



**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. 43/18**

**Date to Members: 26/10/2018**

**Member's Deadline: 01/11/2018 (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](mailto: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](mailto: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 October 2018

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK18/0989/O</b>	Approve with Conditions	Romney House Lockleaze Bristol BS7 9TB	Frenchay & Stoke Park	None
2	<b>PK18/3257/F</b>	Refusal	The Granary Barn Tanhouse Lane Yate South Gloucestershire BS377QL	Ladden Brook	Wickwar Parish Council
3	<b>PK18/3258/LB</b>	Refusal	The Granary Barn Tanhouse Lane Yate South Gloucestershire BS377QL	Ladden Brook	Wickwar Parish Council
4	<b>PK18/3846/CLP</b>	Approve with Conditions	4 Ross Close Chipping Sodbury South Gloucestershire BS37 6RS	Chipping	Sodbury Town Council
5	<b>PK18/3848/F</b>	Refusal	81A High Street Marshfield South Gloucestershire SN14 8LT	Boyd Valley	Marshfield Parish Council
6	<b>PK18/4057/LB</b>	Approve with Conditions	Unit 9 Pucklechurch Trading Estate Pucklechurch South Gloucestershire BS16 9QH	Boyd Valley	Pucklechurch Parish Council
7	<b>PT18/0130/F</b>	Approve with Conditions	Hollytree Cottage Lower Tockington Road Tockington South Gloucestershire BS32 4LF	Severn	Olveston Parish Council
8	<b>PT18/2551/F</b>	Approve with Conditions	45 Casson Drive Stoke Gifford South Gloucestershire BS161WP	Frenchay And Stoke Park	Stoke Gifford Parish Council
9	<b>PT18/2946/O</b>	Approve with Conditions	Land Between Patch Elm House And The Groves Rangeworthy South Gloucestershire BS37 7LT	Ladden Brook	Rangeworthy Parish Council
10	<b>PT18/3278/RVC</b>	Approve with Conditions	Avlon Works Severn Road Hallen South Gloucestershire BS107ZE	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
11	<b>PT18/3935/CLP</b>	Approve with Conditions	7 Slade Baker Way Stoke Gifford South Gloucestershire BS16 1QT	Frenchay And Stoke Park	Stoke Gifford Parish Council

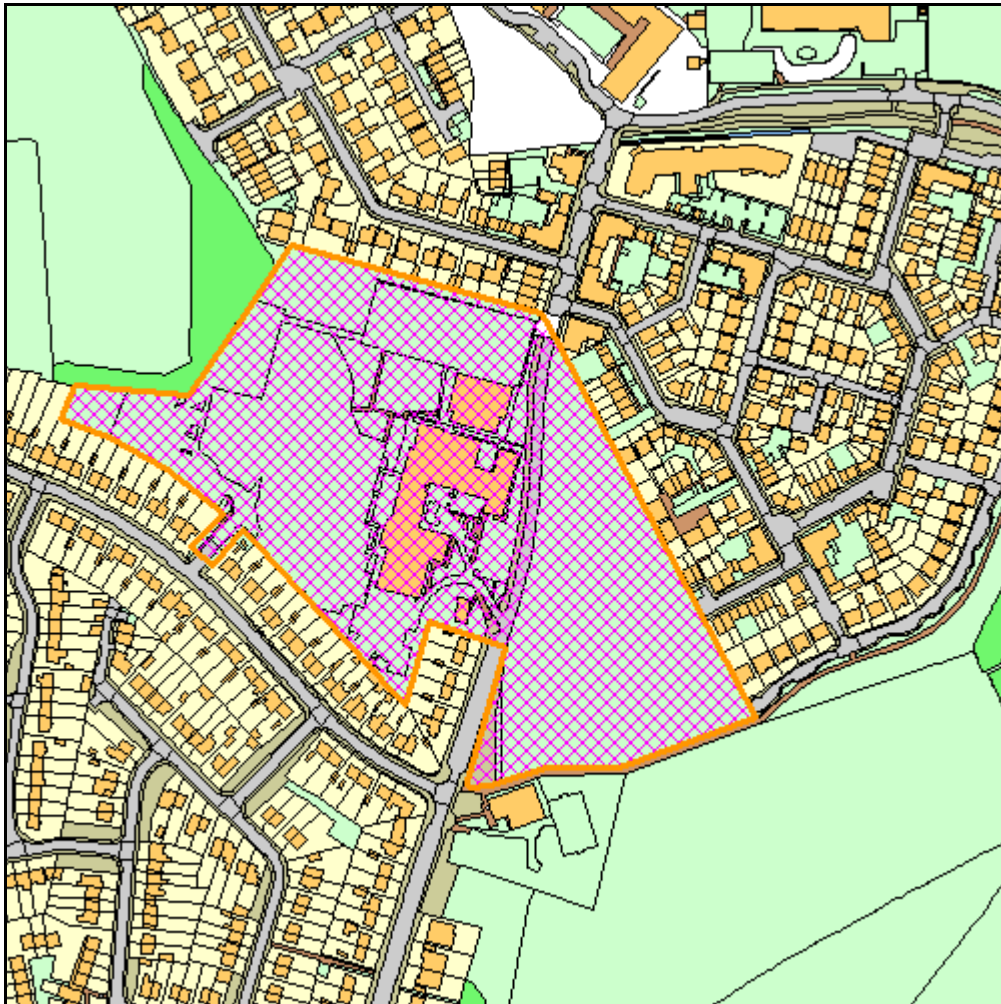
## CIRCULATED SCHEDULE NO. 43/18 – 26 OCTOBER 2018

**App No.:** PK18/0989/O **Applicant:** Bristol City Council

**Site:** Romney House Lockleaze Bristol BS7 9TB **Date Reg:** 14th March 2018  
**Proposal:** Outline application with all matters reserved (save for access and layout parameters) for demolition of existing buildings/structures and comprehensive redevelopment comprising up to 268 dwellings (Use Class C3) including affordable homes, vehicular, pedestrian and cycle access from Romney Avenue and Hogarth Avenue, car parking, public open space, landscaping and other associated works. THIS IS A CROSS BOUNDARY APPLICATION WITH THE LARGER ELEMENT OF LAND FALLING WITHIN THE ADMINISTRATIVE BOUNDARY OF BRISTOL CITY COUNCIL (Ref: 18/00703/P) **Parish:** None

**Map Ref:** 364972 176152  
**Application Category:** Major

**Ward:** Frenchay & Stoke Park  
**Target Date:** 13th June 2018



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PK18/0989/O

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

This application was been referred to the circulated schedule as: comments of objection have been received which are contrary to the officer recommendation; the grant of planning permission would be subject to an appropriate agreement; and, because this is a cross-boundary application (as the site mostly falls within Bristol City Council, who are acting as the lead authority) and therefore the recommendation is based upon a balanced view taking into consideration both council's development plans.

### **1. THE PROPOSAL**

- 1.1 This planning application seeks outline permission with only access and layout parameters to be determined for the demolition of the existing buildings / structures on the site and the comprehensive redevelopment for up to 268 dwellings including affordable housing, vehicular, pedestrian and cycle access from Romney Avenue and Hogarth Avenue, car parking, public open spaces, landscaping and other associated works. All other matters are reserved.
- 1.2 It should be noted that the site is located within the administrative boundaries of both Bristol City and South Gloucestershire councils. Each council is the local planning authority in its administrative area and therefore a planning application must be made to each local planning authority. The authority in which the majority of the development falls acts as the lead authority – which in this case is Bristol City Council – however, regardless as to how the administrative boundaries are laid out, the application should be assessed as one proposal and considered in its whole. That said, under planning law, the local planning authority is obliged to determine applications against its Development Plan unless material considerations indicate otherwise. Each planning authority should consider the other authority's Development Plans as material planning considerations and a proactive approach taken. This is set out in the body of this report. The site is not situated within any sensitive land-use designation area.
- 1.3 The northern corner of the application is situated within the South Gloucestershire area, the proposed indicative layout shows that the housing blocks would accommodate approximately 8 new dwellings with garden, parking spaces. Also, there would be a vehicular access passing the South Gloucestershire area. The site is within the urban area of the North Fringe of Bristol. The proposed layout also indicates that the existing trees / shrubs would be removed to make way for the development.
- 1.4 It is noted that Bristol City Council is the applicant and the land owner of the site. The Committee of Bristol City Council has resolved that planning permission be granted for the residential proposal subject to the delegation to offices to secure the planning obligation / contributions by a Grampian style condition requiring the entering into a S106 agreement prior to the commencement of the development (or suitable legal mechanism).

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework July 2018

National Planning Practice Guidance

### **2.2 Development Plans**

#### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS13	Non-Safeguarded Economic Development Sites
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS24	Green Infrastructure, Sport and Recreation Standards
CS25	Communities of the North Fringe of Bristol Urban Area

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

PSP1	Local Distinctiveness
PSP5	Undesignated Open Spaces
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP22	Unstable Land
PSP37	Internal Space Standards
PSP43	Private Amenity Space Standards

### **2.3 Supplementary Planning Guidance**

Design Checklist SPD (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

Affordable Housing and ExtraCare SPD (Adopted) May 2014

CIL and S106 SPD (Adopted) March 2015

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

### **2.4 Other Relevant Planning Documentation**

Bristol Development Framework: Core Strategy, June 2011

Bristol Local Plan: Site Allocations and Development Management Policies, July 2014

### **3. RELEVANT PLANNING HISTORY**

- 3.1 The site is subject to a number of planning applications in the past, the following are the most latest and relevant to the determination of this application.

Site to the north

PT11/1684/RVC Variation of condition 9 attached to planning ref PT04/0684/O (approved 02/11/05) to allow the submitted reserved matters application to achieve a minimum average density of 40 dwellings per hectare over the application site as a whole (as opposed to 50 dwellings originally approved). Approved 18.07.2011

Site to the west

PT16/4781/RVC Variation of condition 23 of planning permission PT15/0510/F to allow amended house types and minor variations to the layout of the development. Approved 17.01.2017 and being in the construction phase.

### **4. CONSULTATION RESPONSES**

4.1 Parish/Town Council

Stoke Gifford Parish Council object the proposal for the following reasons,

Existing residents of Cheswick are of the opinion that the Romney House application represents a threat to their health and security and that, despite attending public consultation events the Bristol City Councillors appear to have dismissed residential opposition to new through routes for pedestrians, cycles etc to and from the Romney House and Cheswick developments.

The roads adjacent to the Bristol boundary have, It is understood, recently been the subject of increasing numbers of criminal events, especially those involving high speed motorcycle usage of footpaths.

While permeability of the boundaries between the two developments could be seen as positive with reference to community cohesion it should not be allowed to interfere with residential health, safety and security.

Residents are aware that the PCC, Mrs Mountstevens has recently commented that reports of such crimes are recorded but not likely to be investigated.

Concerns have also been aired about the efficacy of the bus gate on Romney Avenue. While shortly after it's imposition as part of the Highways works for Cheswick development, something that the Local Member had insisted upon to prevent rat-running to and from Bristol, Bristol City Council were already looking at deleting it, their transport study as part of this application does not support that option. Now there is a need to ensure that the bus gate is of sufficient length to be effective, and be fully-enforced.

Mention is made that Wallscourt Farm Academy (within SGC) will be able to provide enough primary school places for the new development, this is doubtful as the distance to school for successful applications is already small.

The application also signals that the proposed secondary academy development on the Romney Avenue Primary School site will (eventually) provide 1200 places. That will place its own pressures on cross-border movements.

### **Internal Consultees**

- 4.2 Housing Enabling: 2 no. Affordable Housing or 30% of the permitted development within South Gloucestershire area should be sought.
- 4.3 Public Open Space: No objection. Should the proposal would trigger the requirement at reserved matter stage, then an appropriate measures need to be agreed.
- 4.4 Highways Officer: No objection subject to planning conditions.
- 4.5 Environmental Protection: No objection. Advised of the precautionary measures during the construction period and agreed with the conditions suggested by Bristol City Council
- 4.6 Lead Local Flood Authority: No objection subject to condition seeking surface water drainage details.
- 4.7 Ecology Officer: No objection subject to condition seeking appropriate measures to be agreed and implemented
- 4.8 Arboricultural Officer: No objection.
- 4.9 Listed Building and Conservation Officer: No objection subject to condition securing the Boundary Stone (if found during the vegetation and site clearance) to be safely kept on site and be re-installed within the site.
- 4.10 Arts and Development Officer: No objection subject to condition seeking public art.
- 4.11 Designing Out Crime Officer: No objection. Advised of alternative design solutions

### **Other Representations**

- 4.12 Local Residents  
Nine letters of objection and one letter of support have been received and the residents' comments have been summarised as follows (full details are available in the Council website):



### Highway Concerns

- The bus gate is badly misused each month and the current strategy of signage and coloured road surface is ineffective at communicating that it is a limited access.
- The volume of cars still getting tickets is high.
- Serious implications of shortening of the bus gate, e.g. will open more abuse of the bus lane, reduce the chance for car users to see signage to not use the lane, people will get tickets and I can see an issue of tickets being contested and not having to be paid and eventually due to the uproar I can see the Council opening the bus lane
- I don't wish the road to be open at any point in the future from the proposed development to the Cheswick development.
- Seeks the full details of the Bristol City Council traffic modelling investigations with regard to the possible removal of the Romney Avenue bus gate
- No genuine need for so many planned or 'possible' through links between the raised eastern section of the development and Danby Street
- Little observation appears to have been made to the existence of the existing purpose built pedestrian and cycle path, that is, at most 40 metres from the proposed link to Danby Street
- Would suggest that a more effective strategy would be narrowing the bus gate to one lane with buses within the proposed development giving way to those approaching from Cheswick
- Insufficient parking provision (there is already parking problems in the area due to proximity to UWE and MOD).
- Does the road design be reconsidered?
- Should consider a Residents Parking Permit scheme?
- Will the pavement widening be enough for buggy users?
- Please allow adequate parking

### Contamination concerns

- The ground investigation report shows high concentrations of carcinogenic and tetragenic contaminants are present in the soil. Also, there is insufficient information to rule out the presence of asbestos.
- Elevated concentrations of fuel range hydrocarbons, lead and zinc are found in the made ground in the eastern area
- A potential gas risk to future users has been identified
- It needs to be fully addressed if a financially viable, safe and healthy housing development is to be built on this site
- No documents make no reference as to how this (contaminants) be handled.
- The contamination risk in the demolition phase.
- The contamination reports suggests ground levels will not be reduced in the eastern section of the development.
- The report points that it is unlikely that traditional foundations will be viable and that piling or vibro compaction is likely to be necessary. This could pose a significant threat to the stability and structures of the nearby homes.

- Also concerns about the contaminated dusts (and potentially asbestos fibres) that will be generated and inhaled by existing local residents during the construction phase

#### Affordable Housing concerns

- Lack of enough affordable housing.
- The no. of flats and houses that will be available on a shared ownership basis is so low

#### Environmental concerns

- Condition survey is required to any property that could feasibly be affected by the proposed work prior to it starting.
- Flood risk and drainage, concerns about the increase the run off downhill into neighbouring gardens if land heights remain unaltered.
- Loss of two mature trees on the site – the willow tree and the poplar
- The so-called nature corridor will be useless for the wildlife presents in the area due to the location
- Destroy the existing trees
- Only proposed a small playing space
- Often seen bat in garden (in the area)
- Should show how to improve the air quality and aesthetic of our street by planting trees

#### Amenity concerns

- The land to the east of Romney Avenue is approximately 4 metres above the level of surrounding ground. It appears that there is little intention to reduce the levels to correspond to those of the surroundings.
- Reduce privacy, overlooking
- Foundations means that the housing / flats will tower over properties on Danby Street and Long Wood Meadows, can you please complete a reduced dig to reduce the height of the development
- Height, overshadowing
- Bristol City Council requirement of the Aurora Springs planning application back in 2010 was that the houses on Long Wood Meadows closest to the planned new development had to be dug down to avoid them being easily visible from Stoke Park and the parkland. The displaced earth was dumped next door into the playing field which has resulted in this large height difference.
- Homes around 12 to 18 Danby Street and No. 34 to 37 Long Wood Meadows are likely to be impacted by the block flats or new homes respectively.
- New dwellings should be moved further back into the site

#### Design concerns

- Out of keeping with the scale and density of the area
- There is a shortage of bungalows in the area

One letter of support has been received

- Fantastic idea

## 5. **ANALYSIS OF PROPOSAL**

- 5.1 This application seeks planning permission for the demolition of the existing building on the site and its redevelopment for residential purposes.

5.2 **Principle of Development**

Under policy CS5, new development of this nature is directed to the existing urban area. As the site is within the existing urban area of North Fringe, it is an appropriate location for development of this nature. The site was previously occupied by Lockleaze School up until its closure in 2004 when the site has been occupied by Bristol City Council offices. Majority of the site lies within the Bristol City Council authority boundary and only part of the northern west corner of the site is within the South Gloucestershire boundary. Whilst, the entire site is currently in an office use, it is noted that this parcel of land within the South Gloucestershire area is amenity grass land bounded by metal fencing along the northern boundary. Given its urban location, there is no objection to the residential development proposal in principle.

*Housing Land Supply*

- 5.3 At present the local planning authority cannot demonstrate a 5-year supply of deliverable housing land. Therefore guidance in the NPPF states that policies which act to restrict the supply of housing should not be considered up to date.

- 5.4 As this site is in the existing urban area, development here would not conflict with the locational strategy. As a result there is no 'in principle' objection to the use of the site for residential purposes. However, CS13 as set out above would act to restrict housing development and should therefore be considered out of date and carry less weight. This does not mean that the policy should be applied no weight, but that any conflict with this policy should be expressed in the overall planning balance with reference to NPPF guidance.

