



**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. 04/18

Date to Members: 26/01/2018

Member's Deadline: 01/02/2018 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

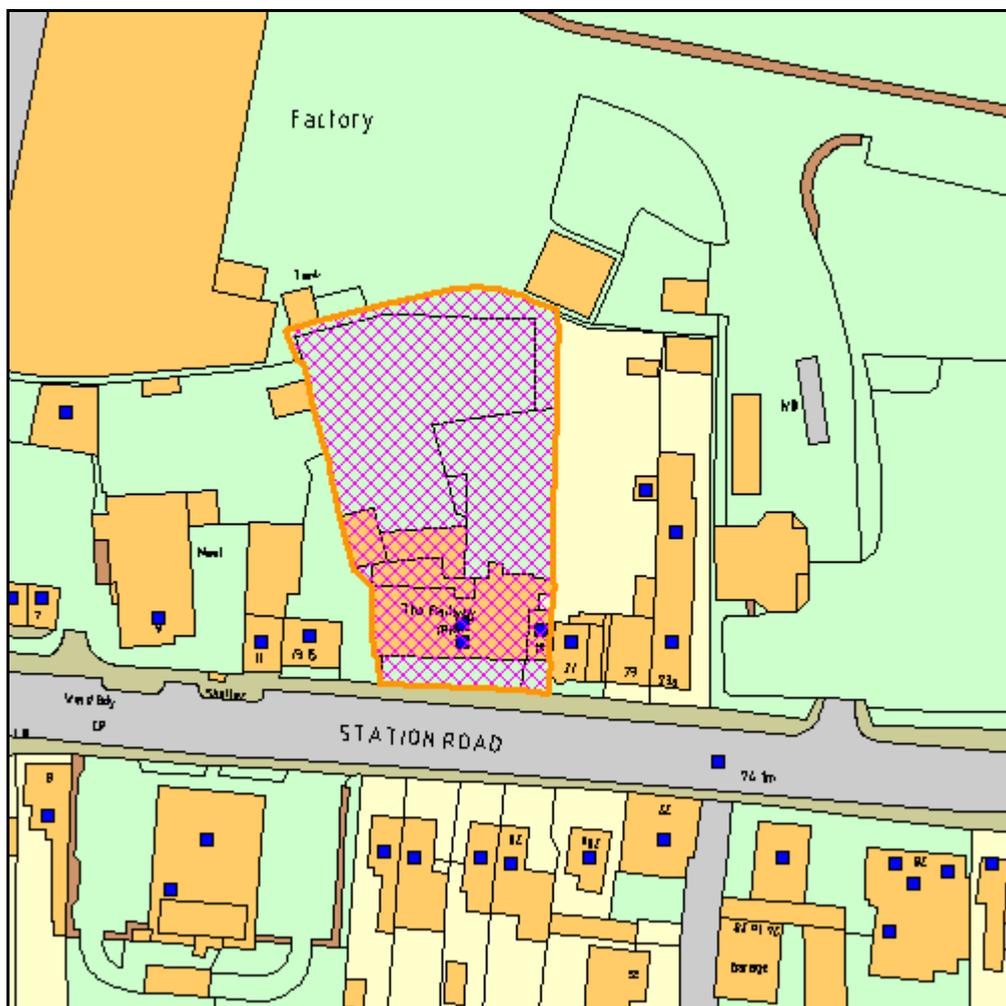
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

CIRCULATED SCHEDULE - 26 January 2018

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/2676/O	Refusal	Railway Hotel Station Road Yate South Gloucestershire BS37 5HT	Yate North	Yate Town
2	PK17/5345/F	Approve with Conditions	12A Westons Brake Emersons Green South Gloucestershire BS16 7BP	Emersons	Emersons Green Town Council
3	PK17/5656/CLE	Refusal	38 Station Road Yate South Gloucestershire BS37 4PW	Yate Central	Yate Town
4	PK17/5760/CLP	Approve with Conditions	69 Oakdale Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
5	PK17/5784/CLP	Approve with Conditions	76D North Street Downend South Gloucestershire BS16 5SF	Downend	Downend And Bromley Heath Parish Council
6	PT17/3698/O	Approved Subject to	Oakfield House Wotton Road Rangeworthy South Gloucestershire BS37 7LZ	Ladden Brook	Rangeworthy Parish Council
7	PT17/4906/F	Approve with Conditions	Queens Lodge New Passage Road Pilning South Gloucestershire BS35 4LZ	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
8	PT17/4933/F	Approve with Conditions	Foxhole Farm Pilning Street Pilning South Gloucestershire BS35 4JJ	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
9	PT17/5208/F	Split decision See D/N	Porthrepta 65 Down Road Winterbourne Down South Gloucestershire BS36 1BZ	Winterbourne	Winterbourne Parish Council
10	PT17/5381/F	Approve with Conditions	9 Gazzard Road Winterbourne South Gloucestershire BS36 1NR	Winterbourne	Winterbourne Parish Council
11	PT17/5513/F	Approve with Conditions	12 Stanley Avenue Filton South Gloucestershire BS34 7NQ	Filton	Filton Town Council

CIRCULATED SCHEDULE NO. 04/18 – 26 JANUARY 2018

App No.:	PK17/2676/O	Applicant:	The Railway Building Company
Site:	Railway Hotel Station Road Yate South Gloucestershire BS37 5HT	Date Reg:	13th June 2017
Proposal:	Demolition of existing building. Erection of 10 no. dwellings (Outline) with access and layout to be determined. All other matters reserved.	Parish:	Yate Town Council
Map Ref:	370302 182541	Ward:	Yate North
Application Category:	Major	Target Date:	11th September 2017



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK17/2676/O**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule as an appeal against non-determination has been received. The local planning authority is no longer in a position to determine the application; this now lies with the Secretary of State. In order that the local planning authority can defend this appeal, Members need to ratify the position taken by officers; this will be achieved through the circulated schedule process. Officers propose to defend the appeal on the basis that, had the local planning authority issued a decision, it would have refused planning permission for the reason listed at the end of this report.

1. THE PROPOSAL

- 1.1 This application sought outline planning permission for the erection of 10 dwellings on a site at Station Road, Yate. The application was in outline form with access and layout to be determined; all other matters were reserved for future consideration. Layout was included after the local planning authority served a Regulation 5 Notice on the applicant; initially only access was to be determined.
- 1.2 The site was formerly occupied by the Railway Inn, a locally listed building. The Railway Inn, as the name suggests, has connections with the railway and first appears on the 1844-1888 1st edition Ordnance Survey map of the area. Along with being a building of local historic interest, it was also one of a few buildings in the immediate vicinity that was considered to be architecturally distinctive and be of aesthetic merit. However, following an application to the local planning authority for its prior approval, the building has since been demolished to facilitate the redevelopment of the site. As a result the site currently stands empty behind temporary hording.
- 1.3 Other designations remain relevant. The site is within the settlement of Yate. Furthermore, the site is within the defined Town Centre and sits on a secondary shopping frontage. Approximately 555 metres from the site to the east is the primary shopping area of the town centre. The site is also within an area safeguarded for economic purposes under policy CS12(53). Access to the site is provided from the A432 Station Road. This is one of the principal access routes to the town and connects Yate to the A4174 Avon Ring Road (including associated road connections) and beyond to Bristol City Centre. A number of bus routes run along the A432 and the site is located within 50 metres of an eastbound bus stop and 70 metres of a westbound bus stop. Yate Railway Station is approximately 190 metres to the west of the site providing to regional and commuter rail services as well as connections to cross country and mainline rail services.
- 1.4 The proposal is for 10 semi-detached dwellings. As part of the application, an alternative development proposal was put forward by the Urban Design Officer. This demonstrated that a greater density could be secured on the site. This was shared with the applicant and a revised scheme put forward however this retained the existing level of development of 10 dwellings. This application would have been determined on the revised scheme. After amendments this consists of two pairs facing onto Station Road with access to the western side and a further three pairs of semi-detached houses to the rear.

Each of the proposed dwellings would provide 100 square metres of floor space. A parking courtyard is proposed at the centre of the site and each dwelling would provide on-site secure undercover cycle parking.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance
Written Ministerial Statement by Brandon Lewis, November 2014
Fixing our Broken Housing Market, DCLG, February 2017

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP6	Onsite Renewable and Low Carbon Energy
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP34	Public Houses
PSP43	Private Amenity Space Standards
PSP44	Open Space, Sport and Recreation

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007
Local List SPD (Adopted) March 2008
Residential Parking Standard SPD (Adopted) December 2013
Affordable Housing and ExtraCare SPD (Adopted) May 2014
CIL and S106 SPD (Adopted) March 2015
Waste Collection SPD (Adopted) January 2015 (updated March 2017)

3. RELEVANT PLANNING HISTORY

- 3.1 PK17/0888/PND No objection 27/03/2017
Prior approval of demolition of Public House and associated outbuildings (resubmission of PK17/0445/PND)
- 3.2 PK17/0445/PND Refused 27/02/2017
Prior notification of the intention to demolish the Public House and associated outbuildings.

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
Objection: street frontage should integrate into streetscene; insufficient parking; increase in traffic and congestion; impact on safety of all users of the highway.

Internal Consultees

- 4.2 Arts and Development Officer
No comment
- 4.3 Conservation Officer
No comment from heritage perspective as the Railway Inn has been demolished. Urban Design officer should comment on design quality.
- 4.4 Environmental Protection
Conditions should be applied in relation to potentially contaminated land and construction site operation hours
- 4.5 Highway Authority
Subject to highways works, the development may be acceptable.
- 4.6 Housing Enabling
Affordable housing contribution should be sought.
- 4.7 Lead Local Flood Authority
Method of surface water disposal is queried, no other objection.
- 4.8 Planning Policy
Advice provided on emerging policy framework and application to development proposal
- 4.9 Public Open Space Officer
Contribution required for off-site provision and enhancement for (i) informal recreational open space, (ii) outdoor sports facilities, and (iii) provision for children and young people.
- 4.10 Tree Officer
Arboricultural report, tree constraints plan, tree protection plan, and method statement should be secured.

4.11 Urban Design

Potential alternative design provided which would have increased housing density on the site.

Statutory / External Consultees

4.12 Avon and Somerset Constabulary

No objection.

4.13 Wessex Water

Applicant should contact Wessex Water to discuss development proposal.

Other Representations

4.14 Local Residents

7 comments from local residents have been received which raise the following points:

- Loss of time-restricted parking outside should not be lost
- Local parking issues
- On-street parking should be reviewed before planning permission is granted
- Access would restrict parking
- The appearance of the properties should fit in with the surroundings
- On-street parking should be available for local residents and businesses but often are used by local workers and commuters
- Plans should show tracking of refuse vehicles
- Development should only act to improve Yate – demolition of the pub does not achieve this
- Retail or other appropriate development should come forward instead
- Plans are vague
- Railway Inn should have been retained
- Pavement is well used
- Public transport in locality adds to business of area
- Access route is inappropriate given the business use of the access on the adjacent site and its impact on residential amenity

5. ANALYSIS OF PROPOSAL

5.1 Outline planning permission was sought for the erection of 10 dwellings on the site of the former Railway Inn on Station Road Yate. Access and layout were to be determined with all other matters reserved. As this development is now subject to appeal, this report is written to establish the position of the local planning authority in the forthcoming appeal proceedings.

Principle of Development

5.2 The site is within the defined urban area of Yate, where under policy CS5 and CS30, development is directed. However, the last use of the site was as a public house and therefore policies CS23 and PSP34 are also relevant.

The site is also within a safeguarded employment area, Badminton Court/Dairy Crest, as defined by policy CS12. When considering residential development, the design stipulations of policy CS1 must be met as should the residential specific considerations in policy CS16 and CS17.

Employment

- 5.3 Policy CS12 seeks to retain employment uses falling into the 'B' classes of the Use Classes Order. As the last use was as a public house, it would have had a 'D' use. Redevelopment of this site would not therefore lead to any significant loss of employment land (although the jobs connected with the pub are noted). However, there are some aspects of CS12 which are relevant as they consider overall sustainability. Under this policy, non-'B' class uses would only be permitted the proposal would contribute to a more sustainable pattern of development in the local area. While CS12 is not relevant as there is no loss of employment, the desire to create sustainable patterns of development is relevant and this is picked up elsewhere.

Public House

- 5.4 As a public house, the site functioned as a piece of community infrastructure within the terms of policy CS23. This policy seeks to retain community infrastructure unless it can be demonstrated that there is no longer a demand for it or the facility is no longer fit for purpose, and that there is suitable alternative provision within easy walking distance. Policy PSP34 goes further. This policy would only permit the redevelopment of a public house where it would not constitute the loss of or compromise the viability of a public which is of particular value to the local community or it has been demonstrated that the public house is no longer viable in its own right. In the event that this has been demonstrated, this policy would also seek to retain significant external heritage features.
- 5.5 Prior to recent changes to the Permitted Development Order, a prior notification for the demolition of a public house could be submitted to the local planning authority. Under that legislation the only matters the authority could consider were the means of demolition and the restoration of the site. The authority could not apply planning merit to the loss or retention of the public house itself. Such a notification was submitted in this case (PK17/0888/PND) and approved. Subsequently the building has been demolished and the public house use lost. Therefore, weight cannot now be applied to the desirability of retaining either the building itself or its use as a public house. In effect, policy CS23 and PSP34 have been circumvented. Changes to permitted development legislation have now closed this loop hole however the loss of the building was lawfully permitted before these changes were introduced.

Residential Development

- 5.6 Located within the urban area, the site may be suitable for residential development. Policy CS5 directs new development, of all kinds – except those where a rural location is essential – to the existing urban areas and defined settlements. Therefore, as the policy considerations set out above have been passed the site is, in principle, appropriate for residential development.

- 5.7 At present the local planning authority cannot demonstrate a 5-year supply of deliverable housing land. The latest assessment of land supply in the district, published December 2017, identifies a 4.66 year supply of deliverable housing land. As a result paragraph 49 of the NPPF is engaged and policies which act to restrict the supply of housing should be considered out of date. Applications for residential development should therefore be considered in the context of the presumption in favour of sustainable development.
- 5.8 The presumption in favour of sustainable development states that planning authorities should (1) approve development proposals that accord with the development plan without delay and (2) where the development plan is absent, silent, or relevant policies are out-of-date, grant planning permission unless specific policies in the framework indicate planning permission should be restricted or the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.
- 5.9 In this case, the relevant housing land supply policies are not considered out-of-date. Policy CS5 does not act to restrict residential development in this location (as it is within the defined urban area) and under CS12 there would not be a loss of employment land/buildings; only the trajectory of housing delivery within policy CS15 is out of date and that has little bearing on the assessment of this proposal other than making account of the benefit that additional housing would bring to the overall supply.
- 5.10 The proposal should therefore be considered against the provisions of the development plan and the NPPF as a whole.

Design: Density and Layout

- 5.11 Policy CS1 is the principal design policy. This policy requires development to meet the 'highest possible' standards of site planning and design. Development proposals are required to demonstrate that they respect and enhance the character, distinctiveness, and amenity of the site and its context and that the density and overall layout is well integrated into the existing adjacent developments. Policy CS16 picks this up further; it takes the requirements of the NPPF and policy CS1 and articulates them. Under this policy, housing development must "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". This policy continues and requires development to meet the high quality design objectives of policy CS1 and improve the mix of housing types in the locality, amongst other things.
- 5.12 Another relevant policy is CS17. This policy seeks to enable the formation of mixed and balanced communities by providing a variety of housing types and sizes to accommodate a range of different households. The mix of housing should provide choice in tenure and type, having regard to the existing mix of dwellings in the locality and the character and relative accessibility of the location.

- 5.13 These are acknowledged as important factors in the pursuit of sustainable development. The core planning principles in paragraph 17 of the NPPF include seeking high quality design and good standards of amenity, and actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. Paragraph 58 sets out that development should optimise the potential of a site to accommodate development while responding to local character and history. Good design is a key aspect of sustainable development and the NPPF is specific in stating (at paragraph 64) that “planning 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 terms of sustainable travel patterns, paragraph 34 goes on to state that development which generates significant amounts of movement should be located where sustainable transport modes can be maximised.
- 5.14 Aside from the development plan and national guidance, in February 2017 DCLG published a white paper titled ‘Fixing our Broken Housing Market’. One of the themes in the paper was ‘planning for the right homes in the right places’. Paragraphs 1.51 to 1.55 discusses the efficient use of land. Part of the proposals in the white paper is to amend the NPPF to make sure the most efficient use of land is achieved by: avoid low density housing and consider the cope of higher density housing in urban locations, particularly those that are well served by public transport – such as sites around railway stations. The idea of higher density urban housing has been considered by the local planning authority.
- 5.15 The council is currently engaged in the preparation of a new development plan document with its strategic partners across the West of England, the Joint Spatial Plan (‘JSP’). The JSP is expected to be submitted to the Secretary of State for Examination in Public towards the end of the spring. One of the means by which to deliver housing across the sub-region being promoted has been coined as ‘urban living’. How the urban living agenda will be delivered will be defined in a new Local Plan for the district; consultation on which will commence in February. Urban living is a new approach to delivery to increase the density of development in urban locations to optimise housing delivery in sustainable locations. It is envisaged that urban living will be delivered through sites in built up areas making the most efficient use of brownfield land, particularly in locations that are well served by public transport.
- 5.16 While the white paper, JSP and new Local Plan do not hold particular weight in this case, they do indicate the general direction of policy and housing delivery. The effect is that when existing policies on housing density are reviewed, it is likely that these will become stricter rather than less restrictive.
- 5.17 This development would result in 10 dwellings on a site of 0.23 hectares. This equates to a density of 43 dwellings per hectare. There are many locations where a density such as this may result in the most efficient use of land. However, the proposal is for 10 3-bedroom semi-detached dwellings; it cannot therefore be considered to be diverse. The question that arises is whether or not a greater density could be achieved – therefore securing a more efficient

- use of land – if the development were to provide a greater variety in housing types. In order to test the proposed density, the Urban Design Officer considered alternative layouts and housing types.
- 5.18 Through this analysis an alternative layout for 13 units was produced by including a greater variety of housing types. This would equate to a development density of 56 dwellings per hectare. While this may be high, it is not considered to be out of character with the local area or a town centre location. Furthermore, density of this scale is not considered to have a harmful adverse impact on the locality as whole.
- 5.19 A 2-3 storey block of apartments was considered appropriate along the Station Road frontage which reflected the importance of Station Road as one of the principal routes into the town and helped to embed the development into the existing streetscene and local character. Behind this, the number of dwellings was reduced to 4 in two pairs of semis.
- 5.20 The idea behind the alternative proposal was to inform debate and indicate the potential for higher density development to be achieved. Having shared the sketch with the applicant, the proposal was amended in terms of layout but not in terms of the proposed housing types. What the alternative layout does do is demonstrate that a higher density is both achievable and preferable on this site.
- 5.21 Redevelopment opportunities such as this come about rarely. The result is that the opportunity to create high quality, inclusive, and sustainable developments to meet the changing needs of communities should be embraced. There is a clear move, both nationally and locally, that in certain locations higher density development should be encouraged and supported. So far, it has been indicated that locations with good access to public transport are key in achieving such aspirations.
- 5.22 This site is ideal for higher density development. It is within the defined town centre and within walking and cycling distance of the primary shopping area and employment zones. Furthermore and of equal importance is its proximity to the railway station. This site presents a real opportunity to promote sustainable living and minimise the need to travel by private motor car.
- 5.23 There is undoubtedly a strong benefit to the provision of 10 dwellings on this site. However, this benefit must be weighed against the overall potential of the site. Having conducted a thorough appraisal of the proposal and investigated alternatives officers are satisfied that a higher density of development could be achieved. It is clearly and robustly in the public interest that the most efficient use of land is achieved; it is also a plainly apparent aim of local planning policy in relation to design (CS1) and housing density and diversity (CS16/CS17). Evidence suggests that the development as proposed would fail in this regard. The development is therefore harmful and the failure to make the most efficient use of land is a harm of substantial weight. The weight of this harm should be considered in the overall planning balance.

