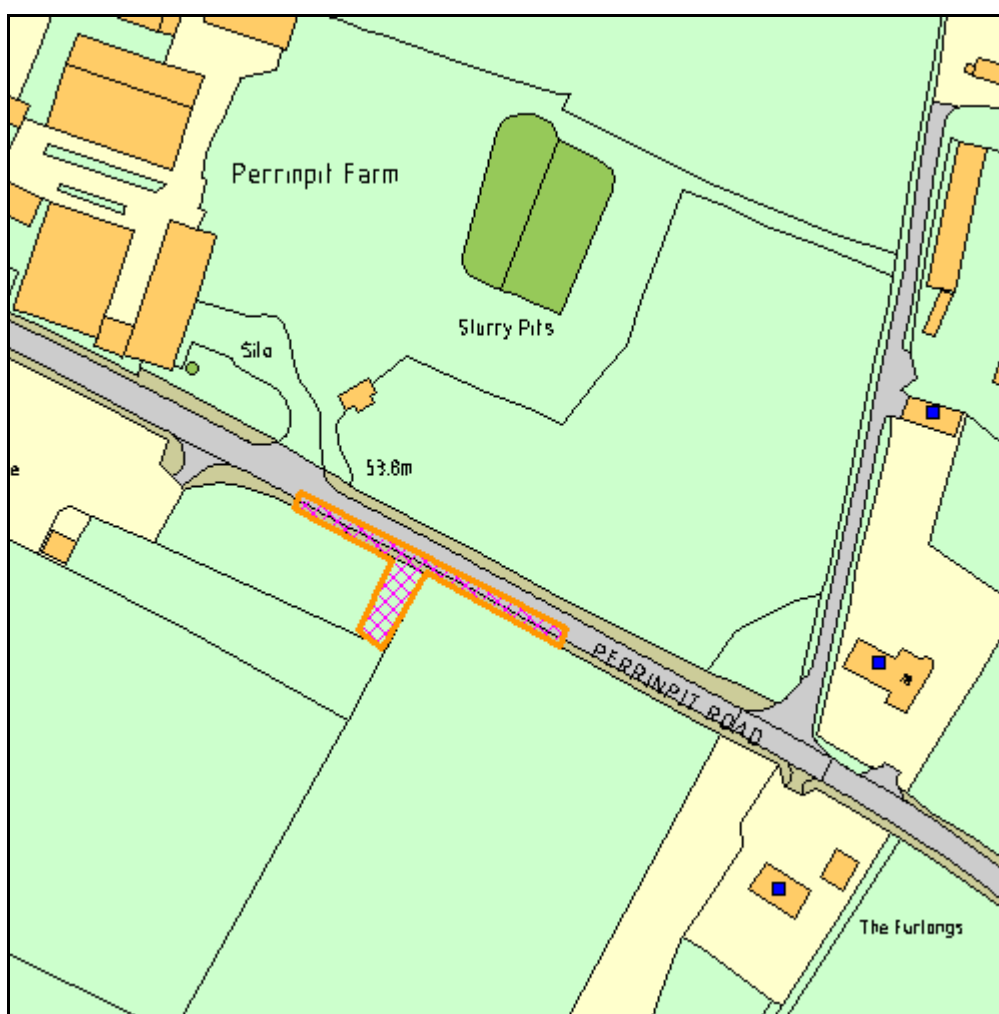
Prior to first occupation, evidence of the installation of biodiversity enhancement features recommended in chapter 5 of the Ecological Impact Assessment (The Landmark Practice, June 2018) shall be submitted to the local planning authority in writing. This will include the provision of bat, bird and hedgehog boxes/access tiles and gaps of at least 15cm in any garden partitioning to allow access between gardens.

Reason

In order to protect and enhance the ecology of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013.

CIRCULATED SCHEDULE NO. 38/18 – 21 SEPTEMBER 2018

App No.:	PT18/3303/RVC	Applicant:	Mr Michael Weaver
Site:	Challacombe House Perrinpit Road Frampton Cotterell Bristol South Gloucestershire BS36 2AT	Date Reg:	18th July 2018
Proposal:	Removal of condition 1 attached to planning permission PT18/2303/RVC to permanently retain access granted under PT17/0657/F.	Parish:	Frampton Cotterell Parish Council
Map Ref:	365450 182693	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	11th September 2018



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100023410, 2008.