5.5 **Economic Re-use**

It is acknowledged that the wider site is currently in an economic/business use, however, the site within the South Gloucestershire area is only amenity grass area. Given that the principle of the residential development within Bristol City Council has been agreed, the area within South Gloucestershire is relatively small, and it is located within the proximity to the neighbouring residents, a proposal for economic use would likely generate more adverse impact. Therefore no objection from this perspective.

5.6 **Loss of educational establishment, old playing fields and sport hall**

It is noted that the site was used by Lockleaze School prior to the last use as an office. The BCC has confirmed that Sport England has been consulted during the preparation of the Site Allocations and Development Management Policies (SADMP) and the Independent Inspector also found the SADMP to be sound and legally compliant. In addition, the BCC also confirmed that the education and associated playing field use ceased in 2004. It is noted that the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) at table 10, para z, defines playing field development as land being used as a playing field, or land which has " at any time in the 5

years before the making of the relevant application and which remains underdeveloped. As such, given the field has not been used as a playing field for such long time, officers are satisfied that development would not be playing field development, it is not therefore proposed to refer the case to the Secretary of State. The Bristol City Council has also advised Sport England of this matter and Sport England has raised no objection.

#### 5.7 Affordable Housing

This is an outline application with all matters reserved except for means of access and layout for 268 homes with Bristol City Council proposing 30% affordable housing. This application has been submitted by Bristol City Council. The majority of land subject of this outline application falls within the boundary of Bristol City Council however a small proportion of land within the north western boundary of the site falls within South Gloucestershire Local Authority. As this is a cross boundary application it is considered this application has implications for South Gloucestershire Council in terms of affordable housing. Based on the submitted "Indicative Layout as Proposed" dwg 208.1PLO1 Revision A. Housing Enabling is of the view that approximately eight homes are proposed on land within South Gloucestershire. Based on the assumption that eight homes fall within the boundary of South Gloucestershire Local Authority it is considered that eight homes as a proportion of 30% affordable housing equates two affordable homes (when rounded down). Please note that should the total number of homes that fall within the South Gloucestershire boundary change the number of affordable homes shall be calculated on a pro-rata basis. Subject to the applicant entering into an appropriate legal agreement securing the following, the proposal is acceptable in terms of its provision for affordable housing. The provision of affordable housing is a significant public benefit which should be afforded weight in the overall planning balance. The requested contribution has been examined against the CIL Regulations and is considered to accord with the relevant tests.

- 30% of the total number of the Permitted Dwellings sited on land within South Gloucestershire boundary (rounded up or down to the nearest whole dwelling) shall be identified, reserved and set aside as Affordable Housing.
- They are ring-fenced for South Gloucestershire householders only
- Allocation of those for properties to be administered by South Gloucestershire Council's Home Choice team and in line with the council's home choice policy.
- In order to meet South Gloucestershire identified affordable housing need the two homes shall be provided as
  - 2 bed 4 person house @ 79m<sup>2</sup>
  - 3 bed 5 person house 2 storey @ 93m<sup>2</sup>
  - Both houses to be provided as social rent tenure.

#### 5.8 Public Open Space

The submitted plan shows the general layout of the proposal, officers considered that it is very unlikely that there is a prospect of development that might trigger Policy CS24 which seeks an off-site contribution at reserved matters. Regarding the on-site POS provision, the submitted plan shows there

would be some landscaped area, which also would be part of the wider landscaping strategy. As such, the implementation and on-going maintenance can be sought via an appropriate agreement with the applicant.

5.9 Layout

The submitted plans shows the layout parameter of the proposal. The area adjacent to the application site is characterised by a group of two storey dwellings. As noted in paragraph 1.1, it is an outline application with only access and general layout for consideration. Specific details regarding appearance / design, landscaping and scale of the development are indicative only. The submitted Parameter Plan 4 (Density and Scale) identifies the area within SG area would be low density area for 2 storey development within some 2.5 storey development. Further details regarding the specific scale including ground level will be provided at reserved matter stage. Officers are generally satisfied with the general layout and it would successfully integrate the existing surrounding properties within the South Gloucestershire area, therefore, the proposal would comply with the design standards expected by policy CS1.

5.10 Crime Prevention Design

The Designing Out Crime Officer has reviewed the proposal and advised of a number of potential issues on this scheme regarding the use of a 'Bus Gate' on Romney Avenue, the proposed pedestrian and cycle link between the development and the existing development towards the South East of the site. The Officer suggests that the development should take into consideration of the natural surveillance and the potential problems of anti-social behaviour. In addition, the development should indicate as to how the design is intended to prevent use of the route by motor vehicles, particularly motorcycle and mopeds. Finally, the communal parking facilities should be lit to the relevant levels as recommended by BS 5489:2013. Given that this is an outline planning application, these elements will be considered at reserved matter stage.

5.11 Highways and Parking

This planning application seeks to construct a new residential development on the site of Romney House (the former Lockleaze School) in Lockleaze. This development lies predominantly within the jurisdiction of Bristol City Council and only a small part of it is within South Gloucestershire. Residents' concerns regarding the existing highway issues are noted.

5.12 The site will be accessed from Romney Avenue and Hogarth Walk which lie entirely within the Bristol City boundaries. Consequently, the main highways and transportation concerns are about the impact of additional vehicular traffic on the highways within in South Gloucestershire.

5.13 As the configuration of the local highway network means vehicular access to the north is prevented by a bus-gate on the Romney Avenue link, the first point of contact with the highways in South Gloucestershire occurs on Filton Avenue, to north of its junction with Toronto Road and Bridge Walk.

- 5.14 Romney House was previously used by Bristol City Council as an office block. Hence, in any examination of the efficiency of the local network, the vehicular movements associated with that land-use must be offset against those generated by the proposed residential development. Bristol City Council have submitted a Transport Assessment of this development with their planning application although the sensitivity test has not been carried out. The South Gloucestershire Highway Officer reviewed the submitted details and the Council own calculations, which indicated that the changes in the 2023 forecast traffic flows on Filton Avenue north of the junction with Toronto Road and Bridge Walk are likely to be very small. It is also considered that this position would not be changed significantly if the sensitivity test requested by South Gloucestershire Council had been carried out. Therefore, officers consider that the proposed change of use is unlikely to create significant problems on this Council's highway network
- 5.15 The operational tests of this junction using Linsig have also been carried out. The results of these tests suggest that the Filton Avenue, Toronto Road and Bridge Walk junction is already significantly over-capacity and even the small changes in total flows noted above make the position worse. They also have the effect of increasing the queueing on the northern arm which leads to South Gloucestershire. However, given that the junction lies within Bristol City Council boundaries, with no objection from Bristol City Council in respect of that impact, the provision of a modest number of dwellings in South Gloucestershire, there would not be materially impact on highway capacity.
- 5.16 As this site lies within the urban fabric of greater Bristol, it is relatively well placed to take maximum advantage of non-car travel opportunities by allowing residents to use walking, cycling and public transport modes instead. The submitted layout plan shows the development integrate both Bristol City and South Gloucestershire boundary by providing links into surrounding areas. Officers support this broadly approach. As part of this strategy, it is intended to create a new pedestrian and cycle link into Danby Street in Cheswick Village. Officers supports this idea, as this will not only improve access to the current site, but it will enhance connectivity in the adjoining parts of South Gloucestershire as well
- 5.17 The Transport Assessment contains no proposals to open the Romney Avenue Bus Link to other vehicular traffic, therefore Officers have no objection as it is considered that the link to be a valuable asset to encourage public transport use not only on the current site but also in the surrounding area.
- 5.18 The planning application is also supported by an Interim Travel Plan. Officers broadly support this approach and a planning condition is imposed to seek further details and secure its implementation and delivery.
- 5.19 After examining the highways and transportation information supplied in support of this development, as result of the configuration of the local highway network, it is considered that this development would not have a significant detrimental impact upon the transport networks within South Gloucestershire. It is considered that the greater pedestrian and cycle connectivity offered by routes

through this site is likely to be beneficial to local travel opportunities. Therefore, there is no highway or transportation objection to the proposal.

5.20 Contamination Land

Residents' concerns regarding the contamination are noted. The Council Environmental Protection Team has reviewed the proposal, it is considered the potential for contamination only a very small area in the north west of the site falls within the South Gloucestershire boundary. This part of the site appears to have historically been used as a playing field. As such the potential for contamination within the South Gloucestershire part of the site is considered low. In addition, the Contaminated Land Environmental Protection of Bristol City Council has also considered the submitted details including the Desk Study and Ground Investigation Report prepared by T & P Regeneration dated 15/09/2017. It is suggested that further monitoring is recommended particularly for the identified hotspots, but there is not a major issue overall. It is suggested that a visual inspection of the former building and further testing can be undertaken. Ground gas test for the deeper made ground on the east side is recommended. A lot of the marginally elevated materials should be able to be dealt with by material management. Officers are therefore satisfied with the proposal subject to appropriate planning conditions seeking detailed contamination mitigation strategy and precautionary measures.

5.21 Historic Assets

The application site within the South Gloucestershire area is not situated within any conservation area or adjacent to any statutorily or non-statutorily listed buildings. The area is bounded by a residential properties along the northern and western boundary. The applicant's heritage statement indicated that the Ordnance Survey third edition published in 1916 shows that a boundary stone was sited on the field boundary at the north west corner of a field named Lockleaze, adjacent to a footpath which followed the east side of the field. The document also gives a description of the stone. The statement suggested that the stone was pulled out of its position, probably when Lockleaze School was built, and is now lying approximately south-east to north-west along the line of ditch metres to the (Andrew Buchan). The stone was not observed during a recent visit to site. The Council Listed Building and Conservation Officer has no objection to the proposal, it is however considered that it would be necessary to impose a planning condition to ensure that this historic boundary stone will be safely kept and re-installed to a suitable location within the development if the stone is found during the site and vegetation clearance stage.

5.22 Ecology and Landscaping

The Bristol City Council identifies that the western part of the site includes nearly all of the designated Wildlife Corridor site, Lockleaze School Playing Fields. An ecological appraisal, a bat and reptile survey and reptile method statement has been submitted with the proposal and reviewed by the officers.

5.23 With regard to the vegetation and site clearance, officers have no objection to the scheme subject to planning condition seeking a method statement for a Precautionary Method of Working (PMW) with respect to vegetation and site clearance and the potential presence of nesting birds, bats in buildings and any other legally protected and priority species to include badgers and hedgehog

and such statement shall incorporate the detailed recommendations regarding bats and buildings and hedgehogs in the Bat and reptile survey report dated July 2017

- 5.24 A reptile method statement (RMS) dated January 2018 has been submitted which instead of translocating slow-worms to a suitable part of the site proposes an off-site translocation of slow-worms to Bonnington Walk. An off-site translocation is considered acceptable but not best practice and an on-site translocation is preferred to maintain a wider distribution of slow-worms. A number of changes are recommended, therefore a planning condition is imposed to secure a method statement for the protection of slow-worms from killing or injury as a result of the development, this shall include pre-translocation survey and post-translocation monitoring of the receptor site and the provision of at least one hibernaculum/refugium.
- 5.25 With respect to landscaping, the Ecological appraisal dated September 2016 recommends retaining hedgerows on the site boundary and the bat and reptile survey report dated July 2017 recommends retaining the hedgerows on the western and southern ends of the site where the majority of bat activity was recorded. The Bat and reptile survey report dated July 2017 recommends the provision of a dark corridor along the northern and western ends of the site. The Ecological appraisal dated 2016 and the Bat and reptile survey report dated July 2017 recommend installing a pond in the western part of the site in amenity grassland. The provision of berry-bearing shrubs and trees and nectar-rich plants is also recommended as part of a landscaping condition. There is no ecological objection subject to planning condition seeking the specification, orientation, height and location for built-in bird nesting and bat roosting opportunities.
- 5.26 Drainage  
The site is situated within the urban area. Drainage is considered under planning, in terms of reducing the impacts of flooding and encouraging sustainable development, and through other statutory technical consents such as the Building Regulations and agreement with statutory drainage undertakers. A flood risk assessment and drainage strategy has been submitted with the proposal. Officers are satisfied that the proposal would be able to be drained without an adverse impact on flooding. A SUDS condition would therefore be an appropriate means by which to achieve this.
- 5.27 Arboricultural Issues  
A Preliminary Tree Schedule and a Tree Constraint Plan have been submitted with the proposal. Given the majority of the site is within Bristol and that there are no significant trees within the South Gloucestershire area therefore there is no arboricultural objection to the proposal.
- 5.28 Public Art  
The NPPF states that the social role of the planning system should create a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The NPPF also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character



and quality of an area and the way it functions. In line with this the South Gloucestershire Local Plan: Core Strategy (adopted December 2013 Policy CS23 states that the Council will work with partners to provide additional, extended or enhanced community infrastructure and encourage participation in cultural activity. The provision of public art is also a key indicator of good design (building for life criteria) and should be seen as an opportunity to involve the local community in support of Sustainable Community Strategy objectives. In the light of this policy basis, officers consider that it would be necessary to impose a planning condition seeking a public art programme that is relevant and specific to the development and locality and links to the wider site.

5.29 Residential Amenity

Development should not be permitted that has a prejudicial impact on residential amenity. Residents' concerns about the impact upon the residents' amenity, such as, overbearing and overlooking, are noted. The submitted general layout plan indicates that the area within SG area would be low density with 2-storey development and some 2.5 storey. The submitted layout plan shows that there would be a reasonable distance of approximately 19 metres between the rear elevation of the new dwelling and the existing dwelling along Hermitage Wood Road, officers consider that the impact upon the residential amenity would not be so significant. Also, the appearance and scale of the development will be submitted at reserved matter stage, therefore the impact upon the amenity will be properly reviewed and considered and to ensure that a reasonable standard of amenity would be secured.

5.30 With regard to the provision of amenity space, Policy PSP 43 suggests a minimum of 50, 60 and 70 square metres for 2, 3 and 4 bedroom dwellings respectively. From the national policy perspective, the development is required to make the most efficient use land and Policy CS16 echoes similar approach. It is noted that Bristol City Council is more explicit in its policy and requires a minimum density to be achieved.

5.31 The development is considered to make the efficient use of the site. Whilst there is no detail regarding the internal layout of these dwelling, the general layout indicates that the properties within South Gloucestershire area all benefit from a rear garden and therefore are afforded reasonable provision of outdoor amenity space. It is not considered that the development would lead to substandard living conditions for future occupiers and is therefore acceptable.

5.32 Overall Planning Balance

Although only eight properties would be within South Gloucestershire, the scheme should be addressed as a whole with reference made to the direct impact on the district.

*Community Infrastructure Levy (CIL)*

5.33 The development is CIL liable. The CIL receipt is used by the Council to fund infrastructure services, such as school places and health facilities, across the district. As the proposal is CIL liable, a proportion of funds from the development would go towards the overall provision of infrastructure within

South Gloucestershire and therefore the development mitigates its impact in that regard.

#### *Economic*

- 5.34 Whilst the application site was used as an office in the past, it is considered that there would not any economic harm resulting from the development given that the site within South Gloucestershire area is only an amenity area for the host building and the area is relatively small. It is considered that the proposal would have an economic benefit as the proposal generate considerable amount of job opportunities in the construction industries.

#### *Social*

- 5.35 The development would have significant social benefit through the provision of additional housing, including affordable housing, in a highly sustainable location. This is a factor of significant weight and acts to heavily swing in favour of granting planning permission.

#### *Environmental*

- 5.36 There would be an environmental benefit to the proposal as it would lead to the redevelopment of brownfield land within the city, improve visual amenity, and enable the clean-up of any contaminated land. This weighs in favour of the grant of planning permission.
- 5.37 To redevelop the site there would be some harm through the loss of habitat; however, conditions are proposed to mitigate this harm and therefore it is a neutral factor in the overall balance.

#### *Presumption in Favour of Sustainable Development*

- 5.38 The development would lead to the creation of both market and affordable housing in a sustainable urban area. For South Gloucestershire there is a relatively modest benefit of approximately 8 new dwellings. However, the benefit overall to housing supply should be considered as the site is on the boundary with Bristol City Council and therefore the development as a whole would provide 268 new dwellings to meet housing needs.
- 5.39 It is considered that the benefits of development significantly outweigh the harms identified and planning permission should be granted subject to the conditions listed below and the applicant entering into a planning obligation.
- 5.40 Planning Obligation  
Paragraph 010 of the National Planning Practice Guidance advises that planning permission should not be granted subject to a positively worded condition that requires the applicant to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990 or an agreement under other powers. Such a condition is unlikely to pass the test of enforceability.

- 5.41 A negatively worded condition (such as Grampion Condition) limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. Ensuring that any planning obligation or other agreement is entered into prior to granting planning permission would therefore be the best way to deliver sufficient certainty for all parties about what is being agreed. However, in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development.
- 5.42 The proposal will provide 268 no. new dwellings across Bristol and South Gloucestershire area, although it is noted that the majority of the site will fall with Bristol area. The proposal will provide 30% of these units, i.e. 80 no. Affordable Housing units in the area. Officers consider that any further delay on determining this application may cause an uncertainty on the delivery of the development. In this instance, officers are satisfied that there is an exceptional circumstance to justify the use of a negatively worded condition requiring a planning obligation or other appropriate agreement to be entered.
- 5.43 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.
- 5.44 With regards to the above this planning application is considered to have a neutral impact on equality.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 It is recommended that the 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 and Country Planning Act 1990 (as amended), or a suitable alternative legal agreement, to secure the following:

(i) **AFFORDABLE HOUSING**

The provision of 30% of the total number of the Permitted Dwellings sited on land within South Gloucestershire boundary (rounded up or down to the nearest whole dwelling) shall be identified, reserved and set aside as Affordable Housing).