Design: Heritage and Appearance

- 5.24 As this application was in outline form with scale and appearance reserved, there is limited scope to consider the final appearance of the proposed dwellings. However, there is a certain degree to which this relates to the overall layout of the proposal which was only touched on in the above discussion.
- 5.25 Policy PSP1 expects development to respond constructively to the buildings and characteristics of a locality. Sadly, the Railway Inn was a principal component of the distinctiveness of the locality and a locally listed building. The positive addition it made to the character of the area has been lost following its demolition. That being said, new development should nonetheless seek to actively enhance the sense of place and distinctiveness of a locality.
- 5.26 Station Road has a distinct character. It developed in connection with the coming of the railway and provides a linear connection to the old town of Yate to the east, along the former turnpike which now forms Station Road. The properties along Station Road are a mix of cottages and more substantial Victorian dwellings. The former cattle market has been developed as a factory but the frontage along Station Road for the most part retains its Victorian appearance.
- 5.27 The original layout saw the dwellings being positioned in a T shape, with a central access road and the rhythmic placing of the buildings. In design terms it was a mundane and suburban layout of little merit with no character of its own and neither did it make a positive contribution to the prevailing character of the area. The revised plan does attempt to address this. It sees two linear developments, one with a frontage to Station Road and the other within the site, with access to the west. This is an improvement to the design initially submitted. However, there remains little diversity to the proposal as it still promotes 10 equally sized dwellings. An important aspect of securing a high quality design on this site would be the materials and detailing; these are not factors for consideration at this time.
- 5.28 As the building has been demolished, there is no scope for preserving its attributes of heritage value. The interaction between the proposed development and its context would be critical in its success but as stated, this is a matter reserved for consideration at a later date.

Living Conditions

- 5.29 Development should not be that either has a prejudicial impact on the amenities of existing occupiers or which fails to provide adequate living conditions for future occupiers. The development is unlikely to have a prejudicial impact on nearby occupiers through any adverse impact on privacy, overlooking, or overbearing impact.
- 5.30 The proposal would also provide adequate private amenity space for the proposed dwellings broadly in accordance with policy PSP43. Plots 2 and 3 would be fractionally below 60 square metres but this is not considered to be a significant harm.

- 5.31 It is not considered likely that a harm would result from the proposal in relation to living conditions should planning permission be granted by the Planning Inspectorate.

Highways

- 5.32 Station Road is a Category A highway. It is relatively highly trafficked and forms a principal route into the town and a main bus route. On-street parking directly in front of the application site is subject to a waiting restriction. Initial comments were made by the Highway Authority to improve the layout. This has mainly been transferred on to the amended drawing with the exception of vehicle tracking for the refuse vehicle. While access by a refuse vehicle may be possible, it has not been demonstrated. This is something that may need to be clarified during the appeal proceedings.
- 5.33 In order to secure a safe access, further waiting restrictions will be required. This includes no stopping markings on either side of the junction and waiting restrictions for on-street parking. This would require the applicant to enter into an agreement with the highway authority and would therefore be secured through a Grampian condition should the authority have been in a position to grant planning permission.
- 5.34 Plans indicate that sufficient cycle parking would be provided as part of the development. Vehicular parking falls slightly below the standards in policy PSP16. Plans include the provision of 20 parking spaces; this would equate to 2 parking spaces per residential unit and this would comply with the parking standard. However, the site is also required to provide 2 visitor parking spaces which have not been indicated. Given the highly sustainable nature of the site, the lack of visitor parking provision is unlikely to cause a severe impact to the safe operation of the adopted highway although may cause some internal site congestion.
- 5.35 Much of the concern raised by local residents has been in relation to the impact on parking provision, particularly on-street parking. The necessary highway restrictions may lead to a slight reduction in on-street parking. However, the restrictions would be in the public interest as it would ensure the safe operation of the highway. Any resulting harm from the reduction in on-street parking is therefore likely to be outweighed by improvements to highway safety.

Public Open Space Provision

- 5.36 No provision is made for on-site public open space. The proposal would lead to a localised population increase, estimated at 24 residents. It is reasonable to expect the future residents of the proposed development to require access to a range of open spaces.
- 5.37 An audit of existing provision has demonstrated that there is a reasonable quantum of natural and semi-natural open space. However, there is a shortfall of informal recreational open space, outdoor sports facilities, and a shortfall of provision for children and young people. There is an absence of allotments within the recommended accessibility standard.

5.38 In order to mitigate its impact, in the absence of any on-site provision, a financial contribution towards off-site provision and/or enhancement and a maintenance contribution should be sought in accordance with the following table:

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Spatial amount provided on site (sq.m.)	Shortfall in provision (sq.m.)	contributions towards off-site provision and/or enhancement	Maintenance contribution
Informal recreational open space	276.00	0	276.00	£6,964.25	£12,275.73
Outdoor sports facilities	384.00	0	384.00	£19,269.35	£5,832.19
Provision for children and young people	60.00	0	60.00	£10,088.63	£10,608.28

5.39 If the local planning authority had been in a position to determine this application, it would have sought a planning obligation to secure the financial contributions listed above. The contributions have been tested against the CIL regulations and are considered to pass the necessary tests. In the absence of the necessary legal agreement, the proposal fails to comply with policy CS6 and CS24 and must be concluded to be harmful.

Affordable Housing

5.40 As the proposal is for 10 dwellings, under the provisions of policy CS18, an affordable housing contribution should be made. However, the provisions of policy CS18 conflict with national guidance on this matter. National guidance indicates that affordable housing should not be sought on schemes of 10 or fewer units (unless in designated rural areas where a financial contribution should be sought) or developments of 1000 square metres in floor space of less.

5.41 The local planning authority had previously continued to apply its policy on the view that the local circumstances of the district outweighed national guidance. Recent appeal decisions within the district have not supported this position. In light of these decisions, officers no longer consider that a request for affordable housing on developments such as this, which meet the local but not national triggers, can be successfully defended at appeal. Therefore, greater weight is applied to national guidance and no affordable housing request will be made in this instance.

Environmental Effects

- 5.42 This includes consideration of: ecology, drainage, trees, landscaping, and pollution control.

Ecology and Landscape

- 5.43 When the prior approvals for demolition were submitted, ecological information was sought to ensure that the building did not provide suitable habitat for protected species. Appropriate information was provided and the prior approval given. The building has subsequently been demolished and the site cleared. Ecology and biodiversity is no longer a constraint to the grant of planning permission.

- 5.44 As the site is within the urban area, landscape considerations rest on the planting of communal areas of the site once development is complete. This is a reserved matter and therefore is not for consideration at this time. There is no principle landscape matters to consider.

Trees

- 5.45 There are a number of trees along the boundaries of the site but not contained within it. In order that the development does not adversely affect these trees, should the authority have been in a position to approve this application, a condition would be applied which required the reserved matters in relation to landscaping to include relevant arboricultural information in accordance with BS5837:2012.

Drainage

- 5.46 In relation to the original plans, the Lead Local Flood Authority queried the means by which surface water would be disposed of. In response the applicant submitted a drainage plan. Since then, a revised layout has been submitted. To address surface water disposal, should the authority have been in a position to approve this application, a SUDS condition would have been applied.

Land Contamination

- 5.47 The historic use of the site as military land may have caused contamination which could give rise to unacceptable risks to the proposed development. In order that any residual land contamination risks are adequately addressed, had the local planning authority have been in a position to approve the application, this would have been addressed by condition.
- 5.48 A further condition on the operating hours of the construction site would also have been applied in the interests of protecting the amenities of nearby residents.

Overall Planning Balance

- 5.49 The presumption in favour of sustainable development requires local planning authorities to either approve proposals that accord with the plan (without delay) or, where the plan is out of date, approve planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the

benefits. In this case, the development plan is considered to be in date as restrictive housing policies do not apply in this instance. Nonetheless, a planning balance must still be applied in the interests of sustainable development

Economic Factors

- 5.50 The development would have some economic benefit. It would lead to an increase in local population and with that additional spending and employment. Although the redevelopment of the site would no longer include a public house, this matter cannot be given weight as its loss occurred as permitted development.
- 5.51 In terms of weight, economic factors fall moderately in favour of the grant of planning permission.

Social Factors

- 5.52 The proposed development consists of 10 3-bedroom semi-detached houses; it lacks variety in housing type or tenure. There is some social benefit to the provision of additional housing, however, the housing proposed here is entirely market housing. Nonetheless, there is a benefit to the provision of additional housing.
- 5.53 In terms of weight, social factors fall moderately in favour of the grant of planning permission.
- 5.54 To avoid double counting, any resulting social harm from poor layout and inefficient use of land will be considered environmental although this does not preclude it from presenting a social harm.

Environmental Factors

- 5.55 Land is a finite resource. Brownfield land is key in achieving sustainable development, particularly when located within existing settlements. The opportunities to secure redevelopment of brownfield land are infrequent. It is therefore essential that such land is used in the most efficient way to maximise the public benefits.
- 5.56 As the above analysis has demonstrated, this site could be used more efficiently by providing a more varied form of development in terms of housing types and tenures. The local planning authority has evidence that a greater housing density could be achieved and that this would be a more desirable alternative than that contained within this proposal.
- 5.57 Should this development be permitted, it would result in an environmental harm through the inefficient use of land and a built form (layout) of poor design quality. The proposal is overtly suburban in nature in a town centre location with good access to public transport, goods, and services. It is an ideal location for higher housing density – which recent government publications indicate is the direction of travel.

- 5.58 The development is considered harmful.
- 5.59 In terms of weight, environmental factors weigh substantially against the grant of planning permission.

The Planning Balance

- 5.60 While there would be some moderate social and economic benefit to this development, there is substantial environmental harm. The environmental harm is so significant that it outweighs the benefits of the proposal. Should the local planning authority have been in a position to determine this application, it therefore follows that the application would have been refused.

Impact on Equalities

- 5.61 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.
- 5.62 With regards to the above this planning application is considered to have a neutral impact on equality.

Other Matters

- 5.63 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.
- 5.64 Appearance is not a matter for determination at this time. It is agreed that the development should have a positive interaction with the streetscene but this would be for determination at a later date.
- 5.65 The site would be an appropriate location for some form of economic development, be it retail or other forms. However, that is not what is proposed. The development must be assessed as submitted and it is not possible to amend the fundamental nature of the development.
- 5.66 Concern over the access is noted, particularly the use of it by adjacent businesses. However, in terms of assessing this application it is not considered to be a reason against which the local planning authority would have sought to resist the development.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: 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, should the local planning authority have determined this application, it would have refused permission for the reasons listed below.

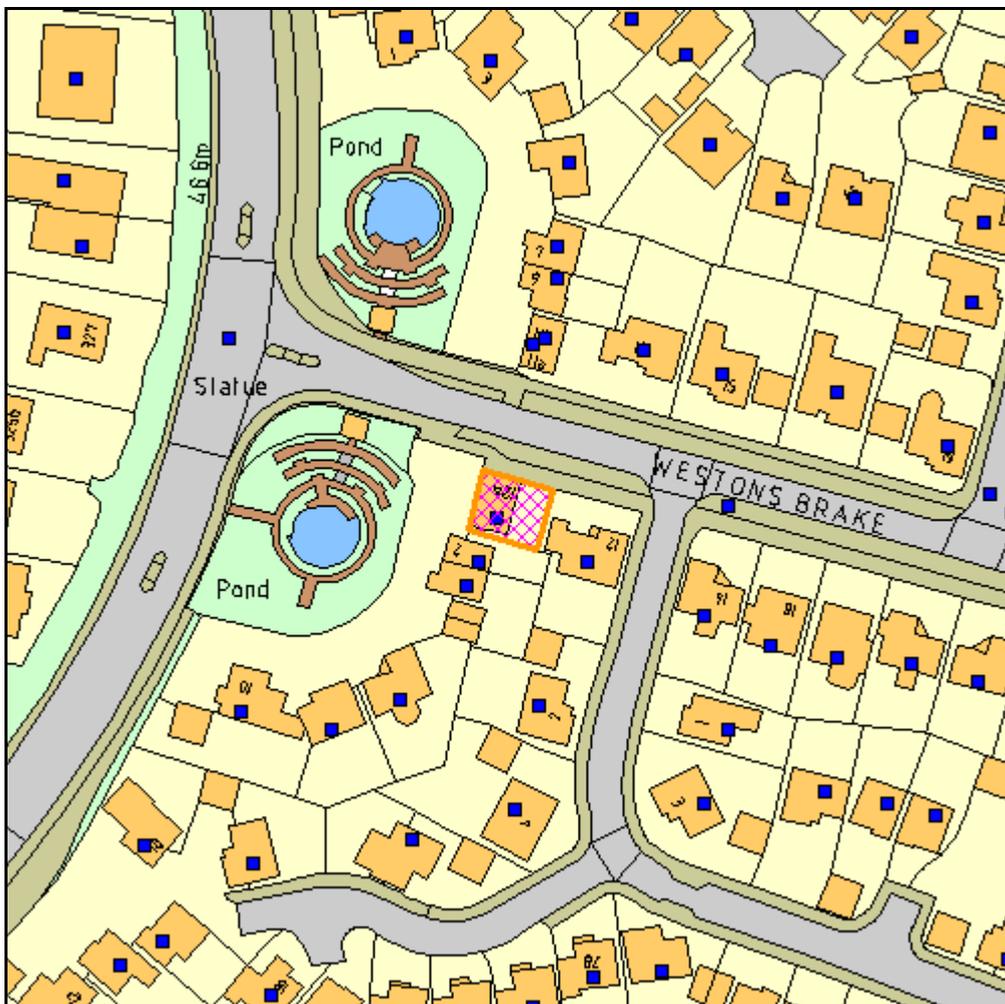
Contact Officer: Griff Bunce
Tel. No. 01454 863438

REASONS FOR REFUSAL

1. The site is within the defined town centre of Yate and in close proximity to Yate Railway Station and bus routes along Station Road; the site is therefore highly sustainable. The proposed development fails to make efficient use of brownfield land in a highly sustainable location as a greater housing density could be achieved on this site. The proposed development would introduce a suburban form of housing in a prominent location which would be at odds with the context of the site. Should development be permitted it would result in a significant environmental harm which outweighs the benefits of the proposal. The development is also contrary to Policy CS1, CS4A, CS16, CS17 and CS30 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the provisions of the National Planning Policy Framework, March 2012.
2. In the absence of an appropriate legal agreement to secure a financial contribution towards off-site public open space provision and/or enhancement and the maintenance thereof, the development fails to mitigate its impact. The development is therefore harmful and contrary to Policy CS6 and CS24 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the provisions of the National Planning Policy Framework, March 2012.

CIRCULATED SCHEDULE NO. 04/18 – 26 JANUARY 2018

App No.:	PK17/5345/F	Applicant:	Mrs R Lloydbottom
Site:	12A Westons Brake Emersons Green Bristol South Gloucestershire BS16 7BP	Date Reg:	12th December 2017
Proposal:	Conversion of existing garage to form 1no self contained ground floor flat. Alteration to existing access on to Westons Brake.	Parish:	Emersons Green Town Council
Map Ref:	366122 178288	Ward:	Emersons Green
Application Category:	Minor	Target Date:	12th January 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK17/5345/F**

REASONS FOR REFERRING TO CIRCULATED SCHEDULE

The proposal has been subject to comments contrary to the findings of this report. According to the current scheme of delegation it is required to be taken forward under circulated schedule as a result.

1. THE PROPOSAL

- 1.1 The proposal seeks permission for the change of use of a private gym housed beneath a residential apartment into an independent residential unit.
- 1.2 The property is a 2 storey structure with part brick and part rendered elevations.
- 1.3 The building, according to supporting evidence is a former sales office for the residential estate and has an apartment above. Following the disposal of the estate the ground floor office space became a garage and then later private gym and most recently was converted to additional living accommodation under the application to separate the outbuilding from no12 Westons Brake and form a new independent dwelling.
- 1.4 The site is located in the built up residential area of Emersons Green.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS15 Distribution of Housing
CS17 Housing Diversity

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP7 Greenbelt
PSP8 Residential Amenity
PSP16 Parking Standards
PSP37 Internal Space and Accessibility Standards
PSP38 Development within Existing Residential Curtilages
PSP39 Residential Conversions
PSP42 Custom Build Dwellings
PSP43 Private Amenity Standards

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/0683/F – Approval – 31/05/2012 – Subdivision of existing dwelling to form 2no. dwellings with associated works.
- 3.2 PK10/0865/F – Approval – 28/05/2012 – Erection of attached garage to side of property
- 3.3 PK03/3221/F – Approval – 16/12/2003 – Conversion of garage to fitness room for private use.
- 3.4 PK02/1072/PDR – No Objection – 09/05/2002 – Conversion of garage to living accommodation.
- 3.5 P96/4210 – Approval of Reserved Matters – 09/10/1996 – Erection of 78no dwelling and associated works.
- 3.6 K7578 – Approval of Outline – 07/05/1996 - Comprehensive development for residential, public house, commercial, school site, roads, footpaths, open space and other associated uses.

4. CONSULTATION RESPONSES

4.1 Emersons Green Town Council
No Objection

4.2 Other Consultees

Public Rights of Way

No objection subject to the appendage of an informative

Highway Structures

No Comments

Transport Officer

No objection subject to the parking being implemented prior to the commencement of development.

Drainage and Flood Risk

No Objection

Archaeological Officer

No Comments

Other Representations

4.3 Local Residents

Two comments received. One of which is listed as an objection, the other neither objecting nor supporting the application. One of the comments wants to see the property separated from no.12 Westons Brake by a clear boundary and that the dropped kerb is wide enough for the access. The other comment wants to see a timber material rather than any metal to house the bike and bin stores to prevent noise during rain. Secondly the respondent questions the fenestration to be provided. Lastly they question parking provision. These comments are addressed in the relevant sections below.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP39 allows for residential conversion and subdivision of property to form new residential units. This allows such development where; it would not harm the character and amenity of the locality; it would not prejudice the amenity of neighbours; provide adequate amenity space; and provide parking in accordance with the Council's parking standards. The proposal is for the conversion of a building that appears to be residential in use. This would be seen as acceptable subject to assessment against the above policy.

5.2 Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. In this case the site lies within the settlement boundary, and generally residential development is supported. Accordingly the principle of development is supported by the development plan. In addition, the contribution of a smaller unit within a sustainable location would add to the mix of house types available in this area. Added weight is given to this given that the Council is currently unable to demonstrate a five year land supply of housing land, albeit only a very modest contribution, this would assist.

5.3 Re-use/ Conversion

The proposal is for the re-use and conversion of the ground floor of an existing residential building with a residential unit above that had formerly been an ancillary garage building with accommodation above. This is of substantial construction and is formed of brick and rendered elevations with a gabled roof. Very little is required to convert the building externally. These alterations only include changes to the ground floor fenestration to provide a window for the bathroom and to replace the existing garage door with a window for the bedroom.

5.4 Design and Visual Amenity

The proposal consists of the change of use of a residential building currently used for ancillary space, to a residential unit. Very little is proposed in terms of external alterations and changes only include alterations to the fenestration at ground floor. A comment has been received questioning what was taking place in relation to window openings and replacements. The proposal would introduce a new window in the side elevation oriented to the south to provide an obscured window to the bathroom proposed. Additionally the existing garage door will be replaced with a window to provide for the new bedroom in place of the existing store. These alterations are not considered to have an adverse impact on the appearance of the building and replacement of the garage door could only be seen as an improvement visually.

5.5 Overall, given the limited physical alterations suggested it is considered that the proposal would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1 and PSP39 and conforms to the criteria in the adopted Local Plan.

5.6 Residential Amenity

The property is in a relatively densely developed residential area. Nevertheless the host property has an existing residential use. New windows will be introduced to the west and south, however these will not affect the amenity of any neighbours as a result of loss of privacy. Additionally no further built form is proposed, therefore the application is not considered to impact the amenity of neighbours.

5.7 The new window to the bedroom will look onto the side elevation of no.12 Westons Brake with a separation distance of around 8 metres. This falls below the guidelines which suggests a minimum of 12 metres is retained. That said the proposal already has an existing residential use and would fall below this threshold in any case. Furthermore the existing apartment above has a very similar relationship with neighbours to that proposed. Limited negative weight will be attributed to this factor.