N.T.S.

PT18/3303/RVC

REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application appears on the circulated list due to 1no. objection from a local resident which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application has been submitted under section 73 of the Town and Country Planning Act 1990 and seeks permission for the variation of condition 1 attached to planning permission PT18/2303/RVC to extend the duration that a temporary access will be required.

- 1.2 Condition 1 on application PT18/2303/RVC currently reads as follows:

The access hereby permitted shall be discontinued and the land restored to its former condition on or before 28th September 2018 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

Weight is given to the temporary nature of the proposal and the condition is necessary 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; South Gloucestershire SPD: Green Belt (adopted) 2007 and the National Planning Policy Framework.

- 1.3 The original permission enabled access to the working area for the construction of a new sewer between Bradley Stoke and Frampton Cotterell. This permission is sought by the owner of the land for farm access. The application site is located in part of the Bristol and Bath Green Belt, and is outside any defined settlement boundary or established urban area.
- 1.4 It is understood that the land owner wishes to retain this access as the existing access has poor visibility off the road, and is close to a bend along Perrinpit Road, which makes access for farm machinery difficult. Further, the existing access is not sufficiently wide enough to allow modern agricultural machinery to pass through, such as combine harvesters. The access will provide a suitable alternative.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework 2018
National Planning Practice Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility

CS9 Environmental Resources and Built Heritage
CS34 Rural Areas

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

PSP1 Local Distinctiveness
PSP3 Trees and Woodland
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP19 Wider Biodiversity

- 2.3 Supplementary Planning Guidance
Development in the Green Belt (Adopted)
South Gloucestershire Design Checklist (Adopted)
South Gloucestershire Landscape Character Assessment (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT18/2303/RVC Approve with Conditions 13.07.2018
Variation of condition 1 attached to planning permission PT17/0657/F to extend the duration that the temporary access will be required to no later than 28/09/2018.
- 3.2 PT17/0657/F Approve with Conditions 21.04.2017
Construction of an access for a temporary period until end April 2018 to allow access to the working area during construction of a new sewer.
- 3.2 DOC17/0146 Discharge of Conditions Decided 25.05.2017
Discharge of condition 5 (Construction Management Plan) attached to planning permission PT17/0657/F. Construction of an access for a temporary period until end April 2018 to allow access to the working area during construction of a new sewer.

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
No comments received.
- 4.2 Sustainable Transport
Whilst from a transportation perspective in principle I would have no objection to the continued use of this as an access, however, I would like to see the existing substandard access closed off.
- 4.3 Highway Structures
No objection subject to informative.
- 4.4 Lead Local Flood Authority
No objection.

4.5 Ecology Officer

The removal of the hedgerow was permitted on the proviso that it would be re-instated after works had been completed. Therefore, this application to remove Condition 1 should be refused or agreement of an equivalent length of hedgerow planted elsewhere on the site.

Other Representations

4.6 Local Residents

1no. objection received. Comments as follows;

- Located in green belt
- Loss of hedgerow
- Permanence of access would result in surrounding area being adversely affected.

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 55 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 condition in the first place, when assessing this application Officers will consider the impact of the proposed changes on the character and appearance of the area in the context of CS1 and CS9. Following this, it will also need to be considered what conditions attached to application PT18/2303/RVC 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 condition 1 was issued as part of PT18/2303/RVC, a revised National Planning Policy Framework has been released. Having said this, Officers do not consider that this change in policy since the determination of the previous application materially alters the assessment of the current application.

5.4 Character and Appearance

The development would not make any changes to the access itself, and in this way it would have the same impact on the visual amenity of the area. Albeit, this application proposes make this permanent.

- 5.5 It is acknowledged that 30 metres of hedgerow would not be replaced as part of this development, and in this way there would be some harm to the surrounding area. However, it is proposed that a replacement hedgerow of approximately 55 metres in length is proposed within the existing farm. This will mitigate the loss of the hedgerow, and to ensure this is planted, a condition is recommended. As such, it is considered that the retention of the access would be acceptable with regards to the character and appearance of the surrounding area, and Officer's are satisfied that condition 1 can be removed.