On the basis of the indicative layout plan currently submitted, this would be the equivalent to 2 affordable homes with both of them to be provided as social rent tenure. They are ring-fenced for South Gloucestershire householders only. Allocation of those for properties to be administered by South Gloucestershire Council's Home Choice team and in line with the council's home choice policy. The affordable homes shall be provided as:

- 2 bed 4 person house @ 79m<sup>2</sup>
- 3 bed 5 person house 2 storey @ 93mm<sup>2</sup>

**Reason**

To accord with policy CS6 and CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework.

- 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: Olivia Tresise**  
**Tel. No. 01454 863761**

## **CONDITIONS**

### **1. Approval of the details**

Approval of the details of the scale and appearance of the buildings, detailed layout 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 and thereafter carried out as approved.

#### **Reason**

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

### **2. Time Limit for the submission of reserved matters application**

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

#### **Reason**

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

### **3. Time Limit of the implementation**

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

#### **Reason**

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

### **4. Details of surface water drainage**

As part of the reserved matters, required by condition 1, surface water drainage details including Sustainable drainage Systems, e.g. soakaways if ground conditions are satisfactory, for flood prevention, pollution control and environmental protection shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved details prior to the first occupation of the approved dwellings and maintained thereafter for the lifetime of the development.

#### **Reason**

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

5. A scheme of public art

Prior to the first occupation of the dwellings hereby permitted, a scheme of public art shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall be carried out in full within 1 year of the first occupation of any dwelling hereby permitted.

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.

6. Construction Management Plan (Pre-commencement condition)

Prior to the commencement of the development, where it is relevant to land with within South Gloucestershire, a detailed Construction Management Plan during the demolition and construction phase shall be submitted to and approved in writing by the Local Planning Authorities. This would need to be adhered to throughout the construction period and shall set out details regarding:

- a. Parking of vehicles of site operatives and visitors.
- b. Routes for construction traffic
- c. Hours of operation.
- d. Method of preventing mud being carried onto the highway.
- e. Pedestrian and cyclist protection.
- f. Proposed temporary traffic arrangements including hoardings and/or footway closures.
- g. Arrangements for turning vehicles.
- h. Arrangements to receive abnormal loads or unusually large vehicles.
- i. Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason

In the interests of safe operation of the highway in the lead into development both during the demolition and construction phase of the development and to accord with Policy CS8 of the South Gloucestershire Local Planning Authority (Adopted) December 2013 and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) December 2017. This is a pre-commencement condition in order to avoid any unnecessary remediation works.

7. Highway Details (Pre-commencement condition)

Prior to the commencement of the development, where it is relevant to land with within South Gloucestershire, construction details of the internal access roads to achieve an adoptable standard with carriageway widths of 4.8m (Side Streets) and 6m (Romney Avenue and Linear Green Street) and swept path analysis for a 11.4m refuse vehicle, fire tender and pan technicon shall be submitted to and approved in writing by the relevant Local Planning Authority. The buildings hereby permitted shall not be occupied or the use commenced until the road(s) is/are constructed in accordance with the approved plans.

No building shall be occupied or the use commenced until the means of vehicular access, the means of access for pedestrians and/or cyclists have been constructed and completed in accordance with the approved plans and the said means of vehicular access shall thereafter be retained for access purposes only.

No building shall be occupied or the use commenced until the vehicular crossovers have been installed and the footway has been reinstated in accordance with the approved plans.

Prior to the first occupation of the development, details of how parking spaces for residents and visitors will be managed shall be submitted to and approved in writing by the Local Planning Authority and the development shall be retained as such thereafter.

Reason

To ensure the internal access roads are planned and approved in good time to include any Highways Orders and to a satisfactory standard for use by the public and are completed prior to occupation and to accord with Policy CS8 of the South Gloucestershire Local Planning Authority (Adopted) December 2013 and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) December 2017. This is a pre-commencement condition in order to avoid any unnecessary remediation works.

8. Highway Condition Survey (Pre-commencement condition)

Prior to the commencement of any work on site, where it is relevant to land within South Gloucestershire, a highway condition survey shall be undertaken of the existing public highway adjacent to the site with a schedule of existing defects, submitted and approved in writing by the Local Planning Authorities. The applicant will be responsible for any damage to the highway caused as a result of the development process.

Reason

To ensure that any damage to the highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer and to accord with Policy CS8 of the South Gloucestershire Local Planning Authority (Adopted) December 2013 and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) December 2017. This is a pre-commencement condition in order to avoid any unnecessary remediation works.

9. Travel Plans

Notwithstanding the submitted Travel Plan, where it is relevant to land within South Gloucestershire, a detailed revised Travel Plan shall be submitted to and approved in by the Local Planning Authorities. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan to the satisfaction of Local Planning Authorities unless agreed in writing by the Local Planning Authorities.

Reason

To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling and to accord with Policy CS8 of the South Gloucestershire Local Planning Authority (Adopted) December 2013 and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) December 2017.

10. Pedestrian/Cycle Links (Pre-commencement condition)

Prior to commencement of the development details of pedestrian/cycle links to Cheswick Village/UWE cycle track from Romney Avenue to city boundary/Redrow housing development shall be submitted to and approved in writing by the Local Planning Authorities.

Reason

To promote sustainable travel and ensure adequate connections to neighbouring residential areas and to accord with Policy CS8 of the South Gloucestershire Local Planning Authority (Adopted) December 2013 and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) December 2017. This is a pre-commencement condition in order to avoid any unnecessary remediation works.

11. Further Site Assessment Condition - Site Contamination (Pre-commencement condition)

Where it is relevant to land within South Gloucestershire, a site specific risk assessment and intrusive investigation shall be carried out to assess the nature and extent of the site contamination and whether or not it originates from the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The results of this investigation shall be considered along with the Desk Study and Ground Investigation Report prepared by T & P Regeneration dated 15/09/2017 (ref 2017Sep\_FOR1903\_DS&GI). The written report of the findings shall be submitted to and approved in writing by the Local Planning Authorities prior to any works (except demolition) in connection with the development, hereby approved, commencing on site. This investigation and report must be conducted and produced in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. This is a pre-commencement condition in order to avoid any unnecessary remediation works.



12. Submission of Contamination Remediation Scheme (Pre-commencement condition)

Prior to the commencement of the development, where it is relevant to land within South Gloucestershire, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

To ensure that risks from land contamination is understood prior to works on site both during the construction phase to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. This is a pre-commencement condition in order to avoid any unnecessary remediation works.

13. Validation Condition

Where it is relevant to land within South Gloucestershire, in the event that contamination is found, no occupation of the development shall take place until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authorities must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (otherwise known as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and be approved in writing by the Local Planning Authorities.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

14. Reporting of Unexpected Contamination

Where it is relevant to land within South Gloucestershire, in the event that contamination is found at any time that had not previously been identified when carrying out the approved development, it must be reported immediately to the Local Planning Authorities. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the

Management of Land Contamination, CLR 11', and where remediation is necessary a remediation scheme must be prepared which ensures the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authorities. The Local Planning Authorities must be given two weeks written notification of commencement of the remediation scheme works.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

15. Site Specific Construction Environmental Management Plan (Pre-commencement condition)

Prior to the commencement of the development, where it is relevant to land within South Gloucestershire, a site specific Construction Environmental Management Plan shall be submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting on the surrounding area and all surrounding premises and infrastructure.

#### Reason

In the interests of the amenities of surrounding occupiers during the construction of the development and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. This is a pre-commencement condition in order to avoid any unnecessary remediation works.

16. Landscaping Scheme (Pre-commencement condition)

Prior to the commencement of the development hereby approved, a scheme of soft landscaping (including tree locations, species, size, pit construction, maintenance and aftercare program). The landscaping plan shall include provision for planting trees within the South Gloucestershire area, unless otherwise approved in writing by the Local Planning Authorities. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the first occupation of the dwellings or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Reason

To protect and enhance the character of the site and the area and to ensure its appearance is satisfactory and to provide replacement trees and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP2 and PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. This is a pre-commencement condition in order to avoid any unnecessary remediation works.

17. Vegetation and site clearance (Pre-commencement condition)

Prior to the commencement of development hereby approved, where it is relevant to land with within South Gloucestershire, including all site clearance and vegetation removal, a method statement for a Precautionary Method of Working (PMW) with respect to vegetation and site clearance and the potential presence of nesting birds, bats in buildings and any other legally protected and priority species to include badgers and hedgehogs shall be prepared by a suitably qualified ecological consultant and submitted to and approved in writing by the Local Planning Authority. The PMW shall include measures to protect badgers during construction to prevent them from becoming trapped in excavations or open pipe work. The detailed recommendations regarding bats and buildings and hedgehogs in the Bat and reptile survey report dated July 2017 shall be incorporated within the PMW. The development shall be carried out in full accordance with the approved method statement.

Reason

In the interests of wildlife habitats and protected species and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP18 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. This is a pre-commencement condition in order to avoid any unnecessary remediation works.

18. Slow worm method statement

Prior to clearance of the site and/or commencement of development, where it is relevant to land with within South Gloucestershire, a method statement shall be submitted to and approved in writing by the Local Planning Authorities for the protection of slow-worms from killing or injury as a result of the development. The development shall be carried out in accordance with the statement or any amendment approved in writing by the Local Planning Authorities. This shall include pre-translocation survey and post-translocation monitoring of the receptor site and the provision of at least one hibernaculum/refugium.

Reason

In the interests of wildlife habitats and protected species and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP18 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

19. Bird and bat boxes (Pre-commencement condition)

Where it is relevant to land with within South Gloucestershire, prior to the commencement of development hereby permitted details provided by a qualified ecological consultant shall be submitted to and approved in writing by the Local Planning Authorities providing the specification, orientation, height and location for built-in bird nesting and bat roosting opportunities. This shall include ten built-in bird boxes or bricks to include at least six house sparrow nest boxes (not terraces) and four built-in bat boxes. Development shall be undertaken in accordance with the approved details.

Reason

In the interests of wildlife habitats and protected species and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP18 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. This is a pre-commencement condition in order to avoid any unnecessary remediation works.

20. Waste Management Strategy

Prior to the first occupation of the dwellings hereby approved, where it is relevant to land with within South Gloucestershire, a waste management strategy setting out how waste will be stored and collected shall be submitted to and approved in writing by the Local Planning Authorities. The measures shall thereafter be implemented in accordance with the approved waste management plan.

Reason

To ensure adequate was storage/collection facilities are provided to prevent bins being left on footway/carriageways, thereby becoming an obstruction to pedestrians/motorists and to accord with Policy CS8 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP8 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

21. Restrictions on permitted development rights (Use Class C3 dwellinghouse to Use Class C4 small House in Multiple Occupation)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) none of the residential units hereby permitted shall change use from a dwelling house (Use Class C3) to a small House in Multiple Occupation (Use Class C4) as defined in the Town and Country Planning Use Classes Order 1987 as amended (or any Order revoking and/or re-enacting that Order).

Reason

In the interests of maintaining an appropriate mix and balance of housing types in the area and to accord with Policy CS17 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

## 22. Historic Boundary Stone

In the event that the historic contamination is found at any time during the vegetation or site clearance, the stone will be safely kept on site and shall be reinstated within the site. Prior to the first occupation of the approved development, details of the reinstallation of such Boundary Stone shall be submitted to and approved in writing by the Local Planning Authorities. Development shall be carried out in accordance with the approved details.

### Reason

In the interest of historic heritage and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2014.

## 23. List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

Location Plan as Existing Drawing No. 208.1 SUR01 dated 26.01.2018 and received on 6th March 2018

Site Plan as Existing Drawing No. 208.1 SUR02 dated January 2018 and received on 6th March 2018

Proposed Indicative Layout Drawing No. 208.1 PL01 Revision A and received on 7th June 2018

Parameter Plan 1: Access Drawing No. 208.1 PL03 dated 21.02.2018 received on 6th March 2018

Parameter Plan 2: Land Use Drawing No. 208.1 PL04 dated 21.02.2018 received on 6th March 2018

Parameter Plan 3- Layout and Building lines Drawing No. 208.1 PL05 dated 21.02.2018 received on 6th March 2018

Parameter Plan 4- Density and Scale Drawing No. 208.1 PL06 dated 21.02.2018 received on 6th March 2018

Romney Avenue Bus Gate Drawing No. 17245\_T\_015 Revision A dated 22.05.18 and received on 7 June 2018

### Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 43/18 – 26 OCTOBER 2018

<b>App No.:</b>	PK18/3257/F	<b>Applicant:</b>	Mr A Gittins
<b>Site:</b>	The Granary Barn Tanhouse Lane Yate South Gloucestershire BS37 7QL	<b>Date Reg:</b>	20th July 2018
<b>Proposal:</b>	Erection of single storey link extension to form additional living accommodation	<b>Parish:</b>	Wickwar Parish Council
<b>Map Ref:</b>	370761 185210	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Householder	<b>Target Date:</b>	11th September 2018



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PK18/3257/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule in order to be considered concurrently alongside the Listed Building application, reference PK18/3258/LB.

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of single storey link extension to form additional living accommodation. This planning application is being considered concurrently with Listed Building application ref PK18/3528/LB.
- 1.2 The Granary Barn is curtilage listed to the Grade II Listed Building known as Leechpool Farmhouse. The barn was converted to a dwelling in 2009 (see planning history below). The Granary Barn is part of an established group of historic farm outbuildings associated with Leechpool Farmhouse, to the north west of the farmhouse. The south elevation being prominently visible from Tanhouse Lane. There are a number of other outbuildings attached to the building. The barn is rubble stone with a slate roof (with stone slate at the eaves). It is likely to date from around the late eighteenth century. The full height threshing doors opening is on the north elevation. The pitched roof continues down to a cat-slide on the south side to form a single storey threshing porch.
- 1.3 The application site is located on the outskirts of Yate, in a rural location off Tanhouse Lane. The application site is located outside of the settlement boundary.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS9 Managing the Environment and Heritage

CS34 Rural Areas

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

PSP8 Residential Amenity

PSP38 Development Within Residential Curtilages

PSP17 Heritage Assets and the Historic Environment

PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
Design Checklist

### **3. RELEVANT PLANNING HISTORY**

- |     |              |                                                                                                                                                                                  |
|-----|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.1 | PK18/3528/LB | Erection of single storey link extension to form additional living accommodation. Also currently under consideration.                                                            |
| 3.2 | PK14/3904/F  | Erection of single storey link extension to form additional living accommodation.<br>Refused 03.12.2014. Appeal dismissed.                                                       |
| 3.3 | PK14/3905/LB | Erection of single storey link extension to form additional living accommodation<br>Refused 03.12.2014. Appeal dismissed                                                         |
| 3.4 | PK09/0434/LB | Internal and external alterations to facilitate the conversion of existing granary barn to form dwelling. (Resubmission of PK08/2209/LB).<br>Approved 27.04.2009                 |
| 3.5 | PK08/2205/F  | Conversion of existing granary barn to form 1 no. dwelling with associated works. (Resubmission of PK07/0544/F).<br>Approved 10.10.2008                                          |
| 3.6 | PK08/2209/LB | Internal and external alterations to facilitate the conversion of existing granary barn to form dwelling.<br>Withdrawn 25.09.08                                                  |
| 3.7 | PK07/0544/F  | Conversion of existing granary barn to form 1no. dwelling with associated works.<br>Refused 06.07.07                                                                             |
| 3.8 | PK07/0551/F  | Conversion of Milking Parlour to Office (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated works.<br>Approved 06.07.07 |

### **4. CONSULTATION RESPONSES**

- 4.1 Wickwar Parish Council  
No objection

- 4.2 Other Consultees

Conservation Officer

I would advise that although the amendments to the scheme are noted, the application has not addressed the concerns raised by the Inspector in their dismissal of the appeal following the refusal of the previous application.

The application should therefore be refused for the same reason as the previous scheme.



Archaeology Officer  
No comment

### **Other Representations**

- 4.3 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy PSP17 requires that developments affecting a listed building should serve to protect, and where appropriate, enhance or better reveal the significance of heritage assets and their settings. Alterations and extensions to listed buildings, or development within their setting, will be expected to preserve and where appropriate enhance those elements that which contribute to their special architectural or historic interest Policy CS9 of the Core Strategy (Adopted) 2013 expects new development to ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance. Of note, a similar application for a single storey link extension was previously submitted and subsequently refused. The subsequent appeal was also dismissed (see planning history and Conservation/Listed Building comments and assessment).

- 5.2 Policy PSP38 allows for extensions to existing dwellings providing the work is in keeping with the scale, design and architectural style and detailing of the host dwelling and will not have any adverse impact on existing levels of residential amenity. Policy CS1 requires a high level of design.

### 5.3 Conservation/Listed Buildings

One of the primary consideration in the consideration of this application is the Inspector's appeal decision for a previous scheme for a link extension that was refused and then dismissed at appeal – see references PK14/3904/F and PK14/3905/LB referred to above.

- 5.4 This revised scheme has looked to address the Inspector's findings through a change in elevational treatment and to detach the building to create what has been proposed as a "slot" between the main house and the extension which the proposed ground floor plan describes as being needed to *"to retain the form and architectural features of the main building, which will reveal the building's formal agricultural use and retain the balanced form of the composition and also to clearly retain the ground floor narrow ventilation slit window, retaining the simple elevation as largely unaltered"*.

- 5.5 Although detaching would in principle present a number of benefits on the previous scheme – no loss or direct impact on the fabric, it is considered that it would still result in a degree of harm previously identified.