5.8 No outdoor amenity space will be provided to the proposed dwelling however it is noted that the existing apartment above also fails to benefit from such provision. The proposal would therefore be seen as contrary to the recommendations of PSP43. That said there are opportunities for outdoor space within metres of the proposal site and other provisions within short walking distance. Furthermore the proposal will only be providing a one bedroom apartment and as such is unsuitable for a family with children, as a result the demand for outdoor recreation space is viewed as diminished. Given the existing situation and the availability of outdoor space within the locality the proposal is considered acceptable, however again negative weight will be attached to this.

5.9 Comments have been received concerned that there does not appear to be a physical boundary separating the host site with its neighbour. Comments have also raised questions over the cycle and bin stores. No detail has been provided on these except their location. As a result it has been seen as reasonable to request further detail on these structures by condition. A condition will be appended to the decision notice to that effect.

5.10 The subject property is located within a built up residential area. Given the details of the proposed development it will not result in a detrimental impact on the residential amenity of its neighbouring occupiers and is considered acceptable with regard to amenity considerations. The proposal would however fall short of guidelines in terms of outlook and outdoor amenity space provision for the proposed dwelling, whilst this is no different a relationship from that of the apartment above, limited negative weight has been attached to these considerations.

5.11 Sustainable Transport and Parking Provision

The proposal would create a new 1 bedroom dwelling within the curtilage of the farmstead. 2 parking spaces will be provided to the front of the property. Comments have been submitted concerned with the impact on the wider area due to the number of parking space provided and the potential for additional vehicles to park on the grass verge. Following development there would be 2no dwellings with 1 bedroom each; this has a requirement of 2no parking spaces.

On this basis the proposal is considered to accord with PSP16 of the Policies Sites and Places DPD and no objection could be sustained with regard to this. Furthermore the introduction of additional 1no bedroom dwelling is not seen to have a material impact on highway safety or congestion and is therefore acceptable in this respect. Comments from the transport officer suggest the parking should be implemented prior to commencement; such a condition would not pass the tests of reasonableness. Consequently a condition requiring the parking provision to be implemented prior to occupation of the ground floor apartment. It is also noted that permission would be required from the highway authority for changes to the vehicle crossover and dropped kerb. An informative will be included with further information.

5.12 Planning Balance

The proposal is very limited in terms of operational development and only includes changes to the parking arrangement and fenestration to provide for the new residential unit. These are not considered to have a harmful effect on design or transport impacts. The proposal would however fail to provide the level of outlook and private outdoor amenity space sought for new development and limited negative weight will be given to these considerations. That said, these negative impacts are not seen to outweigh the positive weight attached to the provision of an additional housing unit which will contribute to the mix of housing in the area, and therefore permission should be granted.

5.13 Consideration of likely impact on Equalities

The proposal would have a neutral impact on equalities.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. Prior to the first occupation of the dwelling hereby permitted a plan indicating the position, design, materials and type of boundary treatment along the eastern boundary of the site and the proposed bin and bike stores to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment, bin and cycle storage shall be completed before the new unit is occupied. Development shall be carried out in accordance with the approved details.

Reason

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

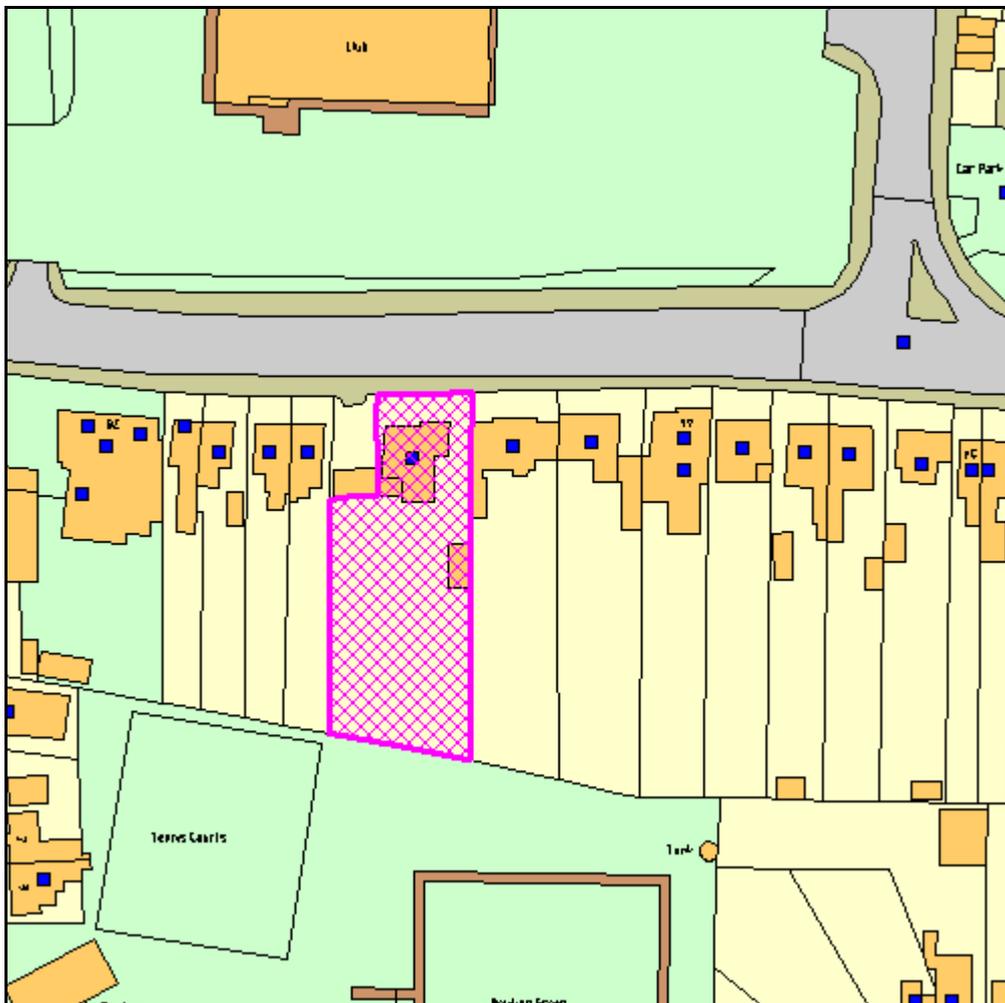
3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

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.

CIRCULATED SCHEDULE NO. 04/18 – 26 JANUARY 2018

App No.:	PK17/5656/CLE	Applicant:	Mr Roy Young
Site:	38 Station Road Yate Bristol South Gloucestershire BS37 4PW	Date Reg:	28th December 2017
Proposal:	Application for a certificate of lawfulness for the existing use to continue as residential dwellinghouse (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1985 (as amended)	Parish:	Yate Town Council
Map Ref:	370428 182496	Ward:	Yate Central
Application Category:	Certificate of Lawfulness	Target Date:	14th February 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK17/5656/CLE**

3.2 P93/2396 Approved 12.01.1994
Use of dwellinghouse as a guest house alterations to existing vehicular and pedestrian access

4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION

The applicant has submitted the following evidence in support of the application:

4.1 The applicant state that they have always believe that the property has been in a C3 (residential) use class; the number of guest beds has never been in excess of six, this means that a change of use to C1 (Hotels) was never needed. The occupiers have always paid residential council tax rates (Band E), and have had numerous visits from council staff who confirmed that it was a domestic property.

5. SUMMARY OF CONTRARY EVIDENCE

5.1 Previous application P93/2396 included mention of "Use of dwellinghouse as a guest house" within the description. The building has a very large parking area to the rear, commensurate with the use of the site as a business. 6 beds may be enough to mean that C1 is the correct use class.

6. CONSULTATIONS

6.1 Councillor Ruth Davis
No objection

6.2 Yate Town Council
No objection

6.3 Transportation DC
No comment

OTHER CONSULTATIONS

6.4 Local Residents
Two comments received; no objections, although one states that "the premises has been used as a guest house for over 10 years probably nearer 20. I understand there is a garage and parking for several cars at the rear".

7. ASSESSMENT

7.1 The issues, which are relevant to the determination of an application for a Certificate of Lawfulness are whether or not, in this case, the use described has been carried out for a continuous period exceeding 4 years and whether or not the use is in contravention of any Enforcement Notice which is in force.

7.2 Dealing with the latter point, as noted in the 'History' section above there are no enforcement notices relating to this property.

7.3 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probability”. For a certificate to be issued, the land and buildings within the red edged application site plan, must have been continuously used for as a dwelling (class C3) for a 4 year period prior to the date of receipt of the application. National guidance suggests that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. “beyond reasonable doubt.” Furthermore, the applicant’s own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or 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. The planning merits of the use are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant’s version of events less than probable, should be taken into account.

7.4 Hierarchy of Evidence

The evidence in favour has been submitted within the application form, consisting of a short statement. The evidence against has been collected from the website of the guest house itself, a site visit and comments from a neighbouring occupier. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross-examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits), which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

7.5 Examination of evidence

The main issue, which needs to be resolved in the determination of this application, is whether or not, the land and buildings within the red edged application site plan have been continuously used for residential purposes for a 4 year period prior to 04 December 2017 i.e. the date of receipt of the application.

- 7.6 The applicant has not submitted any specific evidence as such, but rather has offered an opinion on the use class. Use of part of a private house for the provision of bed and breakfast accommodation may be deemed ancillary in certain circumstances. The applicant has stated that they believed that the building has always been in C3 use, as no more than six beds have been offered at once. Additionally they have stated that they have always paid residential council tax rates; this has little bearing on the planning use of the land, and is not considered conclusive. However, in England and Wales, any pre-conceived numerical threshold relating to number of bedrooms offered would be considered arbitrary, bearing no relationship to the normal “fact and degree” considerations of the character and size of the house, the precise nature of the guest lettings, their frequency and their effect on the locality. Therefore, the assessment which needs to be made is whether the guest house use would be considered ancillary to the residential use.
- 7.7 In this instance, it is not considered that the operation of the guest house could realistically be considered ancillary to a dwellinghouse. The business website (<http://englandsguesthouse.co.uk/>) shows four standard rooms sharing two shower facilities, along with three rooms with en-suite facilities. In addition to this, the conservatory has been historically used as a “breakfast room” for paying guests, with tables and chairs, and a large portion of the rear garden has been paved and converted to a parking area for guests. Additionally, a large sign historically sat to the front of the building advertising the guest house. The planning permission obtained in 1993 would not have been required unless the use class changed. Moreover it is clear from the planning application from the conservatory in 2007 that this applicant described the property as a guesthouse; and the case officer who visited then was in agreement with that.
- 7.8 From the evidence gathered, the balance suggests that the use of the building would be C1 (hotels). The evidence given by the applicants is not considered to overcome the documentary evidence gathered from the business’ website and planning history. This conclusion is based on an assessment of the facts rather than an assessment of planning merit, and would not preclude the applicant from making a planning application for this proposal.

8. CONCLUSION

- 8.1 The submitted evidence covers the relevant 4- year period prior to receipt of the application.
- 8.2 The balance of evidence indicates that for the 4 years continuous to the receipt of the application the land and buildings shown edged red on the submitted plan were used for guest house purposes (C1).
- 8.3 It is the considered view therefore that on the balance of probability the applicants have not provided the evidence to support the claim.

9. RECOMMENDATION

- 9.1 That a Certificate of Existing Lawful Use be REFUSED for the continued use of the site for residential (C3) purposes as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

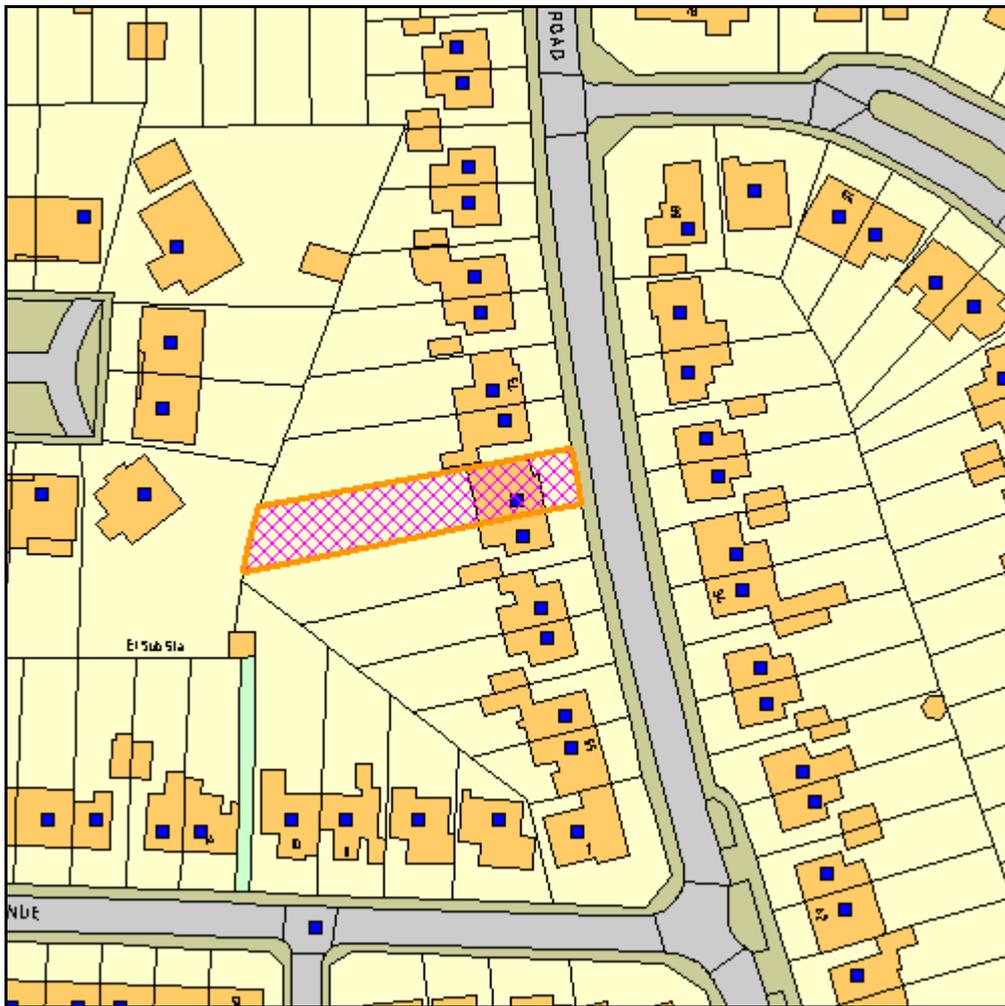
Contact Officer: Owen Hoare
Tel. No. 01454 864245

REASONS FOR REFUSAL

1. The balance of evidence indicates that for the 4 years continuous to the receipt of the application the land and buildings shown edged red on the submitted plan were used for guest house purposes (C1).

CIRCULATED SCHEDULE NO. 04/18 – 26 JANUARY 2018

App No.:	PK17/5760/CLP	Applicant:	Mr And Mrs Mathews
Site:	69 Oakdale Road Downend Bristol South Gloucestershire BS16 6EA	Date Reg:	28th December 2017
Proposal:	Installation of a rear and side dormer to facilitate loft conversion	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365033 177632	Ward:	Downend
Application Category:	Certificate of Lawfulness	Target Date:	8th February 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK17/5760/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of 1no rear and 1no side dormer at no. 69 Oakdale Road, Downend would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection.

Other Representations

- 4.2 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Existing & Proposed Elevations
(Received by Local Authority 14 Dec 2017)

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposal would include none of the above.

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

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

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

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

Submitted plans indicate that the proposed dormers will incorporate a render finish. These are considered acceptable.

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

The rear and side dormers would be over 200mm away from the eaves of the original roof. Additionally, the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse.

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

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

Roof lights to front elevation

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

7. RECOMMENDATION

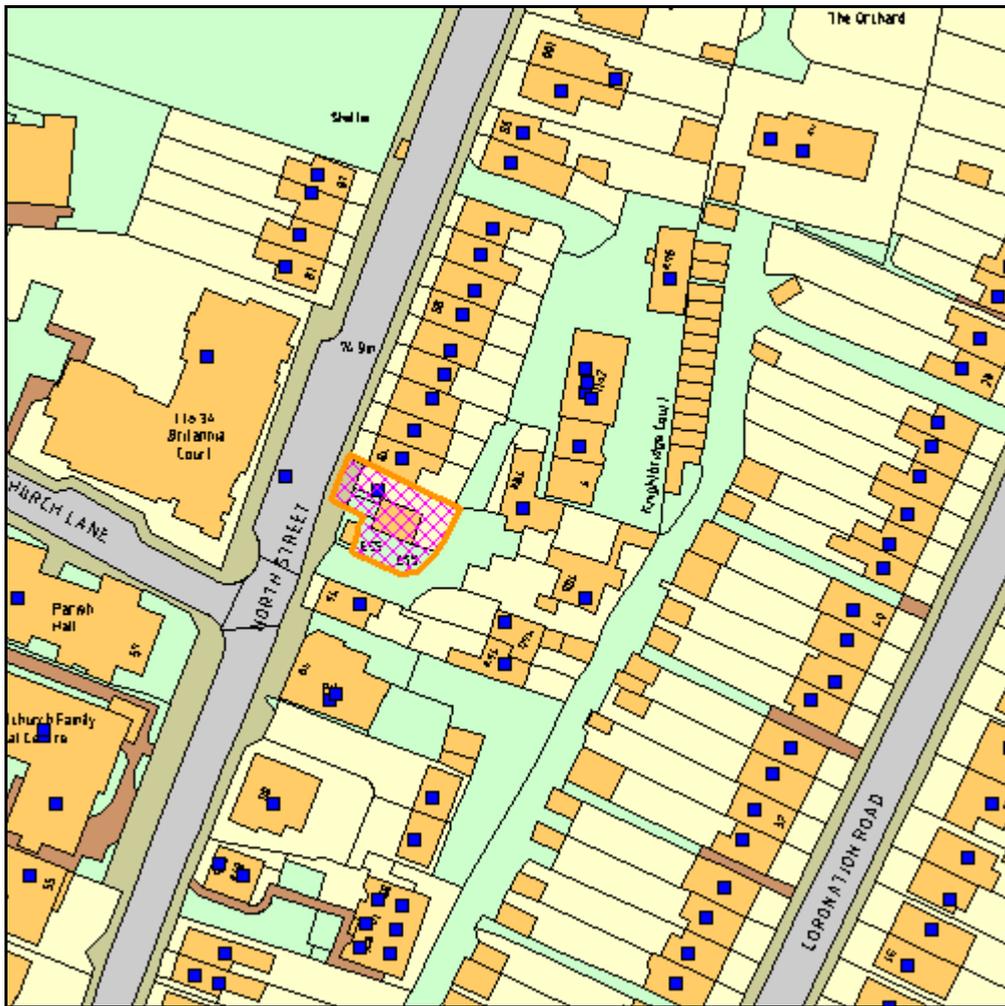
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

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

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CIRCULATED SCHEDULE NO. 04/18 – 26 JANUARY 2018

App No.:	PK17/5784/CLP	Applicant:	Mr Luxton
Site:	76D North Street Downend South Gloucestershire BS16 5SF	Date Reg:	2nd January 2018
Proposal:	Installation of velux windows to front and rear elevations to form loft conversion	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365038 176437	Ward:	Downend
Application Category:	Certificate of Lawfulness	Target Date:	5th February 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK17/5784/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of velux windows to the front and rear elevations to form a loft conversion at 76D North Street, Downend, would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit; the decision is based solely on the facts presented.
- 1.3 The right to construct a dormer without prior written consent of the Local Authority was restricted at the property under application ref. PK14/4128/F, condition 8. However, permitted development rights relating to any other alteration to the roof are still intact at 76D North Street, Downend.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (As Amended) 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015
Town and Country Planning (General Permitted Development) (GPDO) (England) Order 2015

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/4128/F
Erection of 1no. detached dwelling and garage with new access and associated works.

Approved: 2nd February 2015
- 3.2 PK14/0521/F
Erection of 1no. semi detached dwelling and associated works. (Amendment to previously approved scheme PK11/3910/F to re-position substation pod).

Approved: 26th March 2014

- 3.3 PK11/3910/F
Erection of 1no. semi detached dwelling and associated works.

Approved: 6th February 2012

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection
- 4.2 Councillor
No comment received.