- 5.6 Officer's are also mindful that the development would result in a safer access for use by the farm. Weight is given in favour of the development for this reason.

5.7 Other conditions attached to PT18/2303/RVC

Planning permission PT18/2303/RVC was approved subject to 3 other conditions in addition to condition 1. 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 PT18/2303/RVC for relevance on this decision.

5.8 Condition 2

This condition relates to the reinstatement of hedgerows following the discontinued use of the temporary access. It also requires that a planting list is submitted to the Local Planning Authority prior to planting. This was in the interest of protected species.

- 5.9 Given that the temporary access is to be retained, it is not considered appropriate to carry forward this condition. However, it is recommended that a condition is imposed to ensure that the proposed replacement hedgerow within the farm is planted, and the species agreed with the Local Planning Authority.

5.10 Condition 3

Condition 3 relates to removal of hedgerow and states that it should not be removed between 1st March and 31st August for ecological reasons. The removal of the hedgerow has taken place, and the access will be retained as existing, as such, it is not necessary for this condition to be carried forward.

5.11 Condition 4

This condition relates to the submission of a Construction Management Plan (CMP). It is noted that this was submitted and discharged as part of DOC17/0146. Given the construction period has finished, this condition will not be carried forward.

5.12 Additional Conditions

In addition to the above, and further to the comments of transportation colleagues, it is recommended that a condition is imposed to ensure that prior to first use of the access the existing sub-standard access is closed off and ceases use. It is also recommended that the applicant submit details for approval as to how the existing access will be closed off.

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 vary condition 1 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 condition 1 is removed and additional conditions added.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

1. The hedgerow as shown on the blue line boundary plan (dwg no. 160918/weaver1, as received by the local planning authority 18th September 2018) shall form a mix of native 'woody' species. A native 'woody' planting list shall be submitted to the local planning authority for approval. The approved species shall be planted in the first available planting season following the date of this permission.

Reason

In the interests of protected species, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP19 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the requirements of The National Planning Policy Framework July 2018.

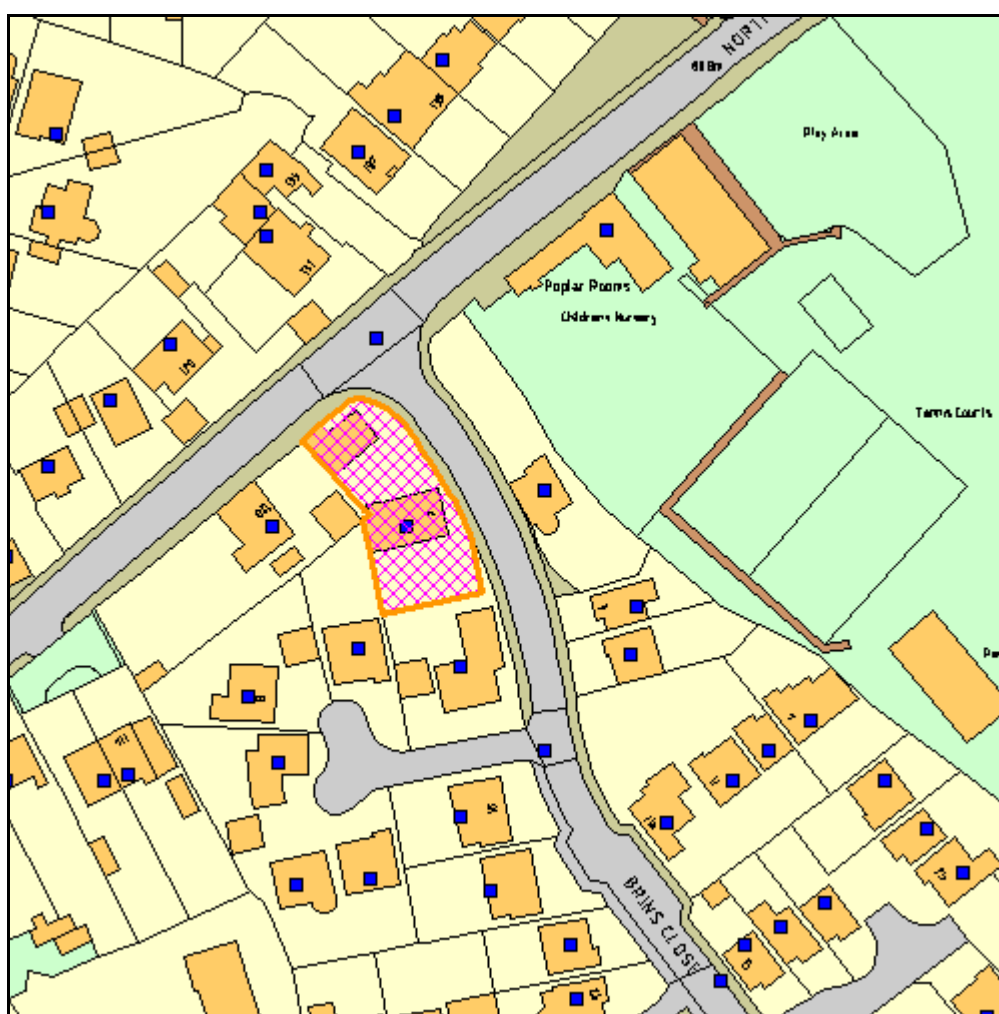
2. Within 3 months from the date of this permission, details of how the existing access (as shown on the blue line boundary plan, dwg. no. 160918/weaver1, as received by the Council 18th September 2018) will be closed off shall be submitted and approved by the local planning authority. The approved details shall be implemented within 6 months of their approval.