- 5.6 The previous scheme was described by the Inspector *“as a continuous single storey wing that would project a considerable distance from the main two storey element of the barn. Despite its subordinate height, its substantial projection would complicate the plan form of the building and compete with the proportions of the original barn”* (para.11).
- 5.7 Moreover, *“the extension would obscure part of the important northern elevation to the extent that it would unbalance its architectural features”* (para 12).
- 5.8 Although it is noted that the structure has now been lightened through the use of glazing as its primary materials, the scale and massing of the extension would still unbalance the principal elevation of the building, as being set only a few metres from the front elevation, although not physically attached the presence of the structure would still screen or obscure parts of the important northern elevation. The presence and massing of the structure being set still in close proximity to the barn would also still result in a degree of competition also previously identified.
- 5.9 Therefore the following Inspector’s findings within paragraph 13 still stand *“I am therefore of the view that the extension, by reason of its excessive length and siting, would fail to preserve the barn’s features of architectural and historic merit. It would therefore detract from the simple, former agricultural character of the barn”*. Again, while it may be argued that the glazed and detached nature of the structure allows for the existing features to still be seen (to a limited degree) through the proposed structure, the result would be a rather contrived glazed structure directly adjacent to the key front elevation of an historic threshing barn. The final sentence of paragraph 13 would therefore apply regardless of whether the case is accepted that the detached glazed linked preserves the ability to read the proportions and features of the historic barn.
- 5.10 The final sentences of paragraphs 14 and 15 also remain relevant, and which it is considered establish an almost in principle objection to any domestic front extension which highlights the impact and negative relationship that an extension would have upon the balance and relationship with the existing setting and compromise important features and contribute to the erosion of its special interest.
- 5.11 It should be noted that whilst it is acknowledged that the policies of the previous South Gloucestershire Local Plan, which amongst others, were used for the purposes of assessing the previous applications have been superseded, they have been replaced by policies of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. It is not considered that these policies significantly or materially alter the consideration or principles of the proposals and serve to reinforce the concerns against the application.
- 5.12 Residential Amenity  
The proposed addition would be located on the north elevation of the barn, adjacent to the curtilage wall of Leechpool Farmhouse. Neighbouring properties are located to the east and west, being away from the application site.

The proposal would not affect the amenity of the occupiers of the neighbouring dwellings due to the distances between the properties in the complex. The proposed works would not prejudice the retention of adequate private amenity space. Accordingly, there are no concerns in respect of residential amenity.

5.13 Transportation

Access is via a driveway off Tanhouse Lane leading to the rear of the barn. There is a gravelled parking area and double garage located on the northern boundary. The proposed extension would not affect the existing access or parking arrangements.

5.14 Consideration of likely impact on Equalities

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

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

**6. CONCLUSION**

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

**7. RECOMMENDATION**

- 7.1 That the application is refused for the reasons stated below:

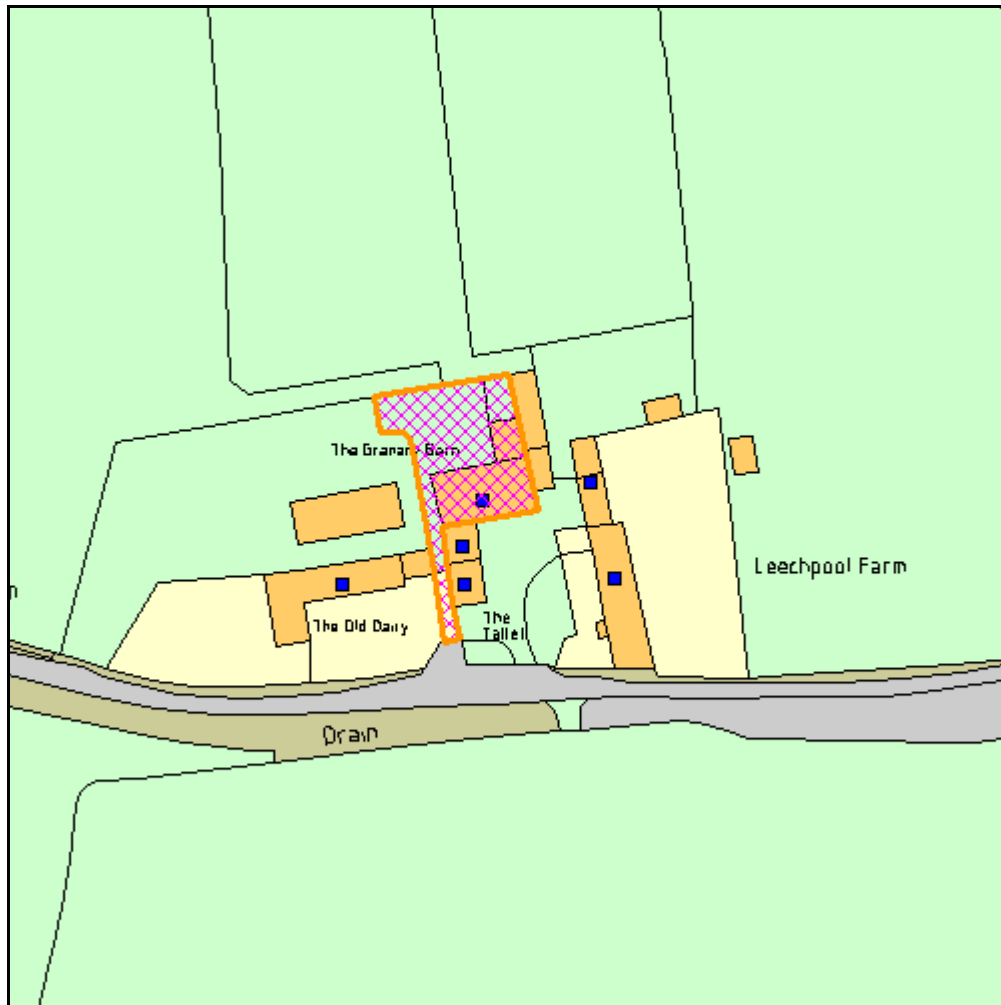
**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## **REASONS FOR REFUSAL**

1. Granary Barn is curtilage grade II listed. The proposed development, by virtue of the scale, form, location and design of the addition would detract from its agricultural character, which would result in an increased level of modern domesticity. The proposal would harm the architectural and historic interest of the curtilage listed barn. The proposal is contrary to section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; national guidance set out at the NPPF; Historic Environment Planning Practice Guide; Policy PSP17 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017 Saved Policies; and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

**CIRCULATED SCHEDULE NO. 43/18 – 26 OCTOBER 2018**

<b>App No.:</b>	PK18/3258/LB	<b>Applicant:</b>	Mr A Gittins
<b>Site:</b>	The Granary Barn Tanhouse Lane Yate South Gloucestershire BS37 7QL	<b>Date Reg:</b>	20th July 2018
<b>Proposal:</b>	Erection of single storey link extension to form additional living accommodation	<b>Parish:</b>	Wickwar Parish Council
<b>Map Ref:</b>	370761 185210	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	11th September 2018



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**PK18/3258/LB**

## **REASONS FOR REPORTING TO CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule, as a result of consultation responses received, contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of single storey link extension to form additional living accommodation. This planning application is being considered concurrently with a Full Planning Application ref PK18/3257/F.
- 1.2 The Granary Barn is curtilage listed to the Grade II Listed Building known as Leechpool Farmhouse. The barn was converted to a dwelling in 2009 (see planning history below). The Granary Barn is part of an established group of historic farm outbuildings associated with Leechpool Farmhouse, to the north west of the farmhouse. The south elevation being prominently visible from Tanhouse Lane. There are a number of other outbuildings attached to the building. The barn is rubble stone with a slate roof (with stone slate at the eaves). It is likely to date from around the late eighteenth century. The full height threshing doors opening is on the north elevation. The pitched roof continues down to a cat-slide on the south side to form a single storey threshing porch.
- 1.3 The application site is located on the outskirts of Yate, in a rural location off Tanhouse Lane. The application site is located outside of the settlement boundary.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy Guidance  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)  
Historic England's Good Practice Advice in Planning Note 2 "Managing Significance in Decision-Taking in the Historic Environment".  
Historic England's Good Practice Advice in Planning Note 3 "The Setting of Heritage Assets (2nd Edition)
- 2.2 Development Plans  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS9 Managing the Environment and Heritage  
  
South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017  
PSP17 Heritage Assets and the Historic Environment

### 3. **RELEVANT PLANNING HISTORY**

- |     |              |                                                                                                                                                                                  |
|-----|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.1 | PK18/3257/F  | Erection of single storey link extension to form additional living accommodation. Also currently under consideration.                                                            |
| 3.2 | PK14/3904/F  | Erection of single storey link extension to form additional living accommodation.<br>Refused 03.12.2014. Appeal dismissed.                                                       |
| 3.3 | PK14/3905/LB | Erection of single storey link extension to form additional living accommodation<br>Refused 03.12.2014. Appeal dismissed                                                         |
| 3.4 | PK09/0434/LB | Internal and external alterations to facilitate the conversion of existing granary barn to form dwelling. (Resubmission of PK08/2209/LB).<br>Approved 27.04.2009                 |
| 3.5 | PK08/2205/F  | Conversion of existing granary barn to form 1 no. dwelling with associated works. (Resubmission of PK07/0544/F).<br>Approved 10.10.2008                                          |
| 3.6 | PK08/2209/LB | Internal and external alterations to facilitate the conversion of existing granary barn to form dwelling.<br>Withdrawn 25.09.08                                                  |
| 3.7 | PK07/0544/F  | Conversion of existing granary barn to form 1no. dwelling with associated works.<br>Refused 06.07.07                                                                             |
| 3.8 | PK07/0551/F  | Conversion of Milking Parlour to Office (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated works.<br>Approved 06.07.07 |

### 4. **CONSULTATION RESPONSES**

- 4.1 Wickwar Parish Council  
No comments received

- 4.2 Other Consultees

Conservation Officer

I would advise that although the amendments to the scheme are noted, the application has not addressed the concerns raised by the Inspector in their dismissal of the appeal following the refusal of the previous application.

The application should therefore be refused for the same reason as the previous scheme.

Archaeology Officer  
No comment

## **Other Representations**

### **4.3 Local Residents**

One letter of support has been received, as follows:

*'I would like to support the application as the design appears to be of a high standard that would significantly and positively enhance the appearance of the building.'*

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy PSP17 requires that developments affecting a listed building should serve to protect, and where appropriate, enhance or better reveal the significance of heritage assets and their settings. Alterations and extensions to listed buildings, or development within their setting, will be expected to preserve and where appropriate enhance those elements that which contribute to their special architectural or historic interest Policy CS9 of the Core Strategy (Adopted) 2013 expects new development to ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance. Of note, a similar application for a single storey link extension was previously submitted and subsequently refused. The subsequent appeal was also dismissed (see planning history and Conservation/Listed Building comments and assessment).

5.2 Policy PSP38 allows for extensions to existing dwellings providing the work is in keeping with the scale, design and architectural style and detailing of the host dwelling and will not have any adverse impact on existing levels of residential amenity. Policy CS1 requires a high level of design.

### **5.3 Conservation/Listed Buildings Analysis**

One of the primary consideration in the consideration of this application is the Inspector's appeal decision for a previous scheme for a link extension that was refused and then dismissed at appeal – see references PK14/3904/F and PK14/3905/LB referred to above.

5.4 This revised scheme has looked to address the Inspector's findings through a change in elevational treatment and to detach the building to create what has been proposed as a "slot" between the main house and the extension which the proposed ground floor plan describes as being needed to *"to retain the form and architectural features of the main building, which will reveal the building's formal agricultural use and retain the balanced form of the composition and also to clearly retain the ground floor narrow ventilation slit window, retaining the simple elevation as largely unaltered"*.

5.5 Although detaching would in principle present a number of benefits on the previous scheme – no loss or direct impact on the fabric, it is considered that it would still result in a degree of harm previously identified.



- 5.6 The previous scheme was described by the Inspector *“as a continuous single storey wing that would project a considerable distance from the main two storey element of the barn. Despite its subordinate height, its substantial projection would complicate the plan form of the building and compete with the proportions of the original barn”* (para.11).
- 5.7 Moreover, *“the extension would obscure part of the important northern elevation to the extent that it would unbalance its architectural features”* (para 12).
- 5.8 Although it is noted that the structure has now been lightened through the use of glazing as its primary materials, the scale and massing of the extension would still unbalance the principal elevation of the building, as being set only a few metres from the front elevation, although not physically attached the presence of the structure would still screen or obscure parts of the important northern elevation. The presence and massing of the structure being set still in close proximity to the barn would also still result in a degree of competition also previously identified.
- 5.9 Therefore the following Inspector’s findings within paragraph 13 still stand *“I am therefore of the view that the extension, by reason of its excessive length and siting, would fail to preserve the barn’s features of architectural and historic merit. It would therefore detract from the simple, former agricultural character of the barn”*. Again, while it may be argued that the glazed and detached nature of the structure allows for the existing features to still be seen (to a limited degree) through the proposed structure, the result would be a rather contrived glazed structure directly adjacent to the key front elevation of an historic threshing barn. The final sentence of paragraph 13 would therefore apply regardless of whether the case is accepted that the detached glazed linked preserves the ability to read the proportions and features of the historic barn.
- 5.10 The final sentences of paragraphs 14 and 15 also remain relevant, and which it is considered establish an almost in principle objection to any domestic front extension which highlights the impact and negative relationship that an extension would have upon the balance and relationship with the existing setting and compromise important features and contribute to the erosion of its special interest.
- 5.11 It should be noted that whilst it is acknowledged that the policies of the previous South Gloucestershire Local Plan, which amongst others, were used for the purposes of assessing the previous applications have been superseded, they have been replaced by policies of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. It is not considered that these policies significantly or materially alter the consideration or principles of the proposals and serve to reinforce the concerns against the application.

## **6. CONCLUSION**

- 6.1 The recommendation to refuse Listed Building Consent has been taken having regard to the section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained in the National Planning Policy Framework.

## **7. RECOMMENDATION**

- 7.1 That Listed Building consent is refused for the reasons stated below:

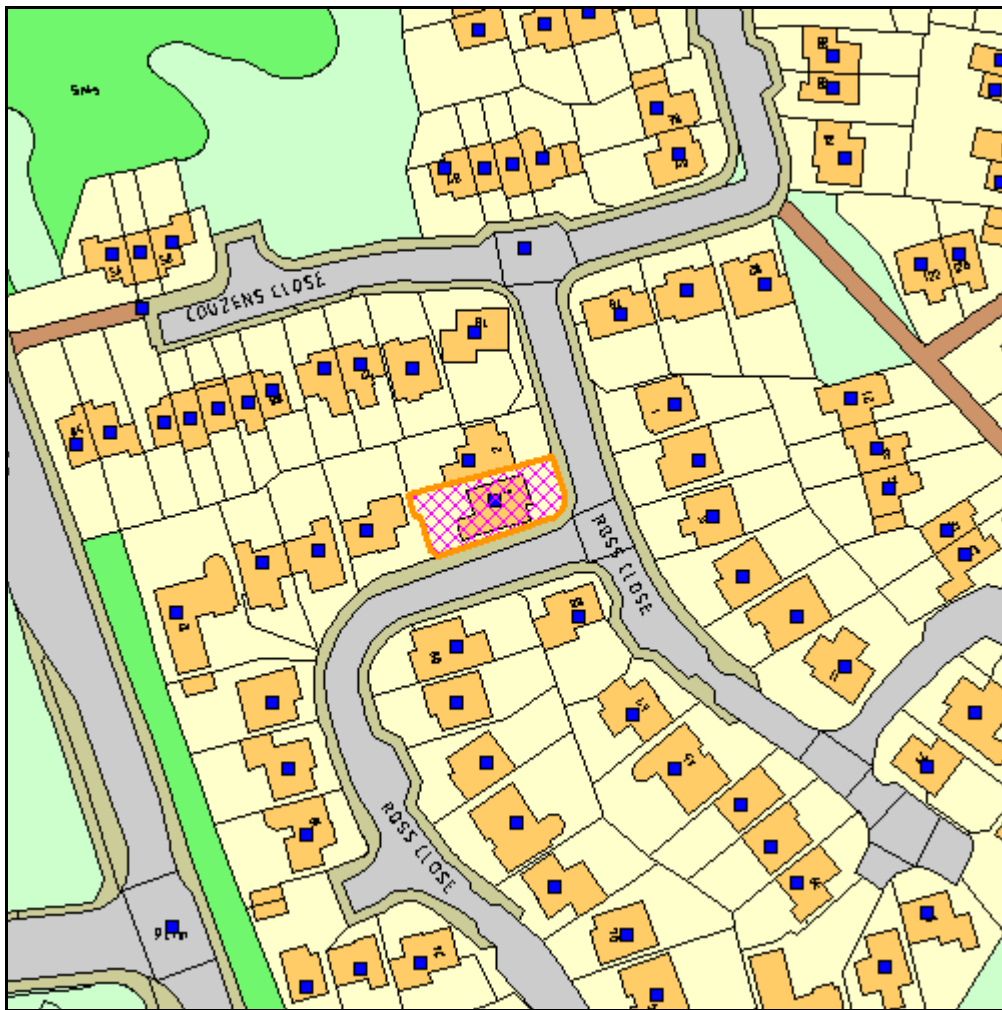
**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## **REASONS FOR REFUSAL**

1. Granary Barn is curtilage grade II listed. The proposed development, by virtue of the scale, form, location and design of the addition would detract from its agricultural character, which would result in an increased level of modern domesticity. The proposal would harm the architectural and historic interest of the curtilage listed barn. The proposal is contrary to section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; national guidance set out at the NPPF; Historic Environment Planning Practice Guide; Policy PSP17 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017 Saved Policies; and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

## CIRCULATED SCHEDULE NO. 43/18 – 26 OCTOBER 2018

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



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PK18/3846/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 erection of a single storey rear extension to 4 Ross Close, Chipping Sodbury, would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

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

### **3. RELEVANT PLANNING HISTORY**

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

### **4. CONSULTATION RESPONSES**

- 4.1 Sodbury Town Council  
No Objection  
  
Local Councillor  
No Comments

## **Other Representations**

- 4.2 Local Residents  
No comments received

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

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

Received by Local Planning Authority 18 August 2018

## **6. ANALYSIS OF PROPOSAL**

### **6.1 Principle of Development**

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

- 6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO (2015). 6.3 The proposed development consists of a single storey extension to the rear of property. This development would fall within Schedule 2, Part 1, Class A, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

### **A.1 Development is not permitted by Class A if –**

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

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

- (b) As result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**

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

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

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

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

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

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—**

- (i) forms the principal elevation of the original dwellinghouse; or**  
**(ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

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

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

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

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

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

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

Not applicable.