Other Representations

- 4.3 Local Residents
Comments received from 2no. local residents, summarised as follows:
- Concerns over the obstruction of the access lane to the side and rear during construction.
 - Not notified of application.
 - Boundary line incorrect at the front of the property.
 - Decision on original application included a condition that windows in the roof space were subject to a full planning application because of overlooking issues.
 - Will the roof be safe after removing struts?

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Received by the Council on 13th December 2017
Site Location Plan
Existing & Proposed First Floor Plan
Proposed Second Floor Plan, Rear & Front Elevations, Existing Roof Section

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.

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

- 6.2 The proposed development consists of the installation of velux windows to the front and rear elevations to form a loft conversion. The proposed velux windows would fall within the category of development permitted by Schedule 2, Part 1, Class C of the GPDO, which allows for the alteration to the roof of a dwellinghouse, provided it meets the criteria as detailed below:

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

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

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

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

Correspondence with the agent confirmed the roof lights would not protrude more than 0.15 metres beyond the plane of the roof slope of the original roof.

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

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

It would consist of or include –

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

Not applicable

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

Not applicable

Conditions

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

(a) Obscure glazed; and

(b) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The proposed velux windows would not be located on a roof slope forming a side elevation.

6.4 Other Matters

Regarding the comments received from local residents, a Certificate of Lawfulness is not a planning application and therefore the decision rests solely upon the evidence that has been submitted. It is hoped that the applicants would remain considerate towards neighbouring occupiers during the construction period with regard to the access lane.

All adjoining neighbours were notified of the application by post on 2nd January 2018.

After a discussion with the agent regarding the extent of the red line site boundary, the applicant is disputing the neighbour's comments and insists the red line on the Site Location Plan is correct. The proposed velux windows would not be situated upon the land that has been questioned in any event as they are located on the roof. Furthermore, the grant of this certificate of lawfulness would not change any rights of ownership, nor the extent of the highway.

Any internal work to the roof would require compliance with Building Regulations to ensure safety. It would be necessary for the applicant to submit a Building Regulations application for approval of the work.

7. RECOMMENDATION

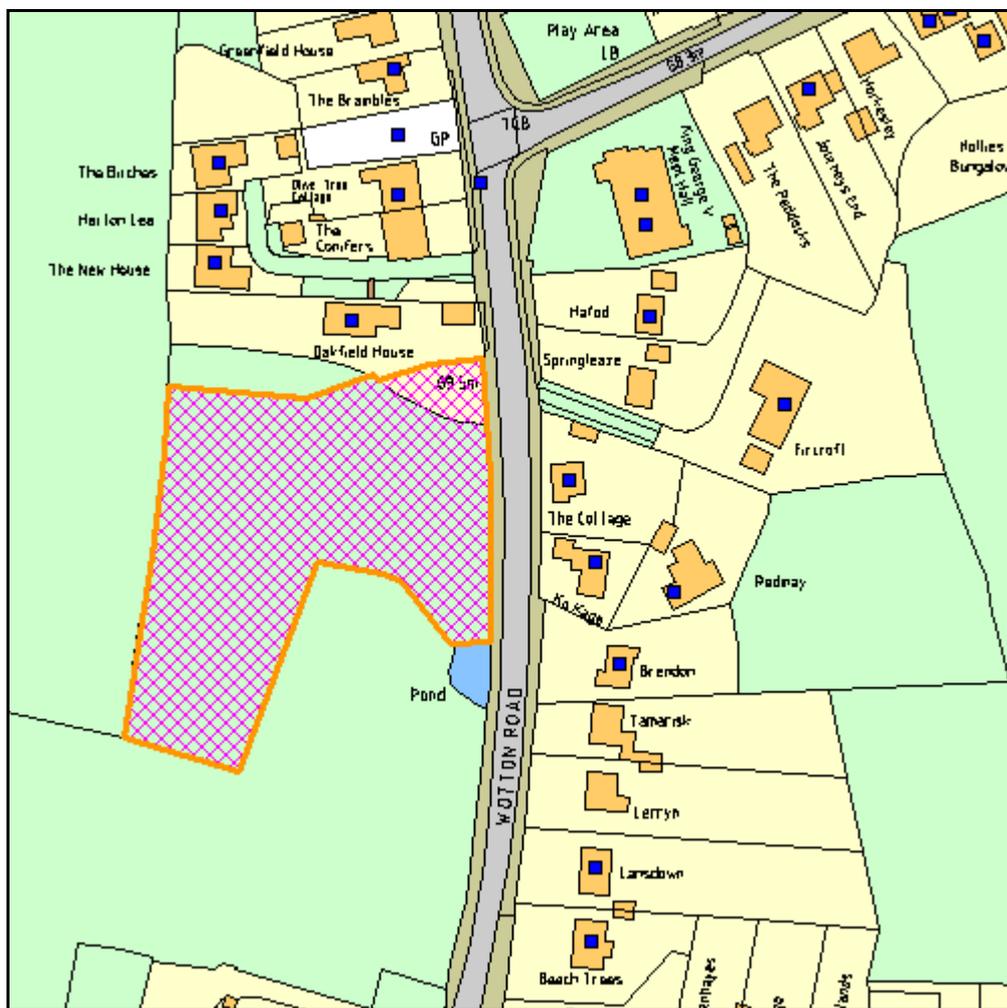
7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed installation of velux windows would fall within permitted development within the curtilage of the dwellinghouse under Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Contact Officer: James Reynolds
Tel. No. 01454 864712

CIRCULATED SCHEDULE NO. 04/18 – 26 JANUARY 2018

App No.:	PT17/3698/O	Applicant:	Mr And Mrs Blunt
Site:	Oakfield House Wotton Road Rangeworthy Bristol South Gloucestershire BS37 7LZ	Date Reg:	29th August 2017
Proposal:	Erection of 13no. dwellings (Outline) with access and layout to be determined. All other matters reserved. (Resubmission of Application PT17/0542/O)	Parish:	Rangeworthy Parish Council
Map Ref:	369112 185725	Ward:	Ladden Brook
Application Category:	Major	Target Date:	3rd November 2017



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT17/3698/O**

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from Rangeworthy Parish Council and 5no. local residents; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to Oakfield House and its associated parking area and garden. The house is a detached, modern 2-storey construction of stone and render. Immediately to the south is an open grassed area 0.56 hectares in area which is proposed to be developed for housing. The applicant considers that the plot is within the residential curtilage of Oakfield House – this matter will be discussed later in this report.
- 1.2 The site is bounded to the east by the B4058 Wotton Road and is located in open countryside on the western edge of the Established Settlement Boundary of Rangeworthy. The site is not in the Green Belt or AONB neither is it in a Conservation Area.. The development site is flat and bounded by trees; there are residential properties adjacent to the north and directly opposite, these extend to the edge of the village to the north and south.
- 1.3 The application seeks outline consent only with access and layout to be determined at the outline stage; all outstanding matters of scale, appearance and landscaping would be the subject of a later reserved matters application, should outline consent be forthcoming.
- 1.4 The proposal is to erect 13no. dwellings i.e. 9 detached and a terrace of four arranged as an 'L' shaped cul-de-sac and accessed via a new access off Wotton Road. The existing property Oakfield House would be retained along with its own separate access.
- 1.5 The application is supported by the following documents:
 - Flood Risk Assessment and Drainage Strategy
 - Arboricultural Survey
 - Phase 1 Habitat Survey
 - Great Crested Newt Survey
 - Bat Activity Report
 - Character Assessment
 - Planning Statement
 - Design & Access Statement
 - Acoustic Report

2. POLICY CONTEXT

- 2.1 National Guidance
 - National Planning Policy Framework March 2012 (NPPF)
 - National Planning Practice Guidance (NPPG)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS24	Green Infrastructure, Sport and Recreation Standards
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP10	Active Travel Routes
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
PSP37	Internal Space Standards
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards
PSP44	Open Space, Sport and Recreation

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007

Local List SPD (Adopted) March 2008

Residential Parking Standards SPD (Adopted) December 2013

Affordable Housing SPD (Adopted) May 2014 (amended Dec. 2017)

Landscape Character Assessment SPD (Adopted) November 2014

Waste Collection SPD (Adopted) January 2015 (amended March 2017)

CIL and S106 SPD (Adopted) March 2015

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT13/4663/F - Erection of single-storey side and rear extension to form additional living accommodation following demolition of conservatory.
Approved 12 Feb. 2014

- 3.2 PT17/0542/O - Erection of 10no. dwellings (outline) with access and layout to be determined.
Withdrawn 21 April 2017

Relevant recent applications in Rangeworthy:

This current application follows the recent refusal of two schemes (Ref. PT16/1593/O and re-submission PT14/4172/O) for 10no. dwellings and 6 dwellings respectively on an agricultural field to the north of Rangeworthy. The site was located on Church Road, Rangeworthy, which is at the northern end of the village opposite the school and just off the main road B4058. The main issues were the effects on heritage assets, the effect on the settlement strategy for South Gloucestershire, the effect on landscape and countryside, and the effect on protected species. A subsequent appeal relating to the first scheme was dismissed 14th Dec. 2015 and a more recent appeal relating to the scheme for 6no. dwellings on the same site, was dismissed on 6th September 2017; these are referred to below.

- 3.3 PT14/042/SCR - EIA Screening Opinion
EIA not required 05.11.14

- 3.4 PT14/4172/O - Land at Church Lane, Rangeworthy. Erection of 10no. dwellings (Outline) with access, appearance, layout and scale to be determined. Other matters reserved.
Refused 05.05.15 for 8no. reasons:

1. *The site lies outside the Established Settlement Boundary of Rangeworthy and therefore in the open countryside. The proposed dwellings do not constitute exceptions under saved Policy H3 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 for dwellings in rural areas. The proposal is unsustainable due to the site's location and the high degree of reliance on the motor car in the local vicinity. The proposal is contrary to policies CS5, CS8 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the provisions of the National Planning Policy Framework. Furthermore the site was considered but not selected as a site to be allocated for small scale housing development, to meet local need in Rangeworthy, and is therefore contrary to Policy 44A of the emerging Policies, Sites and Places DPD. The scheme also fails to meet the criteria listed under Policy PSP36 of the emerging Policies, Sites and Places DPD.*
2. *Rangeworthy Court and Holy Trinity Church are Grade II* Listed Buildings, the architectural and historic interest and setting of which it is desirable to preserve. The proposed development, by virtue of its location and scale would significantly reduce the open, landscape setting to Rangeworthy Court. It would also significantly reduce the tranquil and rural character which are important aspects of the setting of Holy Trinity Church. The development is therefore considered to harm the setting of both Listed Buildings, contrary to section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Historic Environment Planning Practice Guide, Policy L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.*

3. *The proposal lies in the open countryside and would adversely affect the rural open landscape character of the site, which currently maintains views from Church Lane, of the large level open fields to the north, and visual separation with the building cluster of Rangeworthy Court and Holy Trinity Church, all contrary to Policy CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy L1 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.*
4. *There is insufficient information to satisfactorily demonstrate that the development would not adversely impact upon Great Crested Newts (a European protected species) contrary to Regulations 53 & 56 of the Conservation of Species and Habitats Regulations 2010 ('the Habitat Regulations'), Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy L9 of the South Gloucestershire Local Plan.*
5. *The proposed vehicular access from Church Lane will result in an intensification of vehicle movements on a narrow lane creating conflicts from increased manoeuvres along a well-established Public Right of Way. The Jubilee Way is a Major Recreational Route and the limited opportunities for two-way vehicle movement will unacceptably impact upon road, pedestrian and cyclist safety. The proposal is, therefore, contrary to Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policies T12 and LC12 of the South Gloucestershire Council Local Plan (adopted) January 2006.*
6. *In the absence of a Section106 legal agreement to secure affordable housing of a suitable tenure mix and unit types, the proposal is contrary to policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 11th Dec. 2013 and West of England Strategic Housing Market Assessment (SHMA) 2009 and 2013 SHMA Addendum.*
7. *In the absence of a Section106 legal agreement to secure a contribution of £10,000 towards a Traffic Regulation Order and works within the highway, the proposal is contrary to policy T12 of the adopted South Gloucestershire Local Plan.*
8. *In the absence of a Section106 legal agreement to secure contributions towards community facilities required to service the proposed development, the proposal is contrary to Policies CS6, CS23 and CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*

A subsequent appeal APP/P0119/W/15/3133771 dismissed 14.12.2015 on the following grounds:

- The development would not be sustainable being highly car dependent and having significant harm on the character and appearance of the area and the setting of the Grade II* Listed Buildings all of which outweighs any benefits of the proposal.

The original refusal reasons 4, 6, 7 & 8 were overcome via the appeal by the submission of a Unilateral Undertaking and an Ecological Report.

3.5 PT16/1593/O - Land at Church Lane, Rangeworthy. Erection of 6no. dwellings (Outline) with access, layout, scale and appearance to be determined. Other matters reserved (Re-submission of PT14/4172/O)

Refused 05.05.15 for 7no. reasons:

1. *The site lies outside the Established Settlement Boundary of Rangeworthy and therefore in the open countryside. The proposed dwellings do not constitute exceptions under saved Policy H3 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 for dwellings in rural areas. The proposal is unsustainable due to the site's location and the high degree of reliance on the motor car in the local vicinity. The proposal is contrary to policies CS5, CS8 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the provisions of the National Planning Policy Framework.*
2. *Rangeworthy Court and Holy Trinity Church are Grade II* Listed Buildings, the architectural and historic interest and setting of which it is desirable to preserve. The proposed development, by virtue of its location and scale would significantly reduce the open, landscape setting to Rangeworthy Court. It would also significantly reduce the tranquil and rural character which are important aspects of the setting of Holy Trinity Church. The development is therefore considered to harm the setting of both Listed Buildings, contrary to section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Historic Environment Planning Practice Guide, Policy L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.*
3. *The proposal lies in the open countryside and would adversely affect the rural open landscape character of the site, which currently maintains views from Church Lane, of the large level open fields to the north, and visual separation with the building cluster of Rangeworthy Court and Holy Trinity Church, all contrary to Policy CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and saved Policy L1 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and emerging policy PSP4 of The South Gloucestershire Local Plan Proposed Submission: policies, Sites and Places Plan June 2016.*
4. *There is insufficient information to satisfactorily demonstrate that the development would not adversely impact upon protected species contrary to, Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and saved Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.*
5. *In the absence of a Section 106 legal agreement to secure affordable housing of a suitable tenure mix and unit types, the proposal is contrary to policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 11th Dec. 2013 and West of England Strategic Housing Market Assessment (SHMA) 2009 and 2013 SHMA Addendum.*

6. *In the absence of a Section 106 legal agreement to secure a contribution of £10,000 towards a Traffic Regulation Order and works within the highway, the proposal is contrary to policy T12 of the adopted South Gloucestershire Local Plan.*
7. *In the absence of a Section 106 legal agreement to secure contributions towards community facilities required to service the proposed development, the proposal is contrary to Policies CS2, CS6, CS23 and CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*

Appeal Dismissed 06.09.17

Main issues being the effects on heritage assets, the effect on the settlement strategy for South Gloucestershire, the effect on landscape and countryside, and the effect on protected species.

4. CONSULTATION RESPONSES

4.1 Rangeworthy Parish Council

The Parish Council Objects on the following grounds:

- a. Landscape - This small paddock is enclosed from the road by trees and the central hedge also has a number of trees which contribute to the local character.
- b. Access to the site on the outside of the bend would require loss of the boundary trees and wall to create a visibility splay.
- c. Increasing the mass/density of development along this lower part of Wotton Road will increase enclosure and change the character of the settlement and alter visual amenity of the village.
- d. Ecology small paddocks/fields of improved grassland with semi-mature trees forming boundary to the road which could be considered of low nature conservation value. However, a series of field ponds are present within open farmland to the west of the settlement. The ecology survey identified a small dew pond in the corner of the adjoining field to the south of the site. As the survey was carried out in August 2016 this pond could have dried up so Great Crested Newts would not be immediately apparent.
- e. Transport/Access and Safety. Any potential access to Wotton Road would need to comply with current visibility standards as such given that the site is on the outside of the bend these would be difficult to achieve without removal of extensive established vegetation. The applicant has increased the number of dwellings on this development, therefore increasing the number of traffic movements onto the already extremely busy Wotton Road.
- f. Sewerage - Existing issues of ground water infiltration when the water table rises. This requires groundwater management strategy agreement between Local Authority and Wessex Water before any development could proceed. There are continuous, ongoing sewer problems along Wotton Road and more houses will only exacerbate these issues. Albeit that Wessex Water has recently undertaken remedial works to the sewerage system, but this was to line the drains in order to prevent ground water infiltration - NOT to increase the volume/capacity. It remains to be seen whether these remedial works have been successful. It also remains the fact that the pipes are still the same size

and these additional 13 dwellings can only increase the amount of sewerage that the drains have to cope with.

g. The site is outside the current settlement boundary.

h. Lack of Affordable Housing - The Parish Council notes that four 2/3 bedroomed dwellings are proposed. However the Parish Council feels that this still does not adequately address the requirements of younger first-time buyers or older residents wishing to downsize to smaller bungalow-type properties.

In conclusion, during the last thirty years development of small housing estates has taken place to the east of the B4058 off New Road (ie, Gifford Close, The Grove, Kingsfield and most recently Waverley Close).

Along the B4058 a small amount of infilling and building in back gardens has been allowed within the settlement boundary but this application would have a significant adverse impact on the existing landscape, character of the village and also have access issues.

To the casual observer driving through Rangeworthy, the appearance of the village has almost remained unchanged and the Parish Council are in concurrence with this approach to planning.

4.2 Other Consultees

Environmental Protection

No objection subject to noise mitigation measures being carried out in accordance with the recommendations of the submitted Acoustic Report.

Wessex Water

No response

Lead Local Flood Authority

No objection subject to a condition to secure a SUDS drainage Scheme.

Avon Fire and Rescue

No response

Police Community Safety Officer

No response

Tree Officer

No objection subject to recommendations of the submitted Tree Report.

Landscape Officer

If approval is granted the following landscape condition is recommended and the applicant is advised to seek the services of a landscape architect.

Prior to the commencement of development, and within 3 months from the date of the decision, a scheme of soft and hard landscape to be submitted for approval that shall include details of all existing trees and hedgerows on the land showing those to be removed and those to be retained, including measures for their protection during the course of the development.

The drawing to show proposed planting including plant density and times of planting, boundary treatments and areas of hard-standing. Also specification notes covering topsoil depths, cultivation, planting, irrigation, and landscape maintenance covering a 5 year establishment period to help ensure the planting thrives.

The proposed development will be on soil classified as Grade 2 and its development would be contrary to Policy CS9 and is recommended for refusal.

Ecology Officer

No objection subject to conditions to ensure that; the development is carried out in accordance with the recommendations of the submitted Site Plan and Habitat Survey; protection of nesting birds; lighting design strategy for biodiversity.

Waste Engineer

No response

Arts and Development Officer

No comment

Children and Young People

No response

Listed Building and Conservation Officer

No heritage objections

Strategic Planning Officer

No objection in principle. The benefit of providing additional housing units should be afforded significant weight, under paragraph 14 of the NPPF, provided they would be delivered within five years, to assist the five year supply of housing in South Gloucestershire.

Urban Design Officer

No objection at outline stage – detailed design is a reserved matter.

Housing Enabling

Affordable Housing is sought in line with the policy CS18 of the Council's adopted Core Strategy Development Plan Document. This application generates an affordable housing requirement of 1 x 2 bed 4 person house and 2 x 3 bed 5 person house for social rent and 1 x 3 bed 5 person house for Shared Ownership. The applicant has confirmed this requirement will be met on site.

Environmental Policy Team

No response

New Communities

There would be no on-site public open space provision. Contributions are requested as follows:

Off-site POS provision/enhancement - £53,762.86
Off-site POS maintenance contribution - £48,186.84

Transportation Officer

No objection subject to conditions to secure the visibility splays at the access onto Wotton Road.