Reason

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

CIRCULATED SCHEDULE NO. 38/18 – 21 SEPTEMBER 2018

App No.:	PT18/3692/PDR	Applicant:	Mr Martin Fackrell
Site:	2 Brins Close Stoke Gifford Bristol South Gloucestershire BS34 8XU	Date Reg:	16th August 2018
Proposal:	Demolition of existing car port and erection of single storey side extension to form additional living accommodation.	Parish:	Stoke Gifford Parish Council
Map Ref:	362526 179827	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	1st October 2018



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PT18/3692/PDR

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application received comments that are contrary to the Officer recommendation. As such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The application is for the demolition of an existing car port and the erection of a single storey side extension at 2 Brins Close Stoke Gifford.
- 1.2 The application site comprises a two storey detached property situated within the defined settlement boundary.
- 1.3 Permitted development rights are removed at the property under condition 4 of application P89/0006/4.
- 1.4 An objection was received from Councillor Ernie Brown however this contained no context or reasons for the objection. As such the comment cannot be addressed in this report.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1	High Quality Design
CS8	Access/Transport

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

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

2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006

3. RELEVANT PLANNING HISTORY

- 3.1 PT00/1476/F
Approve with Conditions (26.07.2000)
Erection of boundary wall and gates (retrospective).

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No objection.

Archaeology
No comment.

Councillor Ernie Brown
Objection.

Other Representations

- 4.2 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

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

- 5.2 Design and Visual Amenity

The location of the single storey extension is relatively secluded for this urban area, thus little of the proposal can be seen from public views offered in the area. Nonetheless, the proposed extension which would replace an existing car port on the side elevation of the property is acceptable having regard to the existing property and the wider street scene. Moreover, as it is proposed to use matching materials, the new structure would integrate successfully with the existing building.

- 5.3 Residential Amenity

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

- 5.4 Considering the scale and location of the proposed development in relation to the host and neighbouring occupiers it is not considered to create any detrimental impact on the amenity of neighbouring dwellings in terms of overlooking, overshadowing, loss of privacy or loss of light. In addition sufficient private amenity space is retained by the dwelling.

5.5 Sustainable Transport and Parking Provision

While a car port would be lost, a parking area is present at the front of the property that can accommodate three cars. This provision exceeds the requirements of Policy PSP16.

5.6 Consideration of likely impact on Equalities

The impact upon equalities would be neutral

5.7 Archaeology

No objection is raised in relation to archaeology.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

Contact Officer: David Ditchett
Tel. No. 01454 863131

CONDITIONS

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

Reason

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