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

The extension would be single storey.

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

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

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

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

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

The proposal does not include any of the above.

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

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

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

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

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

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

- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
  - (i) obscure-glazed, and
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

Not applicable.

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

Not applicable.

## **7. RECOMMENDATION**

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

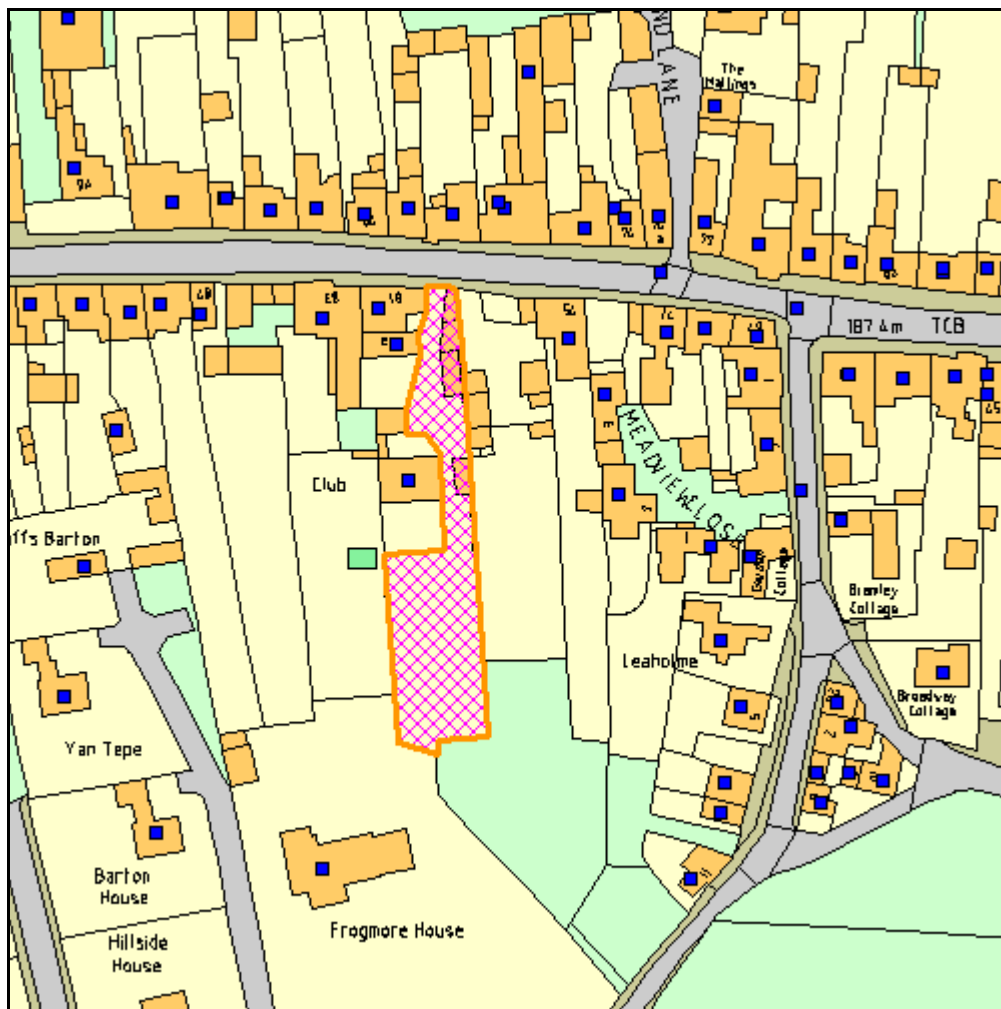
Evidence has been provided to demonstrate that on the balance of probabilities the proposed erection of a single storey rear extension would fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning General Permitted Development Order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

**Contact Officer:** Westley Little  
**Tel. No.** 01454 862217



## CIRCULATED SCHEDULE NO. 43/18 – 26 OCTOBER 2018

<b>App No.:</b>	PK18/3848/F	<b>Applicant:</b>	Mr Jonathan Lloyd-James
<b>Site:</b>	81A High Street Marshfield Chippenham South Gloucestershire SN14 8LT	<b>Date Reg:</b>	28th August 2018
<b>Proposal:</b>	Conversion of existing ancillary annexe to 1 no. residential dwelling.	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	377769 173730	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	23rd October 2018



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PK18/3848/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule following support from local residents.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the conversion of an existing detached annexe in Marshfield to form 1 no dwelling.
- 1.2 The application site relates to a two-storey curtilage listed outbuilding known as 'The Longhouse', which was permitted under 2017 applications PK17/0927/F and PK17/0928/LB. As such the site forms part of the setting of the listed house, the Grade II\* Royal British Legion as well as a number of other neighbouring properties. The site also lies within the village conservation area and the Cotswolds Area of Outstanding Natural Beauty (AONB) as well as appearing on the district's tithe maps which means there is the potential for archaeological remains on site.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

#### **2.2 Development Plans**

##### **South Gloucestershire Local Plan Core Strategy Adopted December 2013**

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP20	Flood Risk, Surface Water & Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Subdivisions & HMOs
PSP43	Private Amenity Space

- 2.3 Supplementary Planning Guidance  
Marshfield Conservation Area SPD (Adopted) 2004  
Design Checklist SPD (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013  
Waste Collection SPD (Adopted) 2015 (updated 2017)

### 3. **RELEVANT PLANNING HISTORY**

- 3.1 PK17/0927/F  
Erection of a single storey rear extension to form additional living accommodation. Refurbishment and extension of existing outbuildings to form living accommodation ancillary to main dwelling.  
Approval  
15.06.2017
- 3.2 PK17/0928/LB  
Erection of a single storey rear extension together with associated internal and external alterations, refurbishment and extension of existing ancillary outbuildings  
Approval  
15.06.2017
- 3.3 PK16/5739/F  
Erection of single storey and first floor rear extension to 81A High Street to form additional living accommodation and conversion of outbuildings to create a separate dwelling.  
Refusal  
05.01.2017

Reasons:

1. By reason of the scale of extension to facilitate the proposed residential conversion; the siting and scale of its associated proposed enclosed residential curtilage and formation of vehicular parking and access provision, the proposed scheme of conversion of the outbuildings referred to as "The Longhouse" would be harmful to the setting and significance of the Grade II\* Meeting House which includes its associated graveyard; would be harmful to the setting and significance of the Grade II listed number 81 High Street; would be harmful to the architectural and historic interest of the curtilage listed building "The Longhouse"; and would be harmful to the character and appearance of the Marshfield Conservation Area. The proposed scheme can therefore be considered contrary to Sections 16(2), 66(1) and 72(2) of the Planning (Listed Building and Conservation Areas) Act 1990; Policy CS9 of the SG Core Strategy; Policies L12 and L13 (saved) of the adopted SGLP; and the Marshfield Conservation Area SPD.
2. By reason of its siting and form, the proposed first floor extension to Number 81A would fail to preserve its special architectural and historic interest. The proposed scheme can therefore be considered contrary to Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990; Policy CS9 of the SG Core Strategy; Policy L13 (saved) of the adopted SGLP.
3. The proposed development fails to provide a good standard of residential amenity to future occupiers of the proposed dwelling. This is due to the cramped nature of the unit and the limited outdoor private amenity space that the properties are afforded. The proposal fails to accord with the Technical Housing Standards - Nationally Described Space Standards (2016) which indicates that the unit is

undersized and would not provide for a good standard of living condition. The proposed development would also have a prejudicial impact on the residential amenity and living conditions of future occupiers, through the relationship between the main dwelling and the Longhouse which would lead to overlooking and a material loss of privacy. It is considered that the harm to residential amenity is significant enough to outweigh the moderate benefit of the proposal. The proposal, therefore, does not benefit from the presumption in favour of sustainable development and fails to accord with Policy H4 (saved) of the adopted SGLP and the provisions of the NPPF.

#### 3.4 PK16/5740/LB

Erection of single storey and first floor rear extension to 81A High Street together with associated internal and external alterations and conversion of outbuildings to create a separate dwelling.

Refusal

05.01.2017

Reasons:

1. By reason of the scale of extension to facilitate the proposed residential conversion; the siting and scale of its associated proposed enclosed residential curtilage and formation of vehicular parking and access provision, the proposed scheme of conversion of the outbuildings referred to as "The Longhouse" would be harmful to the setting and significance of the Grade II\* Meeting House which includes its associated graveyard; would be harmful to the setting and significance of the Grade II listed number 81 High Street; would be harmful to the architectural and historic interest of the curtilage listed building "The Longhouse"; and would be harmful to the character and appearance of the Marshfield Conservation Area. The proposed scheme can therefore be considered contrary to Sections 16(2), 66(1) and 72(2) of the Planning (Listed Building and Conservation Areas) Act 1990; Policy CS9 of the SG Core Strategy; Policies L12 and L13 (saved) of the adopted SGLP; and the Marshfield Conservation Area SPD.
2. By reason of its siting and form, the proposed first floor extension to Number 81A would fail to preserve its special architectural and historic interest. The proposed scheme can therefore be considered contrary to Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990; Policy CS9 of the SG Core Strategy; Policy L13 (saved) of the adopted SGLP.

#### 3.5 PK16/5741/F

Erection of single storey and first floor rear extension to 81A High Street to form additional living accommodation and conversion of outbuildings to create a separate dwelling.

Refusal

05.01.2017

Reasons:

1. By reason of the scale of extension to facilitate the proposed residential conversion; the siting and scale of its associated proposed enclosed residential curtilage and formation of vehicular parking and access provision, the proposed scheme of conversion of the outbuildings referred to as "The Longhouse" would be harmful to the setting and significance of the Grade II\* Meeting House which includes its associated graveyard; would be harmful to the setting and significance of the Grade II listed number 81 High Street; would be harmful to the architectural and historic interest of the curtilage listed building "The Longhouse"; and would be harmful to the character and appearance of the Marshfield Conservation Area.

The proposed scheme can therefore be considered contrary to Sections 16(2), 66(1) and 72(2) of the Planning (Listed Building and Conservation Areas) Act 1990; Policy CS9 of the SG Core Strategy; Policies L12 and L13 (saved) of the adopted SGLP; and the Marshfield Conservation Area SPD.

2. By reason of its siting and form, the proposed first floor extension to Number 81A would fail to preserve its special architectural and historic interest. The proposed scheme can therefore be considered contrary to Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990; Policy CS9 of the SG Core Strategy; Policy L13 (saved) of the adopted SGLP.
3. The proposed development fails to provide a good standard of residential amenity to future occupiers of the proposed dwelling. This is due to the cramped nature of the unit and the limited outdoor private amenity space that the properties are afforded. The proposal fails to accord with the Technical Housing Standards - Nationally Described Space Standards (2016) which indicates that the unit is undersized and would not provide for a good standard of living condition. The proposed development would also have a prejudicial impact on the residential amenity and living conditions of future occupiers, through the relationship between the main dwelling and the Longhouse which would lead to overlooking and a material loss of privacy. It is considered that the harm to residential amenity is significant enough to outweigh the moderate benefit of the proposal. The proposal, therefore, does not benefit from the presumption in favour of sustainable development and fails to accord with Policy H4 (saved) of the adopted SGLP and the provisions of the NPPF.

### 3.6 PK16/5742/LB

Erection of single storey and first floor rear extension to 81A High Street together with associated internal and external alterations and conversion of outbuildings to create a separate dwelling.

Refusal

05.01.2017

Reasons:

1. By reason of the scale of extension to facilitate the proposed residential conversion; the siting and scale of its associated proposed enclosed residential curtilage and formation of vehicular parking and access provision, the proposed scheme of conversion of the outbuildings referred to as "The Longhouse" would be harmful to the setting and significance of the Grade II\* Meeting House which includes its associated graveyard; would be harmful to the setting and significance of the Grade II listed number 81 High Street; would be harmful to the architectural and historic interest of the curtilage listed building "The Longhouse"; and would be harmful to the character and appearance of the Marshfield Conservation Area. The proposed scheme can therefore be considered contrary to Sections 16(2), 66(1) and 72(2) of the Planning (Listed Building and Conservation Areas) Act 1990; Policy CS9 of the SG Core Strategy; Policies L12 and L13 (saved) of the adopted SGLP; and the Marshfield Conservation Area SPD.
2. By reason of its siting and form, the proposed first floor extension to Number 81A would fail to preserve its special architectural and historic interest. The proposed scheme can therefore be considered contrary to Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990; Policy CS9 of the SG Core Strategy; Policy L13 (saved) of the adopted SGLP.

### 3.7 PRE16/0735

Renovation of existing dwelling and conversion of outbuildings to create a separate unit of accommodation.

#### **4. CONSULTATION RESPONSES**

##### **4.1 Marshfield Parish Council**

No objection

- unknown if PSP16 compliant

##### **4.2 Other Consultees**

###### **Highway Structures**

No objection

- standard informative recommended

###### **Sustainable Transport**

Objection

- concerns of insufficient parking and onsite manoeuvring due to inadequate turning space

###### **Lead Local Flood Authority**

No objection

###### **Conservation Officer**

No objection

###### **Planning Enforcement**

No comment

#### **Other Representations**

##### **4.3 Local Residents**

10 local residents (excluding a response from the applicant) have commented on the scheme. Their comments are summarised below:

###### **1x Objection**

- sympathetic conversion of the existing building
- subdivision previously rejected, but ancillary accommodation approved
- narrow entrance a highway safety risk
- materially worsen parking stress in surrounding area

###### **9x Support**

- housing required in the district
- design enhances the character of the area
- sympathetic conversion of the existing building
- conversion would allow consistent occupation
- parking provision complies with policy PSP16
- support for local services

## 5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks permission for the conversion of an existing annexe to form 1no. new dwelling.
- 5.2 Principle of Development  
Firstly, Policy PSP39 of the Local Plan states that subdivision of existing residential dwellings into smaller units is acceptable provided that the character and amenity of the area is not harmed; neighbours amenity is not prejudiced; there would be sufficient amenity space; and the Council's parking standards are complied with.
- 5.3 Secondly however, as the proposal relates to a curtilage listed building and forms the setting of many others, lies within the village conservation area and the Cotswolds AONB, and appears on the district's tithe maps, due regard must be paid to relevant local and national legislation, policy and guidance.
- 5.4 Thirdly, given there is a shortfall in the Council's five-year supply of deliverable housing of land, the presumption in favour of sustainable development set out within NPPF paragraph 11 is a significant material consideration.
- 5.5 Finally, the previous residential applications on the site (listed in section 3) are also material considerations which carry significant weight in this decision.
- 5.6 The determination of the application therefore falls to the specifics of the proposal below.
- 5.7 Heritage Assets and Character and Appearance  
The application is only for a material change of use with no external alterations proposed to facilitate the change from annexe to separate residential use. The provision of 1no parking space is noted as well as previous concerns raised regarding intensification of the domestic use of the setting of the Grade II\* Royal British Legion, but the parking is in a location previously used for parking/storage and will not be formally demarcated. It is therefore considered that the proposals will not change the setting of the Grade II\* listed building or the adjacent Grade II listed no. 81 sufficiently to cause harm to their significance. The character and appearance of the Marshfield Conservation Area and the natural and scenic beauty of the Cotswold AONB would also be preserved.
- 5.8 Residential Amenity and Living Conditions
- 5.9 *Private outdoor amenity area*  
The new dwelling would have 2 bedrooms. Policy PSP43 of the Local Plan says that all new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. The policy says that: '*Provision should, as a guide, meet or exceed the following minimum standards:... 2 bedroom house 50m<sup>2</sup>*'.
- 5.10 The applicant's planning statement indicates the land to the rear of the Royal British Legion would be the private outdoor amenity for the new dwelling.

However, this layout is similar to that proposed in a previous residential development (see points 3.3-3.6 above) which was partly refused due to the fact that future occupiers would have to walk approximately 14m to reach their private garden. In this case, residents would have to walk even further for about 30m. Officers therefore consider the scheme fails to overcome the previous refusal reason and would provide worse living conditions for future occupiers than previously assessed.

5.11 *Privacy*

In terms of no.81, the applicant states that occupiers would have 57m<sup>2</sup> of private amenity space respectively. This falls marginally short of the 60m<sup>2</sup> minimum standard for this type of dwelling, however, Officers consider this would still provide acceptable living conditions for the existing occupiers.

5.12 Were the conversion to be allowed though, because of the location of the respective windows in both properties, the habitable rooms facing the amenity space would overlook each other. Whilst attempts have been made to limit the number of window openings, it would still be possible in most cases to see directly in to rooms within no. 81 across the garden, and vice versa. Because of the very short distance between the properties, the constant and intensive overlooking would mean that existing occupiers of no. 81 would have very little privacy, in their garden and home. Whilst the proposed boundary treatment installed along the boundary may deflect the views between some of the windows, such treatment would not screen all the overlooking, and would also be susceptible to change over the lifetime of the development. It cannot therefore be relied upon as a method of providing satisfactory living condition for existing residents, in respect of privacy.