Other Representations

4.3 Local Residents

Objections have been raised by 5no. local residents; the concerns raised are summarised as follows:

- Properties opposite the proposed access are not shown on the plans.
- The proposed access is in a dangerous position due to – bend in road (poor visibility), bus stop nearby (used by children), properties with accesses opposite, traffic congestion at peak times, accidents on the bend in the past.
- Affordable housing not in character with the rest of the village.
- Drainage problems in the village.
- Narrow footpath on Wotton Road
- Hollies Farm was previously identified through the PSP process as ideally suited for 20 dwellings. An application has been submitted for 50 houses.
- The proposal will detract from the viability of the Hollies Farm development.
- The Hollies Farm site has better provision for Affordable Housing, Public Open Space, Village Amenity, and Drainage Capacity.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

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

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

- 5.3 The Policies, Sites & Places Plan was adopted on 10th Nov. 2017 and now forms part of the Development Plan having superseded The South Gloucestershire Local Plan.
- 5.4 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.
- 5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.6 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments.
- 5.7 It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings'. The NPPF encourages efficient use of land and paragraph 47 requires the need to 'boost significantly the supply of housing'.
- 5.8 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: 'Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.'
- 5.9 Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.

Authorised Use of the Application Site

- 5.10 The applicant submits that the application site is within the residential curtilage of Oakfield House, but there is evidence to suggest otherwise. In the first instance, there are boundary treatments that separate the two plots in question and it is noted that, in an earlier planning application PT13/4663/F, a plan was submitted that showed a red line around the house and garden of Oakfield House and a blue line around the current development site, thus suggesting a separation between the two; the lines coincided with the aforementioned boundary treatments.

- 5.11 Whilst it is acknowledged that the site currently has a highly manicured appearance and has every indication as being used for recreational purposes ancillary to the enjoyment of Oakfield House; there are no extant planning permissions which changed the use of the land from agricultural to residential curtilage. That said, it is evident from a series of aerial photographs taken from the Council's archive and dating back as far as 1991, that the application site has not been used for agricultural purposes in the intervening period and for that length of time it has retained its appearance as seen to-day. On this evidence, it is quite likely therefore that the applicant could establish the residential use of the land by way of an application for a Certificate of Lawful Use.
- 5.12 Notwithstanding the above, officers are of the opinion that the application site started life as agricultural land, located outside the settlement boundary and curtilage of Oakfield House and as such the authorised use of the land remains agricultural. Given however that the land is in the same ownership as Oakfield House which has no agricultural ties; that it is too small in size for any viable agricultural enterprise; and the long-term use of the site as 'quasi garden land' associated with Oakfield House; there seems little prospect of the site ever being used again for agricultural purposes. This is a material consideration in the determination of this current application.

Overview

- 5.13 Of particular importance is the location of the site outside any settlement boundary, albeit that it is on the edge of the village centre and within a 'quasi residential curtilage'. Policy CS5 of the adopted Core Strategy directs where development should take place and states that development within the open countryside will be strictly limited. Similarly Policy CS34 'Rural Areas' of the adopted Core Strategy aims to maintain settlement boundaries defined on the Policies Map around rural settlements.
- 5.14 A recent appeal decision for the refused scheme PT16/1593/O for the erection of 6no. dwellings (see paras 3.4 – 3.5 above), located on the far northern edge of the village but outside of the settlement boundary, is also of relevance. That site related to a parcel of undisputed pastoral land near to important listed heritage assets. Issues concerning the sustainability of the proposed site, effect on landscape and countryside and protected species were also raised. This was the second appeal relating to the site, the first related to a scheme for 10no. dwellings and was also dismissed. These decisions whilst material to the consideration of this current proposal, as will be set out below, can be distinguished from the proposal under consideration here.

Five Year Land Supply

- 5.15 The locational strategy for the District is set out in policy CS5 and, in this instance, CS34 of the Core Strategy. Under these policies, new residential development is directed to the strategic housing allocations, existing urban areas, and defined rural settlements as shown on the proposals maps. In rural areas, new residential development is strictly controlled and would have to comply with the provisions of policy PSP40.

- 5.16 This application proposes development outside of a defined rural settlement and therefore does not accord with the provisions of the Core Strategy. This application does not include any of the forms of residential development permissible under PSP40. The proposal is therefore contrary to the Development Plan and this indicates it should be resisted in principle.
- 5.17 However, at present the Local Planning Authority cannot demonstrate a 5-year supply of deliverable housing land. The latest Authority Monitoring Report, published in December 2017, indicates a deficit of 719 dwellings to be able to report a five year supply. On that basis, the current supply in the district is 4.66 years.
- 5.18 As a result, national planning guidance indicates that the policies in the Development Plan which act to restrict housing should be considered out-of-date and applications for residential development should be considered against the presumption in favour of sustainable development. This is an important material consideration of significant weight.
- 5.19 The result is that less weight should be attached to settlement boundaries as they act to restrict residential development. Policy CS5 and CS34, insofar as they relate to settlement boundaries, do not currently carry full weight. Other aspects of these policies may however still be afforded weight in decision taking. Policy PSP40 although newly adopted would still act to restrict housing supply; as a result, this policy also must be considered out-of-date and for the purpose of this application is afforded little weight.
- 5.20 The proposal is for thirteen new dwellings which is actually a reduction on the previously withdrawn scheme, not an increase as suggested by the Parish Council. The question remains whether this proposal would constitute sustainable development in terms of the NPPF advice. This is especially relevant given the recent appeal decisions in Rangeworthy referred to above. It is clear that for the purposes of the adopted Development Plan, Rangeworthy was considered to be sufficiently sustainable to have a settlement boundary (albeit this site lies outside of it). CS5 refers to small scale development within such settlements as being supported. The appeal schemes encroached onto land that is currently agricultural rather than; as in this case, building within an area with a long established quasi residential use. The appeal site did not have a central location and also had other significant constraints to consider, such as the impact on the setting of adjacent listed buildings, which affected the application of the paragraph 14 test in the overall balance. That is not the case here; sustainable development should only be resisted if the adverse impacts would significantly and demonstrably outweigh the benefits.
- 5.21 In summary, there is an in principle objection to the development as set out in Policies CS5 and CS34 of the adopted Local Plan: Core Strategy. National planning guidance indicates that where a 5-year supply of housing land cannot be demonstrated, the policies in the Development Plan which act to restrict housing should be considered out-of-date and applications for residential development should be considered against the presumption in favour of sustainable development. This is an important material consideration of significant weight.

- 5.22 The result is that less weight should be attached to settlement boundaries as they act to restrict residential development. Policy CS5 and CS34, insofar as they relate to settlement boundaries, do not currently carry full weight. Other aspects of these policies may still be afforded weight in decision taking. Policy PSP40 although newly adopted would still act to restrict housing supply; as a result, this policy must also be considered out-of-date and for the purpose of this application is afforded little weight.
- 5.23 The remainder of this report will therefore conduct the exercise of applying national guidance and policies in the Development Plan to the proposed development. The relevant 'tests' be they statutory, in the NPPF, or the Development Plan, must be considered and the resulting weight applied to the various factors as part of the decision taking exercise. .

Scale and Design

- 5.24 It should be stressed that at this outline stage, neither scale nor appearance are for determination; these would be the subject of a subsequent reserved matters application, should this outline proposal be approved. Sketch proposals have however been submitted in the form of 3D views, but at this stage these are indicative only, but they do at least give some idea as to what the development would look like.
- 5.25 The layout of the site is for determination, so the plot sizes and locations are known and the submitted Site Layout Plan indicates the number of bed spaces per dwelling i.e. a mix of 2, 3 and 4 bed houses. The plans also indicate that the houses would not exceed 2.5 storeys and this could be conditioned. The scheme has been the subject of a character assessment and comment from the Council's Urban Design Officer who raises no specific objection at the outline stage.
- 5.26 The scheme would take the form of a small cul-de-sac, divorced from Oakfield House, which would retain its own existing garden, access and parking areas. The density of the proposal is considered to be appropriate for this edge-of-village location and given the site constraints, is considered to make the most efficient use of the plot.

Heritage Issues

- 5.27 There are no above-ground heritage assets present on the site. Approximately 100 metres to the south of the application site on the western side of Wotton Road is the locally listed Laurel House. There is also a Grade II listed milestone set to the north-east corner of its garden wall. In light of the separation distance between the designated and non-designated heritage assets and the application site, the setting of both assets would be preserved. There are therefore no heritage objections

Impact Upon Residential Amenity

- 5.28 The site lies on the edge of the settlement boundary, close to the centre of Rangeworthy. Officers have considered whether or not the proposal would have any adverse impact on residential amenity in terms of, overbearing impact or loss of privacy from overlooking or inter-visibility between habitable room

windows; and whether adequate amenity space would be provided to serve the dwellings.

- 5.29 As regards overlooking and loss of privacy; some overlooking of neighbouring gardens from upper floor windows is only to be expected in locations where houses are built in close proximity to each other, especially if efficient use of land is to be achieved, as is required by government and Local Plan policy.
- 5.30 Whilst the precise location of proposed windows is not known at this outline stage, officers are satisfied that in this instance the building blocks have been appropriately set back from the site boundaries to give adequate distance between any facing habitable room windows. Furthermore, the retention of the trees on the road frontages would help to screen the development from views to-from neighbouring residential property.
- 5.31 From the information available, the buildings are considered to be appropriately scaled for the location and given their positions within the site, would not result in any significant overshadowing or overbearing impact for neighbouring residents.
- 5.32 In terms of amenity space for future occupiers, PSP Policy PSP43 provides that all residential units should benefit from adequate useable private amenity space relative to the size of the unit. All of the proposed houses would benefit from appropriately sized private gardens secured by close boarded fencing and walls.

Landscape and Tree Issues

- 5.33 The landscaping of the site is not for consideration at this outline stage, the impact of the development on the existing rural landscape does however need to be considered. Despite some concerns raised by the Council's Landscape Architect about the proposed layout of the development, officers consider that the layout proposed is a logical design solution given the site constraints and the need to make efficient use of the land.
- 5.34 As previously stated, the development site has the appearance of a residential garden, comprising well kept lawns rather than an agricultural field. It is well enclosed and screened by existing trees and hedgerows; some of the trees are protected by TPO (labelled in the submitted tree report as T4-T11, G1 and G2). It is proposed to retain the boundary trees and reinforce the boundary with additional trees and retain a 4m landscape buffer to the southern and western boundaries of the site. The properties would have good sized rear gardens which would be bounded by a mix of fencing and walling. Additional new trees are proposed where possible throughout the site.
- 5.35 An Arboricultural Report has been submitted which states that the development can be accommodated with only 15% tree loss. Since the last application (PT17/0542/O) was submitted it is noted that the proposed access road now dissects the site and therefore leaves T4-T11 relatively unaffected should the protection and special construction methods detailed in the tree report be employed. It is essential that the timings of the works are detailed to ensure that the trees remain fully protected throughout the development.

5.36 The Council's Tree Officer is satisfied that this development can be achieved without undue pressure on the retained trees. However, this would require special construction techniques as described in the tree report, namely hardstanding constructed with a cellular confinement system. The recommendations of the report can be secured by condition.

5.37 At the reserved matters stage the following will be required:

1. Finalised tree protection plan.
2. The timings of works near trees to be finalised and if necessary the tree protection being phased to ensure G2 remains fully protected throughout the development.
3. A plan of underground services.
4. A schedule of monitoring by the project arboriculturist, specifically to confirm the tree protection is located accurately and at any point where work within RPAs is required.

Agricultural Land Classification

5.38 A key concept of the NPPF is the protection of high quality agricultural land. The relevant paragraph is 112 which states that development of high grade soils is deemed necessary, local planning authorities should use a preferential criteria and direct development to poor quality land. This is transferred into the Development Plan and contained within policy CS9(9) which requires development to avoid 'the best and most versatile agricultural land'.

5.39 Agricultural land can be classified into grades between 1 and 5 with 1 being the best and most versatile. Within these grades, grade 3 is subdivided into 3a and 3b. It is generally accepted that the phrase 'best and most versatile' refers to grades 1, 2, and 3a in sequence of most productive. Grades 3b, 4, and 5 are of moderate to poor quality and should not act as a constraint to development.

5.40 The Council's Landscape Officer has identified that the site is grade 2 agricultural land and this is acknowledged by the applicant in his Planning Statement page 9. The proposal would lead to the loss of 0.56 hectares of land which is considered to be classed as 'best and most versatile'. There would be some harm resulting from the loss of this land, however given its small area and the fact that it is not (and most likely will not be used in the future) for agricultural purposes, the level of harm is not considered to be significant. Regardless of that, the decision taker must balance the harm against the public benefit.

Transportation Issues

5.41 It is proposed to access the development via a new access from Wotton Road; Oakfield House would retain its existing access and parking/turning areas. The proposed new access has been revised to overcome some initial concerns raised by the Council's Transportation Officer relating to sub-standard width.

- 5.42 Objectors have raised some concerns about the suitability of the access onto Wotton Road but officers are mindful that Wotton Road is subject to a 30 mph speed limit and as such the proposed visibility splays of 2.4 x 43m are considered to be appropriate. From observations both on site and from the submitted details, it is clear that appropriate levels of visibility can be achieved, so much so that no objections on this basis can be sustained. However a condition is necessary to ensure that the visibility splay as indicated on the submitted plan no. X/NMAWottonRd.1/02 Rev A would be maintained in perpetuity and that there no obstruction to the visibility splay between 0.9m and 2m above the carriageway is permitted within the visibility splay.
- 5.43 The access road has been re-configured to accommodate the tracking movements of a 4-axle refuse collection vehicle as well as the smaller cars that would use the site; swept path analysis diagrams have been submitted to officer satisfaction. The access road would be permeable asphalt and the turning areas block paving.
- 5.44 In terms of parking, the scheme meets the Council's Residential Parking Standards as set out in the adopted SPD; 2no off street parking spaces would be allocated to each plot. In addition; 3no. off-road visitor parking spaces would be provided along with cycle storage, the latter to be secured at the reserved matters stage.

Site sustainability

- 5.45 It is acknowledged that there are limited services in Rangeworthy itself but the site is in a very central location, within walking distance of a village hall, primary school, local pub, restaurant, football club, hotel and bus stop (the nearest is right outside the site on Wotton Road). Nevertheless it is clear that the Planning Inspector's in the recent appeal dismissals gave weight in their conclusion to the fact that the intended occupiers of those dwellings would still have been largely reliant on the private car to access day to day facilities, and that this counted against the schemes.
- 5.46 That is also true of this site, but more weight can now be given to Policy PSP11 - Transport Impact Management that has now been formally adopted; this gives specific indicators of when residential development might be acceptable in transportation terms. It is a material consideration that did not feature in the previous appeal decisions. It states that residential proposals should be located within reasonable walking and cycling distance of key services and employment opportunities OR within 400m of a suitable bus stop which connects to a destination with key services and employment facilities. It is this latter criterion which this site in particular would comply with. Bus service 622 serves the nearest bus stop to the site with frequent services to and from Yate. The journey time is under 12 minutes with 7 or 8 services during the weekday, commencing prior to 9am and after 5pm; and there are at least 3 services at weekends. Weight is given to this policy in concluding the site is reasonably sustainable.
- 5.47 Regard has been given to paragraph 55 of the NPPF. This advises that isolated homes in the countryside should be avoided. It is not considered that the site is so remote that it could be called isolated development in the countryside.

Planning applications have to be assessed on their own merits and this application is no exception. The unique circumstances of this individual site are recognised and are considered sufficient to warrant awarding weight in favour of the proposal, being near the village centre. While appropriate weight is given in favour of the scheme for this reason, it must also be recognised that 13no. dwellings would provide a positive benefit to the local economy in terms of construction and the use of local businesses, as well as to the community in terms of its scale and social contribution; it therefore overall attracts moderate weight in its favour for these reasons. Most weight however is given to the benefit to the overall housing supply from a sustainable development and the provision of affordable housing in a rural location.

Environmental Issues

- 5.48 Matters of noise, unstable land, contamination and disturbance must be considered in relation to the NPPF and Policy PSP21. The site is not at risk from former coal mining activities, neither does it lie within a zone at high risk of flooding, nevertheless a Flood Risk Assessment has been submitted to officer satisfaction. Connections to the mains sewer would need to be agreed with Wessex Water. Similarly a Drainage Strategy has been submitted also to officer satisfaction. A condition would secure a SUDS drainage scheme for surface water disposal. Any additional light pollution to result from the proposal would not have any significant effect.
- 5.49 Standard informatives would be added to any approval, regarding construction sites. Whilst there may be some disturbance for local residents during the construction phase, this would be on a temporary basis only. In the event of planning permission being granted, a condition would be imposed to control the hours of working on the site. Possible excessive noise or anti-social behaviour from future residents is controlled by legislation other than that found within the Planning Act and is not therefore grounds to refuse the application. The Police Community Safety Officer has raised no objection to the scheme.
- 5.50 At the request of the Council's EHO an acoustic report has been submitted which addresses the impact of noise from Wotton Road on the proposed development. The report has concluded that internal noise levels in line with BS8223 can be achieved provided specific mitigation measures are carried out. These include specifications for the construction of external walls, windows, roofs and acoustic ventilation for the various plots. With regards to the external noise levels, the report confirmed that even with the provision of a 2m high close boarded fence or wall, the noise level will exceed the upper level suggested on the plots closest to the road, although the maximum of 3dB likely to be exceeded over the upper level, would be barely perceptible to the human ear and whilst this is not ideal, the EHO does not feel that this alone would justify refusing the development.
- 5.51 Officers therefore have no objection to the development of this site provided that the mitigation measures are carried out in accordance with the Acoustic Report mentioned above; this can be secured by condition.

Environmental Sustainability

5.52 National guidance in paragraph 17 of the NPPF states that planning should “support the transition to a low carbon future in a changing climate.” It is proposed that the development would conform to Part L of the Building Regulations which as of 2010 requires a 25% reduction in carbon emissions over the 2006 standards. By way of contributing to the reduction in carbon, the proposal would also achieve current building construction standards with added sustainability measures through;

- a) The limitation of the amount of inherent material, structure and embodied energy through the employment of good building standards
- b) Use of locally sourced, recycled materials and labour where practicable
- c) Maximizing the use of natural light through floor-ceiling windows
- d) Reduced internal water consumption of 110 litres per person per day through the incorporation of water efficient sanitary fittings, including low flow toilets and water efficient taps for wash basins.
- e) Refuse, recycling and composting facilities to be provided to work with the Council’s existing waste and recycling collection service
- f) Secure cycle provision to encourage sustainable modes of transport
- g) ‘A’ rated electrical appliances and energy saving light fittings
- h) ‘A’ rated double glazed windows with natural cross ventilation provision
- i) Water butts fitted to the rainwater down pipes for watering the garden
- j) Recycling of waste construction materials where practicable

In addition, solar panels could be installed to further reduce energy usage for future occupiers depending on the method of construction chosen. This matter would be re-assessed at the detailed design stage the subject of any subsequent reserved matters application

Ecology

5.53 An Extended Phase 1 Habitat Survey has been submitted in support of the proposed application by Simecology Ltd. (August 2017) along with a Bat Activity Report. The retention of a 4m buffer on the southern and western boundaries is welcomed as lighting of the hedgerow would be limited and additional habitat would benefit a variety of species.

5.54 Further Great Crested Newt surveys were completed last year and identified the pond adjacent to the site as dry and low quality for GCN. Subject to conditions to ensure that; the development proceeds in accordance with the proposed site plan and the recommendations set out in Chapter 7 of the Extended Phase 1 Habitat Survey; protection of nesting birds; and submission and approval of a sensitive lighting plan for bats; there are no objections on ecological grounds.

5.55 New Communities

Consideration must be given to the need to provide contributions to meet the community service requirements of future occupiers. The following table shows the open space requirements arising from the proposed development, which would generate a population increase of 31.2 residents, and shows the contributions requested given that public open space is not provided on the site. The applicant has agreed to pay these contributions which would be secured by S106 Agreement.

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Spatial amount provided on site (sq.m.)	Shortfall in provision (sq.m.)	Contributions towards off-site provision and/or enhancement	Maintenance contribution
Informal Recreational Open Space	358.8	0	358.8	£9,053.53	£15,958.46
Natural and Semi-natural Open Space	468	0	468	£6,543.95	£10,855.77
Outdoor Sports Facilities	499.2	0	499.2	£25,050.16	£7,581.85
Provision for Children and Young People	78	0	78	£13,115.22	£13,790.76
Allotments	There are no existing allotments within easy access of the proposed development				

Affordable Housing

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

5.57 The application proposes 13no. dwellings which falls within the threshold for contributions to affordable housing. The application generates an affordable housing requirement of 1 x 2 bed 4 person house and 2 x 3 bed 5 person house for social rent and 1 x 3 bed 5 person house for Shared Ownership. The applicant has confirmed this requirement will be met on site.

Standards of Design

Affordable Homes to be built in line with the same standards as the market units (if higher) and include Lifetime Homes standard, Part 2 of Secured by Design, and compliance with the RP Design Brief as follows;

- i. All rear gardens to be turfed and generally to have 1.8m high close boarded fencing to boundaries and privacy panels;
- ii. All properties to have vinyl/tiles on floor in all ground floor rooms;
- iii. Ceiling height tiling to 3 sides of bathroom to be provided;
- iv. Provide wall mounted shower (either electric or valve and kit);
- v. Provide gas and electric points to cooker space (where gas is available);
- vi. Painted softwood curtain battens to each window (where construction is traditional as opposed to timber frame)

Delivery Mechanism

The Council to refer potential occupants to all first lettings and 75% of subsequent lettings.

Delivery is preferred through the Council's list of Approved Registered Providers. In the event of the developer choosing a Registered Provider from outside the partnership then the same development and management standards will need to be adhered to.

Affordable Homes to be built at the same time as the market housing on site in line with agreed triggers as per S.106 agreement.

Rent Levels and Affordability

Social Rent homes to be let at Target Rent, as per the Direction on the Rent Standard 2014.

Shared Ownership homes to be sold at no more than 40% of the market value, and the annual rent on the equity retained by the RP should be no more than 1.5%.

Service charges will be capped at £650 per annum (April 2016 base and linked to RPI) to ensure that all housing costs are affordable to potential occupants.

Capital receipts on shared ownership housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.

5.58 Planning Obligations

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

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

In this instance, it is considered that the planning obligations relating to affordable housing and new communities are required to mitigate the impacts from the development and are consistent with the CIL Regulations (Regulation 122).

- 5.59 Regulation 123 also limits to 5 (back dated to April 2010) the number of S106 agreements that can be used to fund a project or type of infrastructure, from the point at which the Council commences charging the CIL or after April 2015. CIL charging has commenced and officers have confirmed that the contributions sought would not exceed the threshold of 5 S106 Agreements for the off-site provisions of POS.

5.60 Consideration of likely impact on Equalities

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

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

- 5.61 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.

Other Matters

- 5.62 Concerns have been raised that if this proposal were approved, it would adversely affect the viability of the proposed housing development at nearby Hollies Farm, which is the subject of a current application PT17/4245/O. As with this application however, the Hollies Farm scheme will be determined on its individual merits and in light of current policy and the latest 5-year housing supply situation.

The Planning Balance

- 5.63 The NPPF para. 49, is clear that housing applications should be considered in the context of the presumption in favour of sustainable development. According to the Framework, at paragraph 14, that means that when, as here, there is no five-year housing land supply and relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or specific Framework policies indicate that development should be restricted.
- 5.64 In this case there are some clear benefits to the proposal; in light of the Council's housing land supply situation the provision of 13no. new dwellings must carry weight in its favour, albeit that the net gain would only represent a modest contribution to the 5-year housing supply. The provision of social housing is a significant social benefit. The economic benefits for local house builders and suppliers of building materials and for local services would be a further small benefit to which moderate weight can be afforded. The proposal makes efficient use of land for housing in a relatively sustainable location adjacent to the village centre which is a further benefit. The residual cumulative transportation impacts of the development, which are not considered to be 'severe' can only be afforded neutral weight in the final balance, as this is expected of all developments.
- 5.65 Weighed against this would be some harm to the landscape due to encroachment into an otherwise undeveloped area outside the settlement boundary, but this is considered to be adequately mitigated and is afforded limited weight. The loss of some grade 2 agricultural land is only afforded very limited weight, given the small size of the plot, the long term use of the land as quasi residential curtilage and the fact that it is in the same ownership as Oakfield House (a property with no agricultural ties).

5.66 The benefits of the scheme are not considered to be outweighed by any harm to result from the scheme. On balance therefore officers consider that in their judgement, the proposal is sustainable development that should be granted planning permission.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

(i) The provision of on-site affordable housing as follows:

A total of four (4) affordable homes based on the following house type and tenure mix:

1 x 2 bed 4 person house (Plot 10)

2 x 3 bed 5 person house for social rent

1 x 3 bed 5 person house for Shared Ownership.

i.e. Plots 10-13 inclusive.

(ii) A financial contribution of £53,762.86p towards the off/site POS provision and/or enhancement, and £48,186.84p towards the POS maintenance. The identified site being Rangeworthy Recreation Ground.

The reasons for this Agreement are:

(i) To provide affordable housing on the site in accordance with Policy CS18 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the Affordable Housing and Extra Care Housing SPD (Adopted) Sept. 2008.

(ii) To provide policy compliant levels of off-site play facilities for the residents of the development and ensure its maintenance costs are met for the prescribed period by the development and not the local authority and to accord with policy CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

- 7.2 It is recommended that that the Head of Legal and Democratic Services be authorised to check and agree the wording of the Agreement.
- 7.3 It is recommended that should the Agreement not be completed within 6 months of the date of the resolution to grant planning permission (obtained through the Circulated Schedule process), the application shall:
- (i) be returned to the Circulated Schedule for further consideration; or,
 - (ii) that delegated authority be given to the Director or Environment and Community Services to refuse the application.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

Location Plan Drawing No. L01 received 4th August 2017
Proposed Boundary Treatment Plan Rev A received 11th Sept. 2017
Site Location Context Plan Drawing No. L02 received 11th Sept 2017

Proposed Site Layout Plan Drawing No. ST01 Rev B received 11th Jan 2018
Drainage Strategy Layout Drawing No. 01 Rev F received 11th Jan 2018

Swept Path Analysis - Refuse Tracking Drawing No. X/NMAWottonRd.1/03 Rev B received 30th Oct. 2017
Site Access Arrangement Drawing No. X/NMAWottonRd.1/02 Rev A received 30th Oct. 2017

Reason

For the avoidance of doubt.

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

Reason

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

7. The details of scale and external appearance to be submitted at Reserved Matters stage shall demonstrate how the proposal would provide sufficient renewable and/or low carbon energy generation on or near the site, to reduce total annual electricity and gas use in the buildings in line with the provisions required by policy PSP6 of the adopted South Gloucestershire Core Strategy: Policies, Sites and Places DPD (adopted) November 2017.

Reason

In the interests of sustainability and to accord with Policy PSP6 of the The Policies Sites and Places Plan (Adopted) 8th Nov. 2017.

8. The development shall not be brought into use until the access, car parking and turning areas have been completed in accordance with the approved plans and retained thereafter for that purpose.

Reason

To ensure the satisfactory provision of access, turning and parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies PSP11 and PSP16 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017

and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013.

9. The access visibility splays as indicated on the submitted plan no. X/NMAWottonRd.1/02 Rev A shall be maintained in perpetuity and there shall be no obstruction between 0.9m and 2m above the carriageway within the visibility splay.

Reason

In the interest of highway safety and the amenity of the area, and to accord with Policy PSP11 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013.

10. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. For the avoidance of doubt the submitted scheme should include the following information:

- o A clearly labelled drainage layout plan showing the pipe networks and exact location of any soakaways.
- o Drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event.
- o Where infiltration forms part of the proposed Surface Water Network such as Soakaways, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365.
- o Evidence that any soakaways are appropriately sized in accordance with BRE Digest 365 Soakaway Design.
- o A plan showing the cross sections and design of any soakaways and there components
- o The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.
- o The plan should also show any pipe node numbers referred to within the drainage calculations.
- o A manhole / inspection chamber schedule to include cover and invert levels.
- o Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as soakaways where applicable.

Reason

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

11. The development hereby approved shall be carried out in accordance with the recommendations of the submitted Arboricultural Survey, Impact Assessment and Protection Plan by Barton Hyett associates 26th July 2017.

Reason

In the interests of protected trees and the visual amenity of the area, to accord with Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policies PSP2 & PSP3 of The Policies, Sites and Places Plan (Adopted) Nov. 2017 and the Trees on Development Sites SPG (Adopted) Nov. 2005.

12. The landscaping details submitted as a reserved matter shall include details of all existing trees and hedgerows on the land showing those to be removed and those to be retained, including measures for their protection during the course of the development. The drawing to show proposed planting including plant density and times of planting, boundary treatments and areas of hard-standing. Also specification notes covering topsoil depths, cultivation, planting, irrigation, and landscape maintenance covering a 5 year establishment period to help ensure the planting thrives.

Reason

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

13. All works shall proceed in accordance with the Proposed Site Plan (dated Oct 2017), and the recommendations set out in Chapter 7 of the Extended Phase 1 Habitat Survey (Simecology, August 2017). Any deviation from the plan shall be submitted to the local planning authority for approval in writing.

Reason

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

14. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason

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

15. Prior to the first occupation of the development hereby approved, a "lighting design strategy for biodiversity" for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a. Identify those areas/features on site that are particularly sensitive for to bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason

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

16. As per approved plans all four Affordable Dwellings on plots 10,11, 12 and 13 shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2).

Reason

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

17. The development hereby approved shall be constructed in accordance with the noise mitigation measures outlined in the submitted Acoustic Report by Acoustic Consultants Ltd. dated Oct. 2017 Ref: 6882/SL/BL.

Reason

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

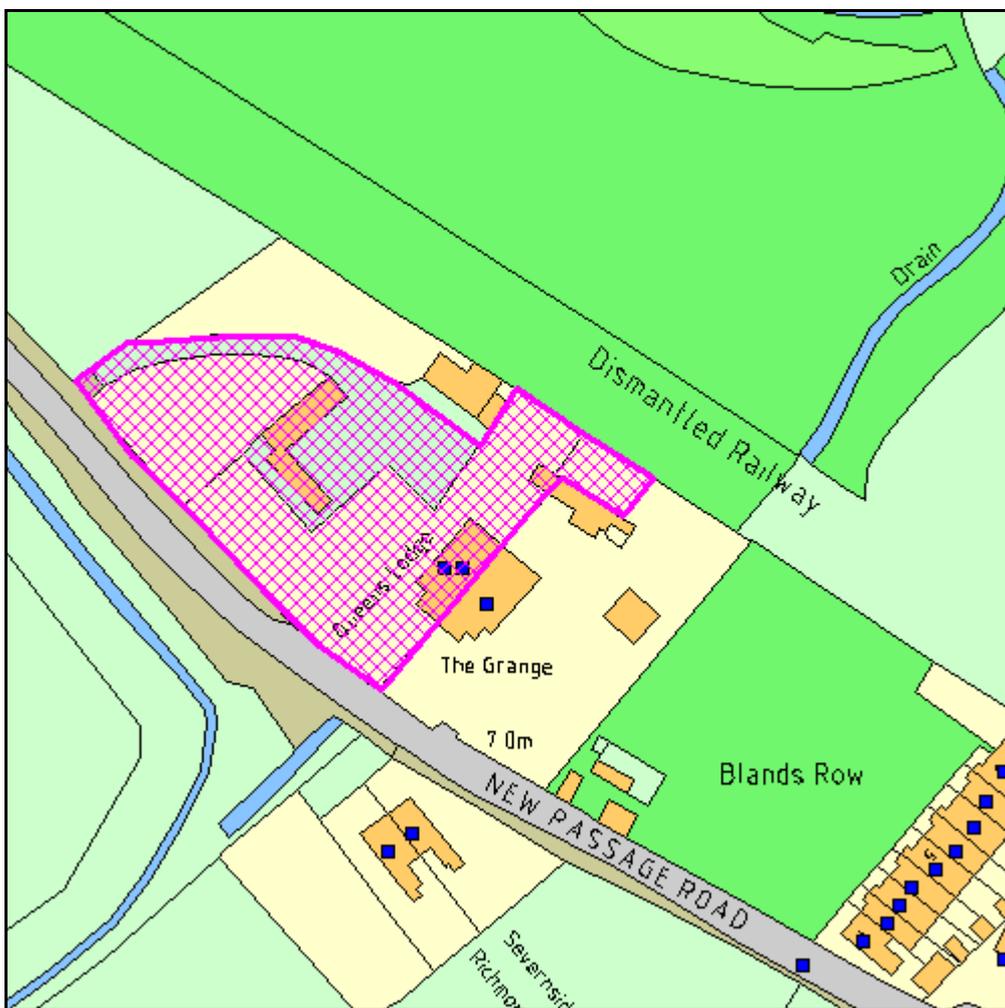
18. The dwellings hereby approved shall not exceed 12m in height.

Reason

For the avoidance of doubt and to protect the character and amenity of the area in accordance with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 Policy PSP1 & PSP2 of The South Gloucestershire Policies Sites and Places Plan (Adopted) Nov. 2017 and the requirements of the NPPF.

CIRCULATED SCHEDULE NO. 04/18 – 26 JANUARY 2018

App No.:	PT17/4906/F	Applicant:	Mr Peter Brown
Site:	Queens Lodge New Passage Road Pilning Bristol South Gloucestershire BS35 4LZ	Date Reg:	14th November 2017
Proposal:	Erection of detached 3no vehicle bay carport and store.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	354606 186160	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	5th January 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT17/4906/F**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has received comments that are contrary to the Officer recommendation. As such, according to the current scheme of delegation must be referred to the placed on the circulated schedule.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a detached 3no vehicle bay carport and store.
- 1.2 Queens Lodge itself is a semi-detached dwelling located on New Passage Road, outside of any defined settlement boundary, within the designated Green Belt and within the residential area of Severn Beach.
- 1.3 Two recent refused certificate of lawfulness applications (PT17/3762/CLP and PT17/1781/CLP) found the site to be sui generis due to the existence of an operational cattery within the boundary of Queens Lodge.
- 1.4 The original proposal was for a 4no vehicle bay car port and store, this was reduced in order to create a structure that was more in keeping with the site and its surroundings.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS4a Sustainable Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS34 Rural Areas

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1. PT17/3762/CLP
Refusal (22.09.2017)
Application for the certificate of lawfulness proposed erection of a detached garage.
- 3.2 PT16/6607/NMA
No Objection (03.01.2017)
Non Material Amendment to planning permission PT16/1052/F to alter the external appearance of the approved dwelling.
- 3.3 DOC16/0385
Discharge of Conditions Decided (16.12.2016)
Discharge of condition no. 3 (Residential Curtilage) and 4 (Residential Parking) attached to planning permission PT16/1052/F for Demolition of existing garage to facilitate erection of 1no. dwelling.
The former planning unit has now been subdivided to form two new curtilages; one for the new dwelling and a revision of the curtilage for Queens Lodge.
- 3.4 PT16/1052/F
Approved with Conditions (05.07.2016)
Demolition of existing garage to facilitate erection of 1no. dwelling.
This development has commenced, as witnessed by the case officer on 15th June 2017.
- 3.5 PT13/1505/F
Approved with Conditions (05.07.2013)
Erection of single storey side extension to existing outbuilding
- 3.6 PT13/1044/NMA
Objection (24.04.2013)
Non material amendment to PT10/0787/F to the profile and materials of the roof of the proposed extension to be level with the attached garage and a minor change to the windows to include additional boarding.
- 3.7 PT11/0876/F
Approve with conditions (24.05.2011)
Installation of 15 no. photovoltaic panels on garage roof
- 3.8 PT10/0787/F
Approve with conditions (02.06.2010)
Erection of single storey extension to existing outbuilding
- 3.9 PT09/5691/CLP
Withdrawn (17.12.2009)
Certificate of lawfulness for the proposed use of an outbuilding to form ancillary residential accommodation
- 3.10 PT01/2025/F
Approved with Conditions (01.10.2001)

Erection of extension to existing cat kennels

- 3.11 P90/2331
Refusal of Full Planning (26.09.1990)
Change of use of premises from dwelling house to form eight bedsit units.
- 3.12 N2330/4
Refused (22.04.1982)
Erection of a single storey dwelling in connection with existing cattery.
Extension to existing cattery. Construction of a new access (Outline).
- 3.13 N2330/3
Refusal (22.01.1981)
Demolition of existing shed and greenhouse and erection of detached dwelling.
(Outline).
- 3.14 N2330/2
Refusal (21.06.1979)
Erection of detached dwelling (Outline).
- 3.15 N2330/1
Refusal (08.03.1979)
Erection of a dwelling and garage (Outline).
- 3.16 N2330
Refusal (11.03.1976)
Erection of a detached dwelling (Outline).

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
“Pilning & Severn Beach Parish Council believe this application must be considered in relation to the recent permission granted which means the site will be over developed. The proposed plans are far too big and out of context for the requirements of the house.”
- 4.2 Other Consultees
- Tree Officer
“No objection.”
- Listed Building and Conservation Officer
“No objection.”
- Lower Severn Drainage Board
None received.
- Sustainable Transport
“No objection.”

Highway Structures

“No comment.”

Lead Local Flood Authority

“No objection.”

Other Representations

4.3 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The larger site has been found to be sui generis due to the operational cattery within the boundary. Notwithstanding this, when considering the site as a whole, policy PSP38 of the PSP Plan applies still applies. PSP38 allows the principle of development 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 Additionally, the site is located within the Bristol/Bath Green Belt where development is rigorously controlled. Thus, the development must also accord with policy PSP7 of the PSP Plan; CS5 of the Core Strategy; and the NPPF.

5.3 Green Belt

Paragraph 80 of the NPPF states the five purposes of the Green belt:

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.4 While the NPPF does not provide a specific definition of what is disproportionate development in the Green belt; PSP7 has useful guidance. In assessing whether a proposal is disproportionate account will be taken of:

- The increase in volume of the original dwellinghouse;
- The appearance of the proposal (it should not be out of proportion with the scale and character of the original dwelling); and
- Existing extensions and outbuildings within the curtilage.

5.5 The guidance gives an indication of acceptable volume increases and states that additions to dwellinghouses (including extensions and outbuildings) that would result in the overall volume under 30% of the original are acceptable. An increase in excess of 30% but less than 50% of the original dwelling is less

likely to be considered acceptable; and an increase of 50% or more of the original dwelling would be likely to be considered in excess of any reasonable definition of 'limited extension'.

5.6 Calculations submitted with the application, and amended by the Case Officer to reflect the reduction of the proposal shows the original volume of the property including outbuildings (as it existed July 1st 1948) to be 1044m³. Additions since the original are the conservatory (66m³) and the cattery (335m³). As such the property is currently 38% larger than the original. The proposed car port and store has a volume of 93m³. If approved therefore the total volume of buildings at the property would be 543m³, or 47% larger than the original. This size of the proposal requires some consideration as to whether it would be likely to have a harmful impact on the general openness of the area. The site itself is somewhat developed, with a large cattery; a new two storey dwelling (PT16/1052/F); a large semi-detached property; and two outbuildings all within an 18m radius from the proposed structure which is proposed to be constructed between these buildings. In that sense the built form is contained within a similar area, and will not encroach into a currently open area. On this basis it is considered that the proposal would be proportionate and therefore appropriate within the Green Belt. In coming to this conclusion the Officer is mindful of the very special circumstances found by the Development Control West Committee in approving the new dwelling which resulted in the loss of the previous garage. Additionally, as Queens Lodge has recently been found to be sui generis, thus has restricted permitted development rights; and the new dwelling (PT16/1052/F) also has restricted permitted development rights. Further development at either site would require approval from the Council.

5.7 Design and Visual Amenity

The car port and store is proposed to be constructed from timber boarding elevations, a grass roof, and a stone plinth. It is considered that these materials are informed by the rural location and would reflect the built form that is present at the site.

5.8 From a site visit on 23rd November 2017, it is Officer opinion that the car port and store would be located in a sympathetic position, with this being in line with the cattery, abutting the current parking area and screened from the roadside by vegetation. However, the scale of original 4no bay car port was deemed to be out of proportion with the site and its surroundings. As such, the proposal was reduced to a 3no bay car port which is now considered to be a suitable scale when considering the existing built form and is considered to comply with policy PSP38 of the PSP Plan and CS1 of the Core Strategy. In order to ensure this reduction, the amended plans will be conditioned.