5.13 In those 2016 applications above, the very close relationship between no. 81 and the Longhouse was also found unacceptable due to overlooking and loss of privacy and formed part of a refusal reason. However, having regard of the assessment at 5.11, Officers consider this scheme fails to overcome the harm previously identified.

5.14 Officers therefore consider that the cumulative effect of the lack of privacy and poor quality of external amenity space means that the development would fail to provide satisfactory living conditions for existing and future occupants.

5.15 Transport and Parking

As aforementioned, the proposed dwelling would have 2-bedrooms whilst no. 81A would retain three. Submitted plans show three parking spaces in total. This level of parking provision would be compliant with policy PSP16 and whilst there is no technical evidence before us to demonstrate how a car might turn within the site, Officers find no compelling reason to conclude that this would not be possible. Accordingly, there are no transport objections to the proposed development.

5.16 Whilst Officers do not doubt that there is parking pressure within the vicinity, especially during certain times of the day, there is no reason to believe that the development would make the situation materially worse when sufficient parking can be achieved on-site. Furthermore, the access is said to be too narrow,



however, this arrangement already exists and no evidence has been presented to suggest that this context has caused any highway safety issues to day.

5.17 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

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

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

5.20 Overall Planning Balance

The proposal would lead to the formation of one addition dwelling in a sustainable area which would make a very modest contribution towards overall housing supply in the district. However, the resulting poor living conditions for future occupiers and neighbours due to unacceptable overlooking and substandard external amenity space is a significant material consideration. This harm is considered to be a significant and demonstrable level and as such the application should be refused.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 It is recommended that planning permission is REFUSED.

**Contact Officer: Helen Braine**  
**Tel. No. 01454 863133**

## **REASONS FOR REFUSAL**

1. The proposed conversion, if permitted would have a prejudicial impact on the amenities of both future and nearby occupiers. Specifically in regard to no. 81A High Street it would lead to increased overlooking and loss of privacy. The proposal also fails to make adequate provision for private amenity space through its separation distance. The proposed development therefore is contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP8, PSP39 and PSP43 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the revised National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 43/18 – 26 OCTOBER 2018**

<b>App No.:</b>	PK18/4057/LB	<b>Applicant:</b>	Mr Martin Greenaway Fairway Engineering (Bristol) Ltd
<b>Site:</b>	Unit 9 Pucklechurch Trading Estate Pucklechurch South Gloucestershire BS16 9QH	<b>Date Reg:</b>	17th September 2018
<b>Proposal:</b>	Internal alterations including new partitions, suspended ceilings, installation of mezzanine floor and installation of signage to exterior walls.	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	369826 175981	<b>Ward:</b>	Boyd Valley
<b>Application</b>	Minor	<b>Target</b>	7th November
<b>Category:</b>		<b>Date:</b>	2018



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PK18/4057/LB

## **RRASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule due to an objection to the application being received from the local parish council.

### **1. THE PROPOSAL**

- 1.1 This application relates to one of two former barrage balloon hangars with attached single storey workshops that are located within the Pucklechurch Trading Estate. As part of the trading estate since its inception, the hangars are identified as being “Units 9 and 10”, with this application relating to Unit 9.
- 1.2 Dating from 1938, the hangars were constructed to maintain barrage balloons as part of the nation's defence in the build up to and during the Second World War. The structures are Grade II listed in light of their historic significance as the only surviving examples of these buildings left in the country.
- 1.3 Both hangars had previously been in sporadic use over a significant period of time. Their lack of long-term use led to a lack of investment in their upkeep. The poor appearance and overall condition was first recorded by Officers in the early 2000s, by which time the poor condition of the buildings had rendered them in a state of obsolescence. To save them from potential demolition or re-modelling (as per the fate of similar hangars that survive but are now almost unrecognisable), both hangars were listed in 2003. Since then and until recently there were numerous attempts to persuade the owners to invest in the buildings to improve their condition and appearance. Moreover, as listed buildings, in most instances an “Urgent Works” notice could have been issued but such notices can only require “like-for-like repairs. In the case of the hangars, the most significant failure was the external cladding which was asbestos and it would not have been reasonable or possible to require by a statutory notice the owner to repair defective asbestos with new asbestos. A more comprehensive approach was therefore required to would need to see both buildings completely re-clad.
- 1.4 In late 2015, following an arson attack the workshop attached to Unit 9, the new owners of the trading estate were contacted with a view of exploring options for a scheme of restoration/ refurbishment of the two hangars. For any scheme to come forward, it would have to financially viable and leave the units marketable, and so faced with the cost of recladding the entire building in new insulated steel profile cladding (and so remove all asbestos), a negotiation solution had to be found that protected the significance of the buildings but enabled a viable scheme for refurbishment and reuse to come forward. The result of a detailed review and significant discussions with the owner was the formulation of the scheme of refurbishment that was the basis of the application submitted in 2016 that was approved and implemented as noted below.
- 1.5 Unit 9 is to the unit set further back of the two into the trading estate when viewed from the entrance – it is located to the east of Unit 10. This application seeks consent to erect 3no. non-illuminated signs to side elevations and west facing “front elevation”. It can be noted that these signs were recently granted advertisement consent.

- 1.6 The new partitions and suspended ceilings are proposed for the single storey workshop only and mainly at ground floor level.
- 1.7 The proposed mezzanine floor (and staircase) is to be inserted into the main hangar. The floor would be an open, lightweight steel framed structure located at the eastern end of the hangar. i.e. towards to workshop end and so set back from the western entrance. The new floor would be fixed to the new concrete slab only and so would not be supported by or impact upon the main structural frame of the building. The proposed insertion would span the width of the hangar and would have a depth of 10 metres with the overall depth of the hangar being approximately 28 metres. Therefore, when entering the hangar from the west, the mezzanine floor would appear set against its rear elevation and cover around a third of the floor area.
- 1.8 The internal height of the main hangar is approximately 24 metres. The height of the mezzanine floor that would independently supported on steel columns would be 8 metres. The height to the steel rail that would wrap around the front and sides of the new floor would give the inserted floor a maximum height of 9.8 metres. The height to the cills or the bottom of the high level patent glazing is 10.2m.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework 2018

### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS9 Managing the Environment and Heritage

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

PSP17 Heritage Assets and the Historic Environment

## **3. RELEVANT PLANNING HISTORY**

### **3.1 PK16/5639/LB**

Internal and external alterations to 2no. balloon hangers to include replacement of external cladding and roofing materials, replacement of irreparable existing steel windows. Installation of roller shutter doors to south elevation of both hangers. Internal refurbishments to include removal of all plasterboard linings, timber-framed carcassing, along with asbestos containing materials.

Approved 16<sup>th</sup> March 2017.

## **4. CONSULTATION RESPONSES**

### **4.1 Pucklechurch Parish Council**

Objection on the following grounds:

The historic fabric of this building has largely been removed and is now limited to the buildings shell and form (its original profile and composition remains). The original internal void/ openness to the hanger is still visible today and is an important component of its historic use. PPC (Pucklechurch Parish Council) believes that it is hard to see how the introduction of the mezzanine floor in the hangar as proposed would allow this important component to be preserve and would therefore do harm to what remains.

#### 4.2 Other Consultees

No consultation other responses were received.

### **Other Representations**

#### 4.3 Local Residents

No consultation responses were received.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application stands to be assessed against National Planning Policy Framework March 2012 and Planning (Listed Buildings and Conservation Areas) Act 1990.

5.2 As with the consideration of the application in 2016, the acceptability of the proposed works depends on how the proposals can be considered to impact on the “significance” of this listed building.

5.3 The NPPF defines significance as *“the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting...”*.

5.4 The significance of the hangars can be considered to be embodied within its fabric – i.e. the steel frame. It is however considered that the majority of what can be considered the building’s “significance” is derived from its scale, form and resulting aesthetic appearance of the building, both externally and internally to varying degrees.

5.5 The comments of the parish council in regard to this application are noted and are understandable. In light of the refurbishment works, although this building was and remains simple in nature and construction, it is only its frame that survives in terms of historic fabric, as the asbestos cladding has been removed due to being defected and its retention would present health and safety issues. However, as noted above, the “significance” or the special interest of the building is considered to be largely a result of its scale and form, as the appreciation of scale, volume and proportions is an important part of the legibility of the origins of the building. Any harm to this significance would trigger a statutory presumption against the grant of consent and paragraph 196 of the Framework would be engaged.

- 5.6 The proposed internal subdivision of the workshop is acceptable, as these areas were previously subdivided and so there would be no loss of considered character or special interest. The proposed signage is also considered acceptable.
- 5.7 The most contentious element of this application is therefore the mezzanine floor.
- 5.8 What has been proposed would be a fully independent structure and would be reversible and the existing historic frame of the existing building would be left untouched. A combination of scale and the lightweight nature of the structure would also result in the proposal representing only a limited intrusion into the internal space that would crucially still allow for the scale or volume of the internal space to be appreciated. If the proposal was to provide a fully enclosed first floor space (with walls and ceilings) or cover a larger area, the concerns of the parish council would be entirely shared, but as it is, what is being proposed is a limited, lightweight, self-supporting structure that would not result in a sufficient change in internal character as to cause any harm to the significance of this listed hangar. Having the floor set back into the building is also important, for as you enter from the west, the appreciation of volume will be apparent as opposed to enclosing views into the hangar if the mezzanine was located at the western end. The proposed floor would also be set down from the patent glazing and so although the glazing is obscure in specification, the new structure would not be evident in external views.
- 5.9 Therefore, although in principle the concerns of the parish council are accepted, what has been proposed is a modest, independent and reversible structure that for these reasons would not result in any considered demonstrable harm to the internal character of the main hangar. It is therefore considered that the application can be considered to demonstrate sufficient regard to the special historic interest of this listed building. The benefits of bringing one of the hangars back into use and so subject it to a programme of maintenance thereby giving it a sustainable future is also considered to weigh in favour of the scheme. To conclude, there is no objection to the proposal as the historic special interest that the building is considered to possess would be preserved.
- 5.10 Consideration of likely impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services. With regards to the above this listed building application is considered to have a neutral impact on equality.

## **6. CONCLUSION**

- 6.1 The recommendation to **grant** Listed Building Consent has been taken having regard to the section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained in the National Planning Policy Framework.

## **7. RECOMMENDATION**

- 7.1 Listed building consent be GRANTED subject to the following conditions.

**Contact Officer: Robert Nicholson**  
**Tel. No. 01454 863536**

## **CONDITIONS**

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. The application has been approved on the basis of the list of the following submitted documents.

Existing block plan (dwg no.3702.PL.09)

Existing block plan (dwg no.3702.PL.10)

Existing elevations (dwg no.3702.PL.11 Rev.A)

Proposed plan (dwg no.3702.PL.100 Rev.A)

Proposed elevation (dwg no.3702.PL.101 Rev.A)

Proposed block plan (dwg no.3702.PL.102)

Existing and proposed sections A&B (dwg no.3702.PL.103)

The development shall proceed exactly in accordance with the above approved documents.

Reason

To ensure that the development is carried out in accordance with the approved plans in order to comply with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

3. Prior to the commencement of the relevant work, the detailed design of the partitions at first floor to workshops to demonstrate exposure of existing steel truss shall be submitted and approved in writing by the local planning authority.

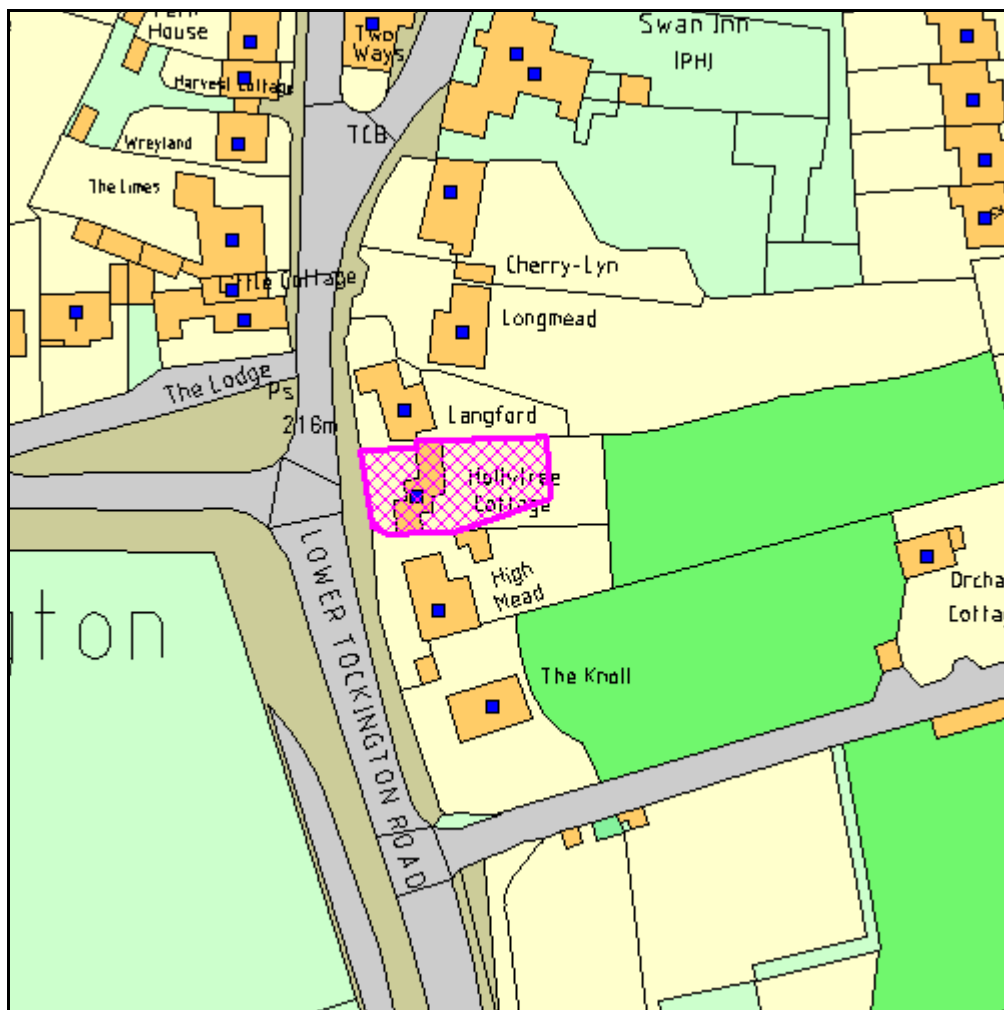
Reason

In order that the development serves to preserve the architectural and historic interest and setting of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in the NPPF.



## CIRCULATED SCHEDULE NO. 43/18 – 26 OCTOBER 2018

<b>App No.:</b>	PT18/0130/F	<b>Applicant:</b>	Mr T Rudrum
<b>Site:</b>	Hollytree Cottage Lower Tockington Road Tockington Bristol South Gloucestershire BS32 4LF	<b>Date Reg:</b>	23rd January 2018
<b>Proposal:</b>	Demolition of existing outbuilding to facilitate new drive and access. Erection of two storey rear extension to form additional living accommodation and configuration of windows and doors to front ground floor.	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	360871 186410	<b>Ward:</b>	Severn
<b>Application Category:</b>	Householder	<b>Target Date:</b>	14th March 2018



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N.T.S.

PT18/0130/F

## 1. **THE PROPOSAL**

- 1.1 Planning permission is sought for the demolition of an existing outbuilding to facilitate a new drive and access, the erection of a two storey rear extension to form additional living accommodation and the re-configuration of windows and doors to the front ground floor. The application relates to Hollytree Cottage, Lower Tockington Road, Tockington.
- 1.2 The application site consists of a period vernacular cottage, set towards the front of a large plot. The property has a pitched gabled roof and rendered elevations. To the side are flat roofed structures serving as a workshop and utility room.
- 1.3 The site is located within the defined settlement boundary of Tockington, and within the Tockington Conservation Area as well as the Bristol and Bath Green Belt.
- 1.4 Revised plans were received by the Local Planning Authority on 7<sup>th</sup> June 2018. The revisions involved alterations to the proposed rear extension, and the layout of proposed parking spaces. A further set of revised plans were received by the Local Planning Authority on 22<sup>nd</sup> August 2018. The revisions involved further alterations to the proposed rear extension and parking arrangements. A full round of consultation was carried out for each set of revised plans.

## 2. **POLICY CONTEXT**

### 2.1 National Guidance

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

### 2.2 Development Plans

#### South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings

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

### **3. RELEVANT PLANNING HISTORY**

#### **3.1 PT16/3807/F**

Demolition of existing store/shed and erection of attached garage and single storey and two storey rear extensions to provide additional living accommodation.

Approved: 16.09.2016

### **4. CONSULTATION RESPONSES**

#### **First Round of Consultation (Original Plans)**

##### **4.1 Olveston Parish Council** No objection

##### **4.2 Other Consultees**

###### Conservation Officer

- Proposed rear extension is large, but unlikely to cause harm to character of conservation area.
- Works to front may be PD, however details should be conditioned.
- Loss of outbuildings acceptable in principle.
- However encroachment of parking in to front garden and loss of boundary wall would compromise character and appearance of this space, and has greatest potential to result in harm to character and appearance of Tockington Conservation Area.
- Any off-street parking should be unobtrusive and suitably landscaped.

###### Landscape Officer

The existing front garden holly tree and roadside stone wall are significant landscape features that should be retained. In event of consent being granted, landscape scheme should be submitted.

###### Sustainable Transport

No objection subject to a minimum of 6m being provided to the rear of each parking space to aid manoeuvring and allow vehicles to reverse and leave shared drive in forward gear.

###### Archaeology Officer

No comment

## **Other Representations**

### **4.3 Local Residents**

Two comments of objection were received during the first round of consultation. The main concerns raised are summarised below:

- Proposal will result in loss of light to neighbouring room/garden.
- New wall will stretch 5m down garden.
- Proposed extension will tower over garden and have overbearing effect.
- Proposed extension would virtually double size of property and would be disproportionate.
- Proposal will alter historic landscape.
- Proposal can be viewed from public areas.
- Mature tree is within striking distance of development.
- Challenge the “shared” drive – application hinges on this.
- Proposal would result in additional traffic on very busy junction at Hardy Lane.

## **Second Round of Consultation (2<sup>nd</sup> Set of Plans)**

### **4.4 Olveston Parish Council**

No objection

### **4.5 Other Consultees**

#### **Conservation Officer**

- Relocation of parking and retention of boundary wall are improvements, and no objection to this aspect of proposal.
- However changes to rear of building are retrograde step from original submission. Proportions are now contrived and fussy. Roof design also over complicated.
- Three-bed arrangement may be more suitable given constraints of site.

#### **Landscape Officer**

No objection subject to submission of landscaping scheme.

#### **Sustainable Transport**

No comment

#### **Archaeology Officer**

No comment

## **Other Representations**

### **4.6 Local Residents**

Three comments of objection were received during the second round of consultation. The main concerns raised are summarised below:

- Revised plans do not resolve previously outlines issues of: loss of light and overshadowing of neighbouring property, the creation of an oppressive and overbearing environment, and the disproportionate size of the extension in a Conservation Area in the Green Belt.
- Volumetric increase is on excessive side.
- Applicants now proposing to provide parking on land outside of site boundary.
- Hardy Lane is a very busy junction during rush hour.

### **Third Round of Consultation (3<sup>rd</sup> Set of Plans)**

4.7 Olveston Parish Council  
No comment

4.8 Other Consultees

Conservation Officer  
No objection

Landscape Officer  
No comment

Sustainable Transport  
No comment

Archaeology Officer  
No comment

### **Other Representations**

4.9 Local Residents

One comment of objection was received during the third round of consultation. The main concerns raised are summarised below:

- Continue to object to the proposed development on the following grounds: loss of light and overshadowing, oppressive and overbearing environment and disproportionate size of the development, especially in the Green Belt and in a Conservation Area.
- Fully backed the previous, more modest application (PT16/3807/F), and feel this view is given support by comments of conservation officer.

## **5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application seeks permission for the extension of and alterations to an existing residential property. Extension and alterations to existing properties is managed through policy PSP38 of the Policies, Sites and Places Plan. This policy is generally supportive subject to an assessment of design, amenity and transport. However, the site is located within the Green Belt and any

development must accord with the principles of Green Belt policy to be acceptable.

5.2 Green Belt

Policy CS5 and CS34 of the Core Strategy and policy PSP7 of the Policies, Sites and Places Plan support the protection of the Green Belt from inappropriate development. The NPPF also attaches great importance to the Green Belt – with development in the Green Belt generally being considered inappropriate. However, there are limited categories of development within the Green Belt that are not considered to be inappropriate. One of the exception categories is the extension of a building provided that it does not result in a disproportionate addition over and above the original size of the building, as is set out in Paragraph 145 of the NPPF.

5.3 The NPPF attaches great importance to the Green Belt – with the fundamental aim of preventing urban sprawl and keeping the land open in nature. In order to achieve this, there is a general presumption against inappropriate development in the Green Belt. Any type of development in the Green Belt is considered inappropriate, unless it falls into a predefined exception category or very special circumstances override the presumption against inappropriate development. Very special circumstances will not be found unless the harm to Green Belt and any other harm is clearly outweighed by the benefits of the proposal.

5.4 A disproportionate test (outlined in Policy PSP7 of the Policies, Sites and Places Plan and the South Gloucestershire Supplementary Planning Document: Development in the Green Belt (Adopted) 2007) is used as a means of assessing whether or not an addition to a dwelling can be considered proportionate to the original dwelling. Generally, additions resulting in a volume increase of less than 30% above the volume of the original building are likely to be considered acceptable. Those resulting in a volume increase of 30%-50% are to be carefully assessed against further criteria. Those resulting in a volume increase of more than 50% are likely to be considered in excess of any reasonable definition of 'limited extension'; and therefore may be disproportionate in nature.

5.5 It is acknowledged that the proposed rear extension would significantly increase the scale of the building. However the applicant has outlined that several outbuildings to the south of the main building would be demolished as part of the development. As the outbuildings appear on the OS 1<sup>st</sup> edition map, they are not considered to be recent additions, and as such their removal should be factored in to any volume calculations.

5.6 The applicant has provided volume calculations in support of the application. The calculations indicate that the volume of existing structures at the site equates to approximately 340m<sup>3</sup>. The proposed extensions would add approximately 171m<sup>3</sup> of built form to the property, however 87m<sup>3</sup> would be removed through the demolition of the outbuildings. As such, the overall volume of built form at the site would increase from 340m<sup>3</sup> to 424m<sup>3</sup>. This would represent a volumetric increase of 24.71%.

- 5.7 As such, when considering the volumetric increase, the proposed rear extension is considered to represent a proportionate addition. Furthermore, whilst the size of the main building would significantly increase, it is considered that the overall form and siting of the extension would allow for it to appear proportionate to the host. The siting of the extension towards the rear of the property, and its containment within the existing curtilage, would also reduce any immediate impact on the openness of the land.
- 5.8 For the reasons outlined above, it is not considered that the proposal would represent a disproportionate addition over and above the size of the original building. The proposal would therefore consist of an appropriate form of development within the Green Belt.
- 5.9 Design, Visual Amenity  
Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.10 In terms of the first two sets of plans, there were concerns that the proposed rear extensions would appear somewhat clumsy, and would detract from the character and appearance of the host dwelling.
- 5.11 The applicant is now proposing a double gable, projecting from the rear. Whilst it is acknowledged that the scale of the building would significantly increase, and some of the character of the traditional, modestly sized cottage would be lost, the increase in scale would not be significantly greater than that found to be acceptable and permitted under application PT16/3807/F. In terms of impacts on the streetscene, the proposed extension would be largely screened from view by the existing property. Whilst the extension would be visible in views from the south, the overall impact on the immediate streetscene would be limited.
- 5.12 In terms of the more detailed elements of the design, the proposed gables are considered to be of an appropriate width and incorporate an appropriate roof pitch, with the proposed arrangement of fenestration to the rear also considered to be acceptable. In terms of the proposed palette of materials, it has been indicated that the extension would be finished in a render to match the external finish of the host dwelling. This approach is considered to be appropriate, and would allow for the proposed extension to integrate more successfully in to the host dwelling. However in order to ensure a satisfactory standard of external appearance, a condition will be attached to any decision, requiring the materials used in the external finish of the proposed rear extension to match those used in the finish of the host dwelling.
- 5.13 Subject to this condition, it is not considered that the proposal would cause any significant harm to the character and appearance of the host dwelling or the visual amenity of the locality. The proposal therefore accords with policies CS1 of the Core Strategy and PSP38 of the Policies, Sites and Places Plan.

5.14 Heritage Impacts

- Policy PSP17 of the Policies, Sites and Places Plan and policy CS9 of the Core Strategy relate to conservation, and seek to protect the character and appearance of conservation areas and the significance and setting of heritage assets such as listed buildings.
- 5.15 The site is situated within the Tockington Conservation Area, and as such any development should seek to protect the character and appearance of the conservation area. As originally submitted, the proposal sought to remove a section of boundary wall, and convert a significant portion of the existing front garden in to parking spaces. This approach would have also resulted in the loss of some trees and vegetation situated to the front of the property.
- 5.16 The approach was considered to be overly obtrusive, and inconsistent with the overall appearance and layout of similar properties in the area. The existing boundary wall is also considered to represent a distinctive feature of the conservation area. For these reasons, it was concluded that the removal of a section of boundary wall and the provision of parking spaces to the front of the property would cause direct harm to the character and appearance of the conservation area.
- 5.17 The application was subsequently revised, with the proposed parking spaces moved to the rear of the site. The revised plans also indicate that the existing boundary wall will be retained. Following the re-positioning of the spaces to a less prominent part of the site, it is considered that the overall impact on the character and appearance of the conservation area has been reduced. The only alteration to the frontage of the site would be the removal of outbuildings, which are not considered to contribute to the character of the area.
- 5.18 In terms of the works to the front elevation of the property, it is acknowledged that the proposed front porch and windows would be re-configured. Whilst the comments of the conservation officer have been taken in to account, it is not considered that these works would have a significant impact on the wider conservation area. However as per the recommendation of the conservation officer, more detailed information regarding the design and construction of the proposed windows will be requested by condition, in order to ensure an acceptable standard of external appearance.
- 5.19 In terms of the proposed rear extension, it is acknowledged that the southernmost side elevation would be visible through the gap between the host dwelling and the neighbouring property to the south. However this elevation would not be prominent within the public domain, and as such the overall impact on the character and appearance of the conservation area would be limited.
- 5.20 Overall, whilst it is acknowledged that the development would have some impact on the Tockington Conservation Area, it is considered that its overall character and appearance would be preserved. As such, subject to the submission and agreement of additional details relating to proposed front-facing windows, the proposal is considered to accord with policies CS9 of the Core Strategy and PSP17 of the Policies, Sites and Places Plan.



5.21 Landscape Impacts

Policy PSP2 of the Policies, Sites and Places Plan outlines that development proposals should seek to conserve and where appropriate enhance the quality, amenity, distinctiveness and special character of the landscape.

5.22 As previously noted, the original submission sought to provide parking to the front of the main dwelling. The boundary wall and front garden area are considered to contribute positively to the character and appearance of the surrounding landscape, and it was considered that the loss of these features would cause harm to the character and appearance of the landscape.

5.23 The application was subsequently revised, with the proposed parking spaces relocated to the rear of the site. This approach is considered to be more acceptable from a landscape perspective, with the overall impact on the immediate landscape significantly reduced. Whilst no detailed landscaping proposals have been submitted, it appears that the front garden area would remain largely unaltered. However given the contribution that the site makes to the surrounding landscape, a condition will be attached to any decision, requiring more detailed landscaping proposals to be agreed following determination.

5.24 In terms of the alterations to the front of the property, it is not considered that these works would have any significant impacts on the character and appearance of the landscape. Given its siting towards the rear of the dwelling, the overall impact of the proposed rear extension is also considered to be limited.

5.25 Overall, it is not considered that the revised proposal would have any unacceptable impacts on the surrounding landscape, and the more detailed aspects of the proposed landscaping can be sufficiently controlled by condition. On this basis, the proposal is considered to accord with policy PSP2 of the Policies, Sites and Places Plan.

5.26 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity, and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.

5.27 When considering the impact of the development on the residential amenity of neighbouring properties, the main property under consideration is the adjacent property to the north. Given the degree of separation between the proposed extension and neighbouring properties to the east and south, it is not considered that the proposal would have any significant impacts on the residential amenity of the occupants.

- 5.28 The proposed extension would project from the rear of the host dwelling by 3.62m, and would extend to a width of 8.55m. The extension would be set in from the north-facing side elevation of the property, and would be separated from the neighbouring boundary by 1m. The eaves of the extension would be set at approximately 3.8m, with the ridge line set at approximately 6m.
- 5.29 In terms of an impact on the neighbouring property, the concerns raised have been given full consideration. It is acknowledged that the extension would be noticeable from the areas to the rear of the neighbouring property. However a depth of 3.62m is not considered to be extensive, and is fairly typical of a residential extension. Furthermore, the positioning of the extension away from the boundary, and the relatively low eaves level, would also reduce the prominence and presence of the extension from within the neighbouring garden. The fact that the roof would slope away from the neighbouring property is also considered to reduce the overall prominence of the structure.
- 5.30 It is also noted that the neighbouring property is set at a slight angle, and is orientated away from the host dwelling. As such, it is not considered that the erection of the extension would result in an unacceptable loss of outlook from neighbouring windows.
- 5.31 In terms of any overshadowing impact and loss of light, as the proposed structure is located to the south-east of the neighbouring property, it is noted that the extension would have an impact on the level of sunlight entering the neighbouring property. However sun-path calculations indicate that the proposed extension would only block the path of sunlight for a small portion of the day, and that the rear of the neighbouring property would still receive sunlight during the majority of the morning. During the evening, the path of sunlight is already blocked by both Hollytree Cottage and the neighbouring property, and it is not considered that the proposed extension would significantly worsen the existing situation. Furthermore, the more easterly portion of the neighbouring garden would remain largely unaffected by the development proposal.
- 5.32 In terms of any loss of privacy, as the proposed extension is angled away from the neighbouring garden, it is not considered that the provision of additional first floor windows at the property would result in an increased sense of overlooking. It should also be noted that no first floor windows are proposed at the north-facing side elevation of the extension. Any window inserted at this elevation would provide a direct line of sight on to the neighbouring garden, and would detriment the privacy of the neighbour. As such, in order to avoid any overlooking issues in the future, a condition will be attached to any decision, restricting the insertion of any first floor windows at this elevation.
- 5.33 In terms of disturbance to neighbours, it is acknowledged that the construction of an extension of the scale and location proposed would cause some disturbance to the neighbours during the construction period. Whilst this is not considered to substantiate a reason for refusing the application, a condition will be attached to any decision, restricting the permitted working hours during the construction period.

- 5.34 With regards to the living conditions of the occupants of the host property, it is considered that sufficient external amenity space would be retained on-site following the implementation of the development.
- 5.35 On balance, whilst it is accepted that the proposal would have some impact on the adjacent neighbour to the north, it is not considered that the potential level of harm to residential amenity would justify the refusal of the application. As such, subject to the conditions set out above, the proposal is considered to comply with policies PSP8 and PSP38 of the Policies, Sites and Places Plan.
- 5.36 Transport  
As a result of the proposal, the number of bedrooms contained within the property would increase from a total of 2 to 4. Under policy PSP16 of the Policies, Sites and Places Plan, a minimum of two on-site parking spaces should be provided for dwellings containing 4 bedrooms. The applicants intend to provide two new parking spaces beyond the end of the existing rear garden, which would be accessed via a shared drive.
- 5.37 The concerns raised regarding the ability of the applicants to use the shared drive have been taken in to account. However there is no evidence to suggest that the proposed parking spaces would be inaccessible. It is also considered that sufficient space would be provided for vehicles to manoeuvre in and out of the parking spaces. Overall, there are no objections to the proposed parking arrangements. However given the increase in living accommodation, a condition will be attached to any decision, ensuring that a minimum of 2 parking spaces are provided on-site and thereafter retained.
- 5.38 In terms of general highway safety, an existing access point would be utilised. Furthermore, whilst there would be an increase in living accommodation, it is not considered that the proposal would significantly alter the travel patterns associated with the property. As such, there would be no significant intensification of the use of the access, and it is not considered that the proposal would have a severe impact on the surrounding transport network.
- 5.39 Environmental Impacts  
The archaeology officer does not consider that the proposal would have any impact from an archaeological perspective. In terms of any ecological impact, whilst buildings would be demolished, these are unlikely to provide suitable habitats for any protected species, and as such it is not considered that their loss would have any significant impact in this respect. The site is also not located in an area of high flood risk, and as such it is not considered that the proposal would lead to an increased risk of flooding in the area.
- 5.40 Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.

The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

**Contact Officer: Patrick Jackson**  
**Tel. No. 01454 863034**

## **CONDITIONS**

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

Reason

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

2. Prior to the commencement of development, a plan showing the trees and other vegetation and boundary treatments to be protected, and details of any proposed landscaping shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the surrounding landscape, to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

This is required to be agreed prior to the commencement of development to avoid causing damage to existing trees and vegetation during any ground works, and to avoid any unnecessary remedial action in the future.

3. Prior to the commencement of any works to the front elevation of the property, details relating to the design and construction of any proposed replacement windows to be inserted to the front elevation of the property shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure the development serves to preserve the character and appearance of the conservation area in accordance with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

4. The colour, type and texture of the rendered finish to the external walls of the rear extension hereby permitted shall match that of the existing building.

Reason

To ensure a satisfactory standard of external appearance, and to ensure that the development serves to preserve the character and appearance of the conservation area in accordance with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policies PSP1 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

5. The tiles to be used in the erection of the rear extension hereby permitted shall match those of the existing building in colour, texture and profile.

Reason

To ensure a satisfactory standard of external appearance, and to ensure that the development serves to preserve the character and appearance of the conservation area in accordance with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policies PSP1 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

6. No windows shall be inserted at any time at a first floor level in the north-facing side elevation of the extension hereby approved.