5.9 Residential Amenity

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

5.10 The proposal is single storey and when considering the existing boundary, combined with the siting and scale of the proposal. The proposal would not appear overbearing or such that it would prejudice existing levels of outlook or light afforded to neighbouring occupiers. Therefore, the development is deemed to comply with policies PSP8 and PSP38 of the PSP Plan.

5.11 Transport

Despite the car port not meeting the parking standards set out in PSP16; ample off-street parking provision remains in the form of the existing gravelled area. As such there are no transport objections.

5.12 Trees

The proposal is unlikely to affect the root systems of the trees within the site, as such there are no objections in regards to trees.

5.13 Flood Risk/drainage

The site is located within Flood Zone 3. In accordance with the local standing advice provided by the Environment Agency, a Flood Risk Assessment was submitted and accepted therefore there are no objections in regard to flood risk and drainage.

5.14 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 development plan set out above, and to all the relevant material considerations set out in the report

7. RECOMMENDATION

7.1 That the application be **GRANTED** subject to the condition(s) set out in the Decision Notice.

Contact Officer: David Ditchett
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. The proposed detached 3no vehicle bay carport and store shall be constructed according to the below approved plans:

Site Location Plan

Received by the Council on 24th October 2017

Block Plan as Existing

Drawing No. QL-0317-100 Rev 0

Received by the Council on 24th October 2017

Site Access, Layout and Garages as Proposed

Drawing No. QL-0317-012 Rev B

Received by the Council on 23rd January 2018

Garage Plan as Proposed

Drawing No. QL-0317-013 Rev C

Received by the Council on 23rd January 2018

Proposed Elevations

Drawing No. QL-0317-014 Rev C

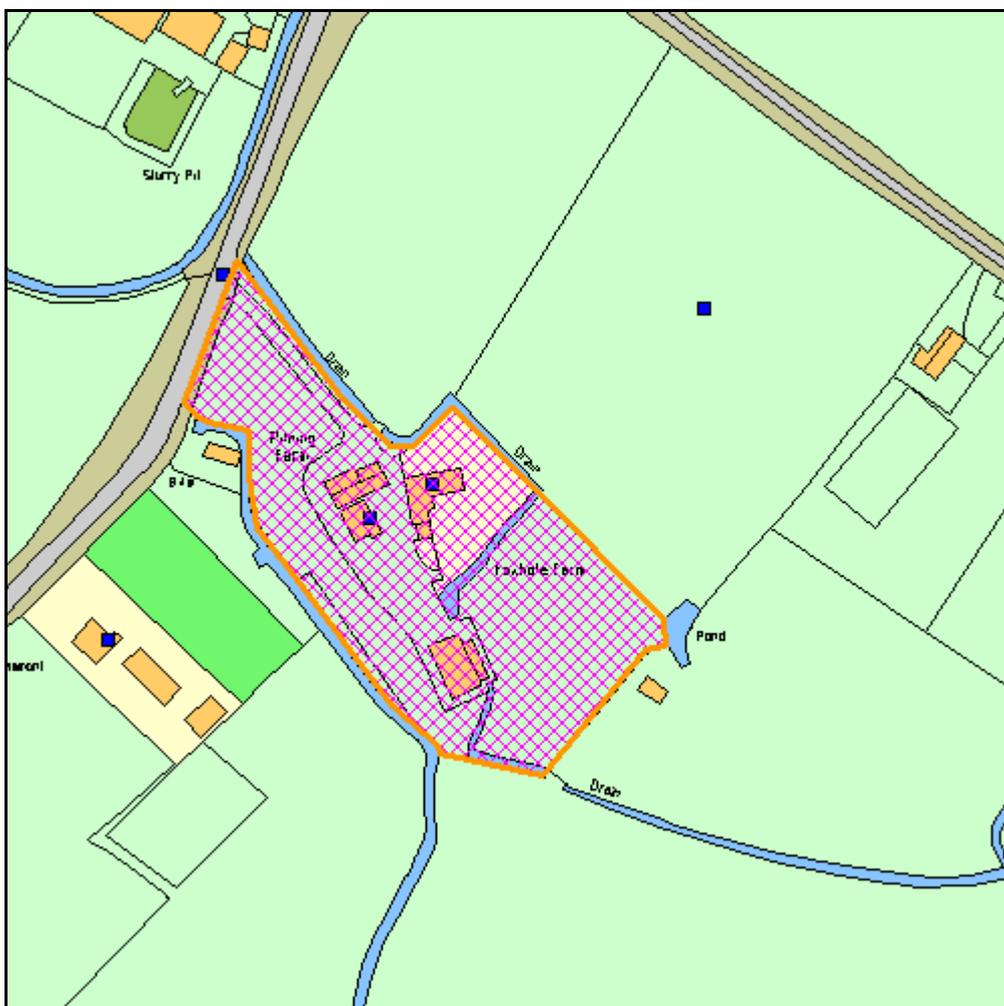
Received by the Council on 23rd January 2018

Reason

To ensure a satisfactory form of development and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy PSP38 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017.

CIRCULATED SCHEDULE NO. 04/18 – 26 JANUARY 2018

App No.:	PT17/4933/F	Applicant:	Mr & Mrs Griffiths
Site:	Foxhole Farm Pilning Street Pilning Bristol South Gloucestershire BS35 4JJ	Date Reg:	3rd November 2017
Proposal:	Creation of new vehicular access and dedicated driveway.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	357002 184802	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	27th December 2017



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT17/4933/F**

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the creation of new vehicular access and dedicated driveway at Foxhole Farm, Pilning Street, Pilning.
- 1.2 Foxhole Farmhouse is a grade II listed building, Foxhole Barn is a curtilage listed building and received planning and listed building consent in 2011 to be converted into a residential dwelling, the site also falls within the Bristol/Bath Green Belt.
- 1.3 The Design and Access Statement confirms that the existing access to the building is a shared entrance driveway to Foxhole Farmhouse, the associated Foxhole Farm Barn and various outbuildings that provide temporary office accommodation which are situated to the south-east and owned by the applicant. The reason for the application is to create a separate access driveway to Foxhole Farm Barn and temporary offices and reduce traffic movements past the listed element of the site.
- 1.4 During the course of the application revised plans were requested and received to address objection comments.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Planning (Listed Building 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
CS9 Managing the Environment and Heritage

South Gloucestershire Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Green Belt
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP20	Drainage
PSP38	Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT15/0337/F – Approved - 27.03.2015
Erection of single storey building to form temporary office accommodation for a period of five years.
- 3.2 PT12/2490/F – Approved - 12.09.2012
Erection of detached garage and store (Re-submission of PT11/3606/F)
- 3.3 PT11/2779/LB – Approved - 26.10.2011
Internal and external repairs and alterations to facilitate the conversion of barn to form 1no. dwelling with access and associated works. Amendment to previously approved scheme PT11/0637/LB to convert adjacent garage to living accommodation and incorporate with barn by means of a glazed link corridor. Change in slope of pitched roof on existing north elevation extension.
- 3.4 PT11/2780/F – Approved - 26.10.2011
Conversion of barn to form 1no. dwelling with access and associated works. Amendment to previously approved scheme PT11/0639/F to convert adjacent garage to living accommodation and incorporate with barn by means of a glazed link corridor. Change in slope of pitched roof on existing north elevation extension.
- 3.5 PT11/0637/LB – Approved - 26.04.2011
Internal and external alterations to facilitate the conversion of existing barn to form 1no. dwelling.
- 3.6 PT11/0639/F – Approved - 26.04.2011
Conversion of existing barn to form 1no. dwelling with access and associated works.
- 3.7 PT10/2407/LB – Approved - 05.11.2010
Conversion of existing agricultural barn to office use. Installation of external windows and doors and alteration to roofline. Internal works. (Resubmission of PT10/0244/LB).
- 3.8 PT06/0450/LB – Approved - 10.04.2006
Conversion of existing barn to form office and garage ancillary to main dwelling.
- 3.9 PT06/0249/F – Approved - 11.04.2006
Conversion of existing barn to form office and garage ancillary to main dwelling.
- 3.10 PT06/0228/F – Approved - 30.03.2006
Erection of 1 no. 9 metre wind turbine with 5.5 metre fan. Generating a maximum of 6 kilowatts of electricity.

- 3.11 PT04/3699/PNA – Approved - 10.12.2004
Erection of agricultural building.
- 3.12 P95/2352/L – Approved - 02.01.1996
Demolition of pigsty and internal wall between kitchen and store room. Erection of single storey extension to form utility.
- 3.13 P95/2351 – Approved - 02.01.1996
Demolition of existing pigsty, erection of single storey extension to form utility room.

4. **CONSULTATION RESPONSES**

- 4.1 Pilning and Severn Beach Parish Council
Object to this application because the converted outbuildings only have temporary planning permission so the need for a new access is not required.

4.2 Other Consultees

Highway Structures

No Objection – informative on decision.

Lead Local Flood Authority

No Objection - Informative regarding ordinary watercourse consent.

Sustainable Transport

No Objection – informative on decision regarding vehicle crossover

Environment Agency

No comments received

The Listed Building and Conservation Officer

Objection - The proposals would harmfully impact on the legibility of the physical narrative of the traditional use and function of the farmhouse and its former associated buildings to the detriment of the farmstead hierarchy.

The Landscape Officer

In addition to the already resurfaced main driveway, it is felt that the proposal is contrary to policy PSP17 Heritage Assets and Historic Environments: *Listed Buildings: . . . preserve and, where appropriate, enhance those elements which contribute to their special architectural or historic interest, including their settings.*

Also loss of part of the roadside hedgerow is contrary to the LCA 20 landscape strategy.

Other Representations

4.3 Local Residents

The application received a total of 2 support comments, these are outlined below.

1: reducing the impact of traffic and pollution on the building, it would also provide easier and more direct access. The new access would retain the character and setting of the listed building and also provide a safe and secure dedicated driveway. It would also provide both neighbours with increased privacy. To reiterate, the new access would offer further protection to the valuable heritage asset and ensure the safety and wellbeing of our family.

2: the access would provide a safer environment for my family with 2/3 of vehicle traffic diverted through the new access. Dedicated access to the Grade II listed farmhouse would further safeguard the building and reduce the impact of HGV traffic serving the Biomass boiler at the back of the site. The new access would also divert current office staff movements (temporary planning consent until May 2020) away from the Heritage Asset.

To summarise I believe this is a positive enhancement of the site for both safety and heritage purposes.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In deciding the application, Officers have had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 In this case, the development plan comprises the South Gloucestershire Core Strategy adopted in December 2013 and the Policies, Sites and Places Plan recently adopted November this year. Other material considerations which Officers have taken into account into the National Planning Policy Framework (NPPF) and the planning guidance published in March 2014; and relevant Historic England good practice advice and advice notes.

5.3 The proposal seeks to introduce a new access and driveway to primarily serve Foxhole Farm Barn, which is a residential dwelling. Under many circumstances such a proposal would not need planning permission as it would be considered to be a minor development under permitted development rights. This allows for the laying out of an access point for a dwelling – this is the case even if it is within the setting of a listed building, and in the Green Belt. The reason why this proposal need planning permission is because this permitted development right does not extend to accesses onto classified roads. Pilning Street is a classified road. Accordingly, whilst there is no in principle issue with creating a new access for an existing dwelling there will be three main considerations in this case. The first is to consider the impact upon the Green Belt; the second is in terms of the setting of the listed building (this encompasses the landscape

impact); and finally the implications for highway safety. It is this last factor that has triggered the need for a planning application.

5.4 As regards local policy, Core Strategy Policies CS1 and CS9 and Policy PSP17 of the Policies, Sites and Places Plan all expect new development to respect and complement the characteristics of the site and its surroundings, and the historic form and context of the setting. However, Policy PSP17 goes further, seeking amongst other things, that new development preserves and enhances the special architectural or historic interest of listed buildings, the special character and appearance of conservation areas, non-designated archaeology, and all their settings.

5.5 Green Belt

Development within the green belt is strictly limited to retain the open nature of the land. Development that is “appropriate” however may be permitted, and these exceptions are listed in the NPPF. Paragraph 90 of the NPPF states certain forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This includes engineering operations, and it is under this category that this application is assessed.

5.6 The creation of the access track as proposed would be an appropriate engineering operation. It would not be enclosed by fencing and although there will be a change in surfacing it will not result in built form and will remain open. Therefore it is concluded that it would not be harmful to the openness of the Green Belt at this point. Its low impact design would assist in safeguarding the countryside and as such it conforms to the aims of Green Belt policy. For this reason the scheme is considered appropriate development in the Green Belt.

5.7 Landscape

It is acknowledged that a small section of hedgerow will be removed to facilitate the new access, whilst this is unfortunate the removal of approximately 5 metres of hedgerow will have a relatively modest and limited impact. It is further noted that the applicant could remove the hedgerow in any event. It is unlikely to have an impact upon the wider character of the area which will remain verdant and rural in character.

Amended plans show that gravel will be used to lay the proposed access track, this material is considered acceptable and will be conditioned. The case officer requested this material after discussions with a landscape architect and a conservation officer. The use of this material is more in keeping with the rural character of the area and respects Foxhole Farm when considering the building and its setting. Plans shows a boundary line between the two properties, subject to objections raised, the previous proposal of a post and rail fence has been replaced with movable planters. The planters do not require planning permission and so are not assessed under this proposal.

The case officer is mindful that there is some modest harm, but does not consider the proposal to be out of character.

5.8 Heritage, Conservation and Design

- Paragraph 132 of the NPPF states 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. The more important the asset, the greater the weight should be. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.
- 5.9 Paragraph 134 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.
The proposal seeks consent for the creation of new vehicular access and dedicated driveway at Foxhole Farm. Foxhole Farmhouse is a grade II listed building, the host dwelling is a converted Barn and is a curtilage listed building. The host property received planning and listed building consent in 2011 to be converted into a residential dwelling and is therefore already established as a separate planning unit.
- 5.10 The proposed driveway would be about 40 metres in length and approximately 5 metres in width, plans show a widening of upto 14 metres at the approach to Pilning Street, this is to provide a visibility splay for vehicles. The proposal will be situated approximately 28 metres from the existing shared access and would entail the removal of a small section of hedgerow to accommodate the creation of the access from Pilning Street.
- 5.11 Submitted plans show the proposed material to be Gravel. In this respect it would have a similar appearance to many other tracks leading to buildings (both dwellings and agricultural) in a rural setting, the case officer feels this material is considerate of the rural setting and draws upon local character and distinctiveness.
- 5.12 The conservation officer's principal concern is that the proposal may exacerbate the "physical narrative of the traditional use and function of the farmhouse and its former associated buildings to the detriment of the farmstead hierarchy". That is to say it will make it more apparent that the converted Barn is a separate planning unit from the original farmhouse. This harm is to the setting of the listed farmhouse, and is less than substantial in nature. Applying the test in paragraph 134 the question is whether the public benefits of the proposal outweigh this less than substantial harm. The main public benefit identified is the improvement to overall highway safety from this access onto a classified road. The comments from the transportation officer concludes that the current access suffers from sub-standard visibility and is extremely narrow; the existing driveway provides access for two dwellings, the offices to the rear and occasional fuel deliveries by large vehicles for the Biomass Boiler, located at the rear of the site. This access will mean a reduction in the movements using that substandard access. It is also a benefit that the movements of the larger vehicles will be at a further distance away from the listed historic fabric of the buildings, although this attracts very modest weight (as there is no significant evidence this is currently causing harm). In addition there is some benefit to the

occupiers of the residential planning units concerned in terms of having improved accessibility and associated privacy/less disturbance than using a shared access.

5.13 When the improved highway safety points are weighed against the less than substantial harm to the setting of the listed building it is considered that the benefits outweigh the harm in this case.

5.14 Residential Amenity

The proposal is seen to be discreet and in keeping with a typical rural access track, the neighbouring property "Rosemont" has an access track similar to that of the proposed and due to its location of outbuildings, the large trees and existing plantation along the south-east boundary the proposal will be significantly obscured from this property.

5.15 The proposal will improve the current situation at Foxhole Farm, currently one narrow access point serves vehicles entering and exiting Foxhole Farmhouse, Foxhole Barn and its temporary offices. It is considered there would be no adverse impact on the amenity of neighbouring properties in this rural location.

5.16 An objection was raised against the proposed access as the converted outbuildings only have temporary permission that expires in 2020. Although the proposal will serve the temporary office, this proposal is of primary use to Foxhole Farm Barn (a residential property). The long term future of the office use would need to be the subject of a separate application if it is to remain. PK15/0337/F has a condition which requires the building to return (after the 5 year period) to its former use. This was as an ancillary office building to the residential unit.

5.17 Sustainable Transport

Pilning Street is a classified road. The current access has substandard visibility. This proposed access would have suitable visibility and more room for manoeuvring on site. It will reduce the number of vehicles using the substandard access and will therefore improve highway safety overall. As it is accepted that the proposal would improve the existing access situation and there are no objections on highways or transport grounds.

A public right of way runs adjacent the site to the south, it is not considered that the proposal will have any impact on this travel route and there is no objection with regard to this.

Flood Risk

The site does lie within an area of higher risk of flooding. However, this proposal will not increase the level of risk as the land will remain open, and no other proposal in terms of built form or use of the site are proposed. Some informatives will be put on the decision notice in relation to the practical issues of culverting the ditch when constructing the access point onto the highway.

5.18 Consideration of likely impact on Equalities

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

5.19 In regards to the above statement, the proposal is deemed to have a neutral impact on equalities.

5.20 Conclusion

The proposed access is considered to be appropriate development in the Green Belt. The scheme would result in less than substantial harm to the setting of a listed building, and would mean a reduction in the hedgerow. However it would represent an improvement in highway safety, and improve living conditions of the occupants of the listed buildings in terms of site layout and movements. It would not be harmful to the amenity of any other nearby properties.

The treatment of the access and driveway is considered appropriate in this rural area.

Overall the amended plans have addressed previous objection comments, and the public benefits outweigh the harms and accordingly the application is recommended for approval.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application be **APPROVED** subject to the conditions listed below.

Contact Officer: Westley Little
Tel. No. 01454 867866

CONDITIONS

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

Reason

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

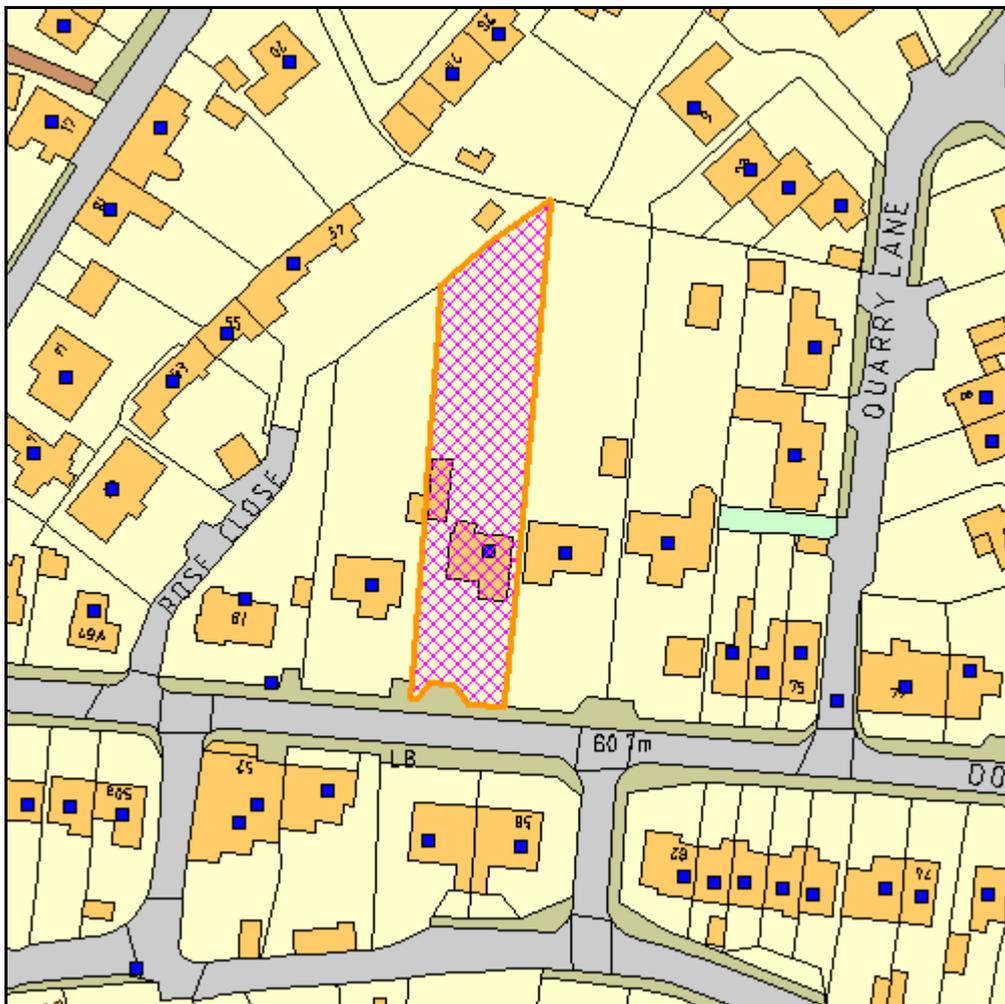
2. The access track is to be constructed as per the details shown on approved plan drawing No. 17/0199/004 Rev C received on 05 January 2018.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed setting in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

CIRCULATED SCHEDULE NO. 04/18 – 26 JANUARY 2018

App No.:	PT17/5208/F	Applicant:	Mr Paul Edwards
Site:	Porthrepta 65 Down Road Winterbourne Down Bristol South Gloucestershire BS36 1BZ	Date Reg:	6th December 2017
Proposal:	Erection of a two storey rear extension with balcony to form additional living accommodation. Installation of 1.6m high entrance gates.	Parish:	Winterbourne Parish Council
Map Ref:	365269 179679	Ward:	Winterbourne
Application Category:	Householder	Target Date:	30th January 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT17/5208/F**

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The application seeks full planning permission for the erection of a two storey rear extension with a balcony to form additional living accommodation, as well as the installation of a 1.6 metre high entrance gate, at 'Porthrepta', 65 Down Road, Winterbourne Down.
- 1.2 The application site comprises a detached chalet bungalow which has a front feature gable. Its elevations comprise render and brick with some timber cladding, alongside upvc windows and a tiled roof. The dwelling benefits from a large plot with front and rear gardens, a detached garage and a large of hardstanding for parking cars.
- 1.3 The site is within the settlement boundary of Winterbourne. The immediate surrounding area has a mixed character, however, roads are clearly defined by low natural stone walls.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS4a Sustainable Development
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
PSP8 Residential Amenity
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/1234/F Approve with Conditions 28.07.2003
Erection of two storey side and rear extension to form garage, utility room and WC with bedroom over.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection. Gate is not in-keeping with the streetscene, and the velux windows will overlook neighbouring properties.
- 4.2 Sustainable Transport
No objection.
- 4.3 Highway Structures
Suggested informative.

Other Representations

- 4.4 Local Residents
No comment received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy 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. In addition policy PSP1 expects proposals to show a positive response to the distinctiveness of the locality. PSP38 allows the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety.

Two storey rear extension

- 5.2 Design and Visual Amenity
Submitted plans show that the extension would extend to form a central, rear gable. It would be slightly set down from the ridge of the existing roof. It would introduce 2no. windows to each side elevation as well as 6no. rooflights. To the rear there would be an enclosed, canopied balcony and bi-folding doors at ground floor. Submitted information shows that all materials would match the existing.
- 5.3 The development would clearly be a large addition to the property, which would, at points be visible from the wider streetscene. However, it is not thought the development would appear out of character with the host or surrounding area. Accordingly, the two storey extension is considered acceptable in terms of design and visual amenity, it would comply with Policy CS1 of the Core Strategy as well as the emerging Policy PSP1 of the PSP Plan.

5.4 Residential Amenity

The host has adjacent neighbours either side, which are also chalet bungalows (albeit of differing designs). The two storey extension would be a noticeable addition to these properties. However it would be set away from shared boundaries and, given the roof would form a rear facing gable it would slope away from adjacent occupiers. The proposed balcony would be contained within the built fabric of the gable, which would mean it would not project outwards from the elevation. This means that overlooking to the sides is adequately prevented. The comments of the parish council are noted, however, given the location of the rooflights, it is not thought that they would result in any material overlooking.

5.5 Following the development a suitable amount of residential amenity space would remain. Overall, it is considered the proposed two storey extension would not be detrimental to residential amenity and is deemed to comply with PSP8 and PSP43.

5.6 Highway Safety

Following the erection of the two storey extension, the number of bedrooms at the property would increase from 3 to 4. PSP16 sets out that for a property with 4 bedrooms, 2 off street parking spaces should be provided on site. The site has an existing detached garage as well as a large area of hardstanding, and it is therefore felt that it would comply with these standards.

Following the development, the number of bedrooms at the property would increase from 3 to 4. The Councils Residential Parking SPD sets out that for a property with 4 bedrooms, 2 off street parking spaces should be provided on site. The development would result in a lesser area of hardstanding. However, plans submitted show that 2 off street car parking spaces would be provided to the front of the site, and the access widened to accommodate such.

Entrance Gate

5.7 Design and Visual Amenity

Down Road is characterised by low natural stone boundary walls to the front boundaries of properties. This is accompanied by open entrances or entrances with iron/timber gates. This application proposes to install a 1.6 metre high aluminium entrance gate on rollers, in a grey colour which would adjoin the existing low stone wall to the front of the property.

5.8 The gate would be out of character with the surrounding area, and would be an incongruous and harmful addition to the streetscene. It fails to be informed by, respect, nor enhance the character or distinctiveness of the area. This is contrary to CS1 and PSP1.

5.9 Residential Amenity

The proposed gate would not have an impact on residential amenity.

5.10 Highway Safety

The access would remain the same, it would just involve the introduction of the proposed gate. Transportation colleagues consider the proposal acceptable and no objection is raised to these matters.

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 **issue a split decision** has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 It is recommended that a SPLIT DECISION is issued, refusing planning permission for the installation of the entrance gate and **approving (subject to conditions)** the proposed two storey rear extension, in accordance with the reasons and conditions as set out below.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

PART APPROVAL (TWO STOREY EXTENSION)

CONDITIONS

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the extension 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.

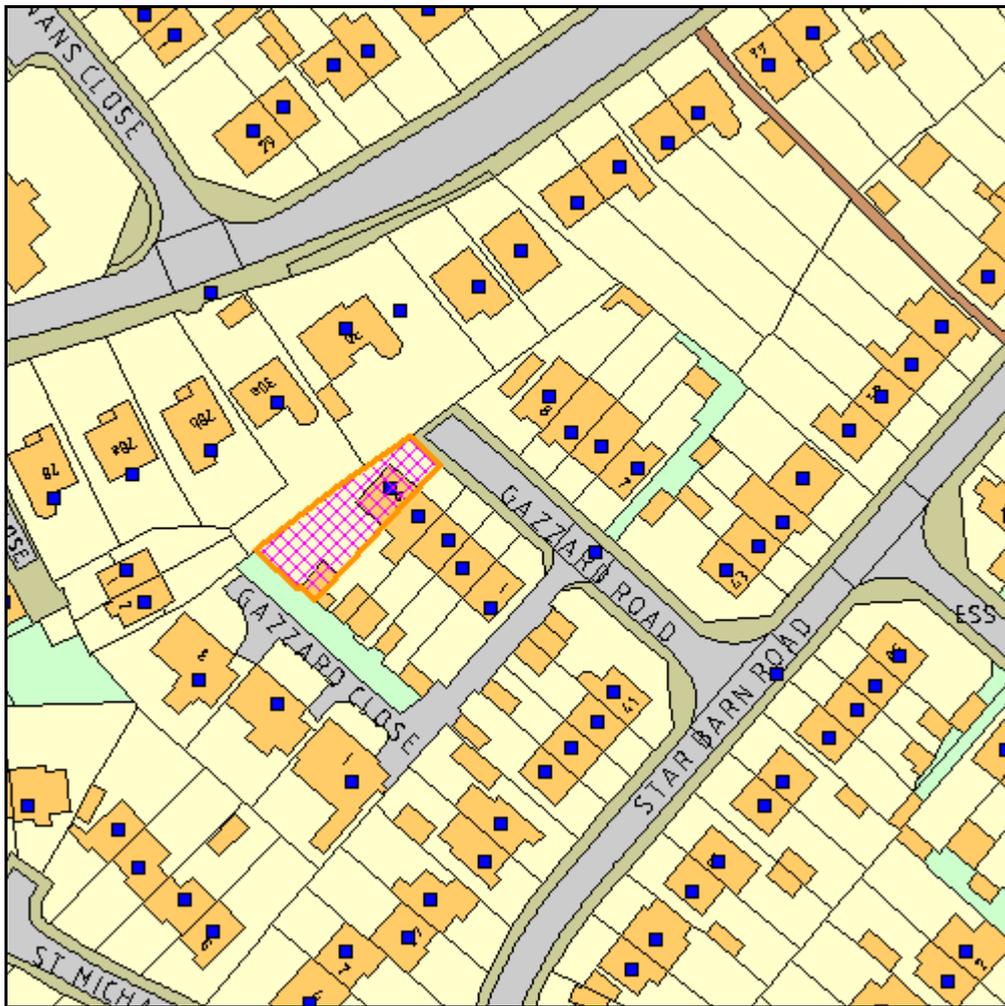
PART REFUSAL (ENTRANCE GATE)

REASONS

1. Down Road is characterised by low stone boundary walls with open entrances or unobtrusive front entrance gates. The proposed gate, by virtue of its aluminium materials, grey colour and height would be out of character with the surrounding area and would be an incongruous and harmful addition to the streetscene. It fails to be informed by, respect, nor enhance the character and appearance of the surrounding area. The development is therefore contrary to policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and policies PSP1 and PSP38 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017.

CIRCULATED SCHEDULE NO. 04/18 – 26 JANUARY 2018

App No.:	PT17/5381/F	Applicant:	Mr And Mrs A Williams
Site:	9 Gazzard Road Winterbourne Bristol South Gloucestershire BS36 1NR	Date Reg:	6th December 2017
Proposal:	Erection of single storey side and rear extension to provide additional living accommodation.	Parish:	Winterbourne Parish Council
Map Ref:	365302 181230	Ward:	Winterbourne
Application Category:	Householder	Target Date:	15th January 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT17/5381/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a single storey side and rear extension to provide additional living accommodation at 9 Gazzard Road, Winterbourne.
- 1.2 The site consists of a two storey end terrace property located within the built up residential area of Winterbourne.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire 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 Space

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (adopted) December 2013
Residential Parking Standards SPD (adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection.
- 4.2 Sustainable Transport
No objection.

Other Representations

4.3 Local Residents

1no. objection comment received from a neighbouring occupier, summarised as follows:

- Concern is that the space available for this proposed extension will come within 100mm of our boundary wall, which we believe contravenes Building Regulations.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP38 of the Policies, Sites and Places Plan (November 2017) allows the principle of development within residential curtilages subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, 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 relatively modest single storey rear and side extension which would wrap around the north-west and south-west elevations of the host property.

5.3 The side extension would be set back from the principal elevation by approximately 5.1 metres, it would have a width of approximately 2.5 metres, an eaves height of approximately 2.2 metres and an overall height of approximately 3.2 metres.

5.4 The proposed rear extension would extend beyond the rear wall of the original property by approximately 3.1 metres, would run along the rear of the host dwelling by approximately 2.2 metres and would match the height of the proposed side extension.

5.5 The materials to be used in the construction of the extension would include rendered elevations, white UPVC windows and slate roof tiles. Overall, the proposal is not considered to cause such detrimental impact on the character of the host dwelling or surrounding area as to warrant refusal. It is therefore deemed to comply with policy CS1 of the Core Strategy.

5.6 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan (Adopted) 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, as well as the private amenity space of the host dwelling.

- 5.7 A concern was raised from the neighbouring occupier at no.30a Watleys End Road, Winterbourne regarding the proposals distance from the shared boundary. The boundary treatment consists of a 1.8 metres high fence. The proposed extension would be angled away from the boundary, at its closest it would be approximately 0.2 metres from the boundary fence and at its furthest it would be approximately 1.2 metres from the boundary fence. It would not include any side elevation windows. Considering the siting and single storey nature of the proposal, combined with the boundary treatments it would not appear to have a material overbearing or overlooking impact, nor is it considered to significantly impact on existing levels of light afforded to the neighbouring occupiers. 1no. side elevation roof light and 1no. rear elevation roof light is proposed, considering the height and angle of the proposed roof lights they are not deemed to negatively impact on the residential amenity of neighbouring occupiers.
- 5.8 It is considered that sufficient private amenity space for the occupiers of the host dwelling would remain should the proposed extension be constructed.
- 5.9 Overall, the proposal is not considered to have a detrimental impact on the residential amenity of surrounding properties or the host dwelling and is therefore deemed to comply with policy PSP38 of the PSP Plan.
- 5.10 Transport
The application is not proposing any additional bedrooms, nor is it impacting the existing parking provision. Therefore, there are no transportation objections.
- 5.11 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.
- 5.12 In regards to the above statement, the proposal is considered to have a neutral impact on equalities.
- 5.13 Other Matters
Building regulations compliance is not a material consideration in a planning decision. An informative will be included on the decision notice to inform the applicant should the planning application be approved it does not imply compliance with Building Regulations and it is essential that the Council's Building Control team is contacted with regard to the proposal before works commence.

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 is APPROVED subject to conditions attached to the decision notice.

Contact Officer: James Reynolds
Tel. No. 01454 864712

CONDITIONS

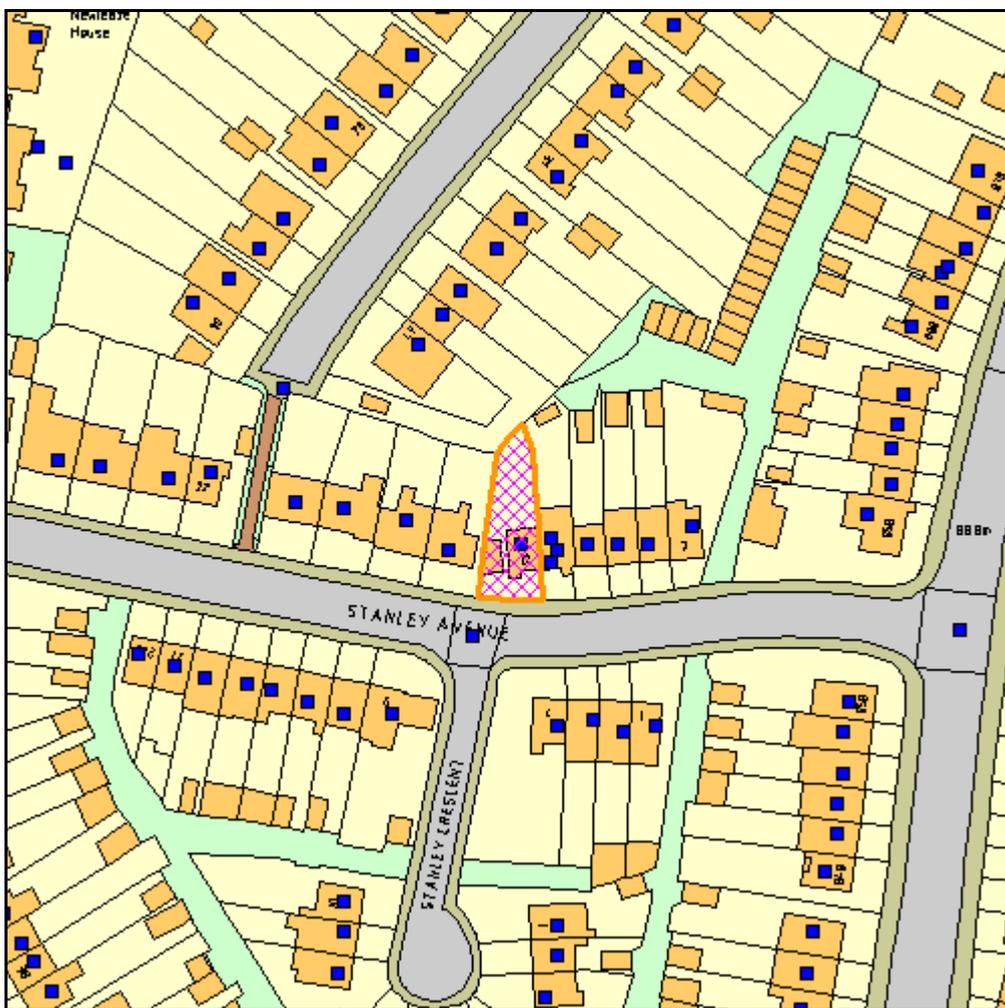
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 04/18 – 26 JANUARY 2018

App No.:	PT17/5513/F	Applicant:	Mrs H Sirah
Site:	12 Stanley Avenue Filton Bristol South Gloucestershire BS34 7NQ	Date Reg:	6th December 2017
Proposal:	Demolition of existing garage and erection of single storey side and rear extension to form additional living accommodation.	Parish:	Filton Town Council
Map Ref:	360729 178667	Ward:	Filton
Application Category:	Householder	Target Date:	22nd January 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT17/5513/F**

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The applicant seeks full planning permission for the erection of a single storey rear and side “wraparound” extension. The application site relates to a semi-detached dwelling in Stanley Avenue, Filton.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4a 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 November 2017

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006

Residential Parking Standards SPD (adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT15/0887/F Approved with Conditions 20.05.2015
Erection of single storey side and rear extension to form additional living accommodation.
- 3.2 PT03/2273/F Approved with Conditions 28.08.2003
Erection of single storey rear and side extension to form extended garage and kitchen with shower room and rear conservatory (in accordance with amended plans received by the Council on 19 August 2003).
- 3.3 N5714/1 Approved with Conditions 24.04.1980
Erection of rear single storey extension to enlarge kitchen.
- 3.4 N5714 Approved with Conditions 12.07.1979
Erection of a single storey rear extension to form kitchen.

4. CONSULTATION RESPONSES

- 4.1 Filton Parish Council
No objection

Other Representations

- 4.2 Local Residents
One comment received objecting due to proximity, overbearing and loss of light.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Saved policy PSP38 allows the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, 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 Visual Amenity
The proposal consists of the erection of a single storey rear and side “wraparound” extension.
- 5.3 The development would remove an existing flat-roofed garage, and erect a wraparound extension to the side and rear of the property. The materials used would match the existing dwelling. The extension would have a lean-to style roof, with a hip where the side and rear meet. It would have a casement window to the front.
- 5.4 Overall, it is not considered that the proposed development would harm the character or appearance of the area and as such, is considered acceptable in terms of visual amenity.
- 5.5 Residential Amenity
The side extension is located directly next to the boundary between the host dwelling and No. 14. The host dwelling is set below No. 14 due to the sloping nature of the street. Due to the scale and position of the side-extension, and due to the fact that the dwelling is set below No. 14, it is not considered likely that there would be any overbearing or overshadowing impacts as a result of the development. The plans show a window in the side elevation of the side extension. This would look directly into the neighbour’s property, onto an access alleyway. A condition will be added to ensure that this window is obscure glazed and non-opening, to reduce any possible loss of privacy to the occupier of No. 14.

5.6 The rear element of the extension also sits next to the boundary of No. 14, and wraps around the rear, also sitting next to the boundary of No. 10. It is a relatively modest extension, measuring 2.7m to the eaves, and 3.8m overall, extending around 3.43m from the rear of the dwelling. It is also located directly next to an extension behind No. 10. It is not considered that there would be any overbearing, overlooking or loss of light as a result of the proposed development, and it is considered acceptable in terms of residential amenity.

5.7 Sustainable Transport

The agent has confirmed that the dwelling currently has two bedrooms, and would have three bedrooms after development. The dwelling is currently served by one off-street parking space. However, Stanley Avenue is a wide road, with ample space for on-street parking. It is not considered that there would be a severe impact on the safety of road users due to the addition of one bedroom to the dwelling, and there is accordingly no transport objection to the proposal.

5.8 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.

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

6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the development plan, 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: Owen Hoare
Tel. No. 01454 864245

CONDITIONS

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

Reason

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