Reason

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

7. The hours of working on site during the period of construction shall be restricted to 0730 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

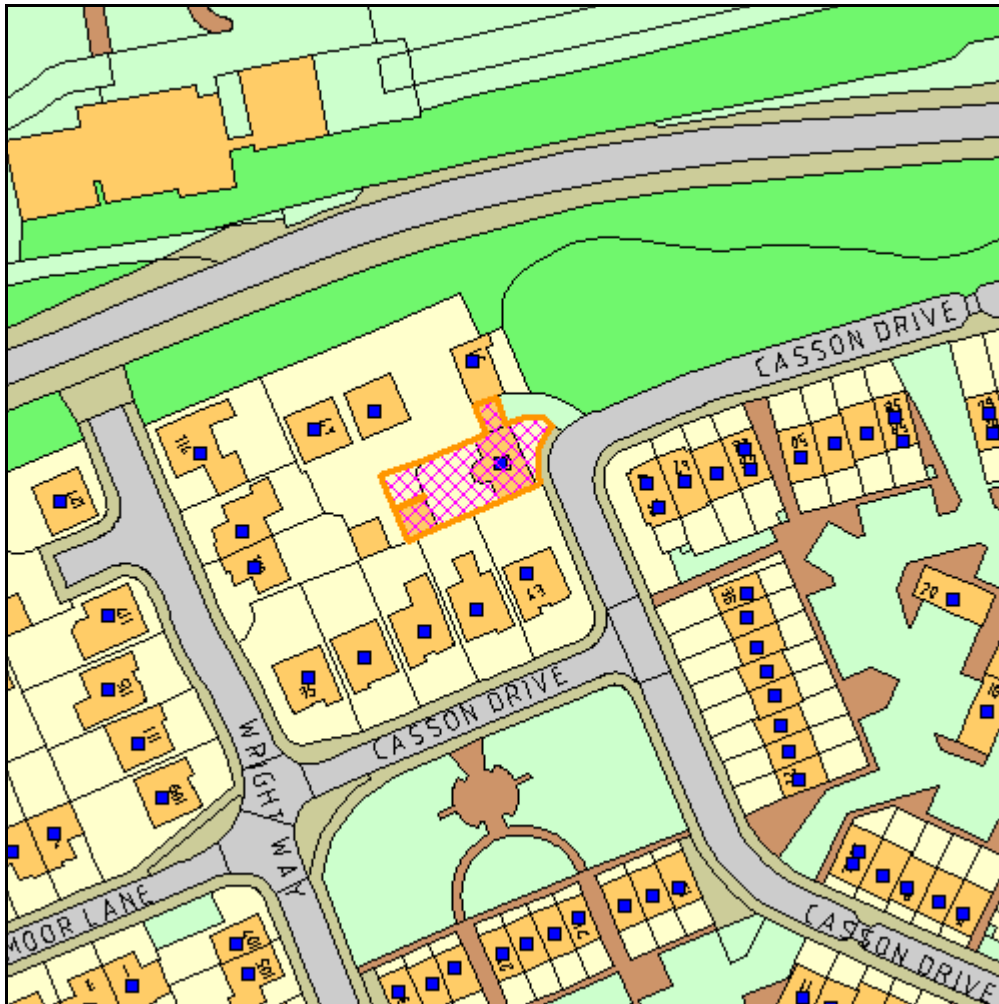
8. The off-street parking facilities (for all vehicles, including cycles) shown on the plan (Drawing no. RUDRUM280718SOS Rev B - Received on 22nd August 2018) hereby approved shall make provision for the parking of a minimum of 2 vehicles (measuring at least 2.4m by 4.8m), and shall be provided within 1 month of the extension hereby approved being substantially complete, 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; Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

**CIRCULATED SCHEDULE NO. 43/18 – 26 OCTOBER 2018**

<b>App No.:</b>	PT18/2551/F	<b>Applicant:</b>	Alison Stamper Stamper Lets Ltd
<b>Site:</b>	45 Casson Drive Stoke Gifford Bristol South Gloucestershire BS16 1WP	<b>Date Reg:</b>	5th June 2018
<b>Proposal:</b>	Change of use from 6 bedroom HMO (Class C4) to 7 bedroom HMO (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362185 177706	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th July 2018



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PT18/2551/F

## **REASON FOR REPORT APPEARING ON CIRCULATED SCHEDULE**

This application is referred to the Circulated Schedule as an objection comment has been received from a local resident, contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the change of use from a 6 bedroom HMO (Class C4) to 7 bedroom HMO (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), at 45 Casson Drive, Stoke Gifford.
- 1.2 The application site relates to a modern, detached, double fronted property. It is located within part of the existing urban area of the North Fringe of Bristol, in the Stoke Park development. The host benefits from front and rear gardens, an existing double detached garage with two parking spaces to the front.
- 1.3 The property currently has 6 bedrooms, at first and second floors which would remain unchanged. It is proposed that the existing dining room at ground floor would accommodate the 1no. additional bedroom. There would be no external alterations.
- 1.4 Throughout the course of the application additional information was provided to rectify concerns raised by transportation colleagues.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework July 2018  
National Planning Policy Guidance

#### **2.2 Adopted Development Plan**

##### **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  
CS17 Housing Diversity  
CS25 Communities of the North Fringe of Bristol Urban Area

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP39	Residential Conversions, Sub Divisions and Houses in Multiple Occupation



- 2.3 Supplementary Planning Guidance  
Residential Parking Standard SPD (Adopted) December 2013  
Waste Collection SPD (Adopted) January 2015

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PT04/0684/O Approved (S106) 02.11.2005  
Residential development at a density of 50 units per hectare overall across the site together with supporting infrastructure and ancillary facilities.
- 3.2 PT09/5504/RM Approve with Conditions 30.12.2009  
Reserved Matters Application for 121 dwellings, parking, and associated infrastructure. (Approval of reserved matters to be read in conjunction with outline planning permission PT04/0684/O and variation of PT07/3519/RM).
- 3.2 PT10/0201/RM Approve with Conditions 19.04.2010  
Erection of 121 dwellings with landscaping (Approval of Reserved Matters to be read in conjunction with outline planning permission PT04/0684/O and PT09/5504/RM).

### **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
No comment received
- 4.2 Community Enterprise  
No comment received
- 4.3 Sustainable Transport  
No objection in principle to this proposal. I note that they refer to the garage being suitable for car and cycle parking. Prior to commenting further therefore I would like to see details of the car and cycle parking.
- 4.4 Police Community Safety  
No comment received.

#### **Other Representations**

- 4.5 Local Residents  
1no. objection was received from a local resident. Comments as follows;
- Potential increase in noise
  - Parking issues
  - Lack of refuse bins

### **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Paragraph 60 of the NPPF sets out that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups include (but are not limited to), those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes

and people who self-build. This requirement for a mix of housing, is also reflected within CS17. This sets out that housing development should provide a wide variety of housing type and size to accommodate a range of different households.

- 5.2 In this instance, the application proposes to expand a HMO from 6 bedrooms to 7 bedrooms. PSP39 sets out the relevant local policy in terms of applications for HMO's or expansion of HMO's. It states that they will be acceptable, providing that they would:

- 1) not impact on the character and amenities of the area within which they are located; and*
- 2) not prejudice the amenity of neighbours; and*
- 3) provide adequate amenity space; and*
- 4) refuse storage and servicing; and*
- 5) provide parking in accordance with the Council's parking standards.*

This criteria will be assessed below.

- 5.3 Impact on the character and amenities of the area

The intensification of the HMO by 1 additional bedroom may be noticeable within the surrounding area. However, given the development would not involve any external alterations to the property, it is not considered that the development would result in an unacceptable impact to the character or amenities of the area.

- 5.4 Impact on the amenity of neighbours

Local residents raised concerns that the development would result in additional noise. While this is noted, there is no certainty of this. Rather, this would be a matter reported to Environmental Health, should an unacceptable increase in noise occur following the implementation of development. Enforcement would take place under alternate legislation.

- 5.5 Given that no external alterations would occur, it is not considered that any detrimental overbearing, loss of light and overlooking impacts on neighbouring occupiers would occur.

- 5.6 Amenity space provision

The amenity space at the property would remain the same, albeit an additional bedroom would be introduced. PSP43 sets out the appropriate amount of amenity space based on the amount of bedrooms at a property. For a property with 4+ bedrooms, 70m<sup>2</sup> of amenity space should be provided. It is estimated that there is approximately 100m<sup>2</sup> of amenity space provision at the property, albeit part of this is taken up by an existing garden shed. The amenity space provision is considered sufficient in this instance.

- 5.7 Refuge Storage and Servicing

A local resident raised concerns with the lack of refuse bins for the property. It is understood that the applicant has applied for an additional refuse bin for the property. The waste is currently stored to the front and side of the property. This is considered acceptable, and will accommodate an additional bin where

necessary. The waste collection would be to the front of the property, as is the existing situation.

5.7 Parking provision

Concerns were raised locally regarding the lack of parking at the property. The Highways Authority have reviewed the proposal and raise no objection in principle. PSP16 sets out that for HMO's the minimum number of 0.5 car spaces per bedroom should be provided. The property has a detached double garage which meets the dimensions required by PSP16 (6 metres by 5.6 metres). As such this contributes 2no. off-street parking spaces, in addition to 2no. off-street parking spaces to the front of the garage. This is a total of 4no. spaces, and given the proposed 7no. bedrooms at the HMO, this would comply with PSP16 requirements.

5.8 In terms of cycle parking, the applicant has proposed that this is either located within the garage or garden shed. Given the garage will need to be utilised for vehicular parking, it is recommended that a condition is imposed to ensure that details of the secure bike storage within the garden shed are provided prior to occupation of the additional bedroom proposed.

5.9 Given the above, and subject to the condition relating to cycle parking, it is considered that the development will be acceptable with regard to its parking provision.

5.10 Summary

The above assessment has found that the proposed expansion of the HMO would be acceptable in the context of PSP39. As such, this application is recommended for approval, subject to conditions.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is **APPROVED** subject to the conditions below.

Contact Officer: Lucy Paffett  
Tel. No. 01454 863436

## **CONDITIONS**

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

### Reason

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

2. Prior to the first occupation of the additional bedroom hereby permitted, the proposed location and design of the cycle parking facilities shall be submitted and approved in writing by the local planning authority. The development shall be proceed strictly in accordance with the approved details and be provided prior to the first occupation of the additional bedroom hereby permitted.

For the avoidance of doubt: the cycle storage facilities shall be in accordance with the standards set out in Policy PSP16 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017.

### Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, to encourage sustainable transport choices and to accord with Policy CS8 and CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

**CIRCULATED SCHEDULE NO. 43/18 – 26 OCTOBER 2018**

<b>App No.:</b>	PT18/2946/O	<b>Applicant:</b>	Mrs Lorraine Langley
<b>Site:</b>	Land Between Patch Elm House And The Groves Rangeworthy Bristol South Gloucestershire BS37 7LT	<b>Date Reg:</b>	26th June 2018
<b>Proposal:</b>	Erection of 4. no dwelling (Outline) with access, layout and scale to be determined and all other matters reserved	<b>Parish:</b>	Rangeworthy Parish Council
<b>Map Ref:</b>	368923 185342	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st August 2018



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## **REASON FOR REOPRTING TO CIRCULATED SCHEDULE**

This report appears on the Circulated Schedule following a letter of objection from the Parish Council and from 6 local residents contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks outline permission for the Erection of 4. no dwelling with access, layout and scale to be determined and other matters (appearance and landscape) reserved.
- 1.2 The application site relates to Land between Patch Elm House and The Groves in Rangeworthy, situated on Patch Elm Lane. The site is outside the settlement boundary, therefore in the open countryside. It is also outside the Bristol/Bath Green Belt which ends on the opposite side of this lane.
- 1.3 During the course of the application and following comments from the Transport Officer and Drainage Team additional details were submitted to the LPA for consideration.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

#### South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment

PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP28	Rural Economy
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

### 2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.  
 South Gloucestershire Design Checklist (Adopted) 2007)  
 South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013  
 Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide  
 SPD – (Adopted) March 2015  
 SPD: Development in the Green Belt (Adopted) 2007

## 3. RELEVANT PLANNING HISTORY

- |     |                     |                                                                                            |
|-----|---------------------|--------------------------------------------------------------------------------------------|
| 3.1 | P88/1446<br>Refused | Erection of three dwellings (outline)<br>11.5.88                                           |
| 3.2 | N2685<br>Refused    | Erection of a detached bungalow and construction of vehicular access (outline).<br>17.6.76 |

## 4. CONSULTATION RESPONSES

### 4.1 Rangeworthy Parish Council

Objection:

- Rangeworthy Parish Council is concerned about the additional vehicle movements into and out of Patch Elm Lane, a poorly maintained single-track lane; due to tree planting on the verge visibility from the proposed development site onto Patch Elm Lane is poor, as is visibility from Patch Elm Lane onto the B4058.
- The extremely poor surface condition of Patch Elm Lane has been reported to SGC, who have confirmed repairs would be affected within the next five years.
- The Parish Council has major concerns regarding the capacity of the existing sewage pumping station. Residents on Patch Elm Lane have suffered serious issues of sewerage backing up into their properties because of overcapacity
- The proposed development is outside of the settlement boundary
- The design of the proposed development is not in keeping with the surrounding properties within a rural setting.

### Internal Consultees

### 4.2 Ecology

No objection subject to a condition and informative.

- 4.3 Archaeology  
No objection subject to a condition

*The agent has agreed to the pre-commencement condition.*

### **Statutory / External Consultees**

- 4.4 Transport  
No details regarding the access in terms of visibility and especially in relation to the landscaping indicated along the site boundary and the third party ownership either side of the site that may also interfere with visibility plays.

Visibility splays need to be plotted on a scaled plan.

*Updated comments:*

*The additional details are sufficient to demonstrate that an acceptable visibility splay can be achieved and a traffic survey has demonstrated given the existing amount of traffic movement along the lane the proposed new dwellings would not have a severe impact on this level.*

- 4.5 Drainage  
Method of foul sewage disposal and sustainable drainage systems for surface water disposal to be utilised and therefore request confirmation and clarity before further comment.

*Updated comments:*

*Following discussions there are no objections to the scheme subject to conditions*

*The agent has agreed to the pre-commencement condition.*

### **Other Representations**

- 4.6 Local Residents  
Six letters of objection have been received from local residents. The points raised are summarised as follows:

Design and impact on character of the area:

- Patch Elm Lane is a lane with around 15 individual houses none of the same
- Building four new homes would look odd and stupid
- Houses here are individual and in its own decent sized plot
- Modern houses next to ours dating from 1800s would be completely unsuitable
- Single dwelling would be more acceptable
- Highly suburban style development

Traffic:

- Turning in off the main road is already dangerous
- Single track, no through road in poor condition with no space for cars to cross



- Repairs to road could be up to 5 years away and additional traffic including construction traffic would cause further damage
- Planning already granted for a single home on this lane
- Adding an average of 8 cars to this lane is daft
- Tractors go up and down which won't help
- Traffic generation would be too high given proximity of 2 other property accesses and the developer does not propose to fund improvements to the Wotton Road junction

Drairage:

- Sewerage system is already overloaded and prone to overflowing but the developer does not intend to fund improvements

Other:

- No shops of anything for a young family to do
- Local primary school is small and very near capacity; no youth services in Rangeworthy and bus service is limited
- Before long Rangeworthy will be a street in Yate
- Primary concern the need to protect our wildlife – very active population of bats, foxes passing through and rabbits in garden
- Trees on our property which border the development site could not be pruned last year due to nesting Gold Crests. Any building work would disturb nesting birds
- The application states the site is not vacant but it has been so for a long time.
- Increase in noise and pollution for existing residents
- Proposal is not seeking to enhance our lane and village – is purely a financial transaction

## 5. **ANALYSIS OF PROPOSAL**

5.1 The proposal is for the erection of 4 new homes with access, layout and scale to be determined. Matters of design and landscape would be reserved for consideration under a full application.

### 5.2 Principle of Development

Policy CS5 specifies new development should be within sustainable locations. Policy CS34 of the Core Strategy sets the vision for the rural areas within South Gloucestershire and Policy PSP1 states development will be acceptable where it demonstrates an understanding of and responds constructively to the buildings and characteristics that make a particular positive contribution to the distinctiveness of the area/locality. The policy aims to protect, conserve and enhance rural areas. PSP40 of the PSP Plan and paragraph 79 of the NPPF state that development within the countryside, could be acceptable in a number of circumstances. It is noted that the proposal fails to comply with the categories stated under PSP40.

5.3 It is acknowledged that South Gloucestershire Council cannot demonstrate a five year land supply of housing and as such those policies relating to the supply of housing such as CS5 and PSP 40 are regarded as being out of date.

Paragraph 11 of the NPPF states that where this is the case LPAs should apply the presumption in favour of sustainable unless:

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

5.4 The presumption in favour of sustainable development applies to this application. Therefore, this application must be determined on an analysis of the impacts of the development. Only where the benefits of development are significantly and demonstrably outweighed should planning permission be refused.

5.5 Sustainable location

It is necessary to discuss whether the proposal would constitute sustainable development. In terms of NPPF advice, Paragraph 79 tells us that isolated homes in the countryside should be avoided. However, settlement boundaries are guiding tools with the main function perhaps of restricting unacceptable development in rural locations. In view of South Gloucestershire's overall housing supply position, these boundaries attract less weight.

5.6 It is acknowledged that there are limited services in Rangeworthy itself but the site is close to a bus stop at around 200 metres suitable for commuting to nearby town centres of Thornbury, Yate, and Cribbs Causeway, within walking distance of a primary school, local pub, motel and restaurant and the village hall. On this basis the site is not so remote that it could be called isolated development in the countryside. Planning applications are always assessed on their own merits and this instance is no exception.

5.7 The village settlement boundary is about 250 metres away and it must be recognised that should the site have been located within the settlement boundary the proposal would accord with the locational strategy and no principle objection raised. On balance it is therefore considered that despite not being located within the settlement boundary itself, the site is sustainable. There would not be a locational harm resulting from development of this site and this factor weighs in favour of the grant of planning permission.

5.8 Loss of agricultural land

A further issue to be considered with respect to whether the application is acceptable in principle given the loss of the agricultural land that would result from the proposal. National planning policy instructs decision makers to recognise the intrinsic character and beauty of the countryside and the benefits of the best and most versatile agricultural land.

5.9 Policy CS9 of the Core Strategy also states that development should avoid using the "*best and most versatile agricultural land*".

- 5.10 The applicant has stated that the land has been used for the keeping of horses and storage. It is likely the classification is Grade 3 which is “moderate quality agricultural land with severe limitations which significantly restrict the range of crops and/or level of yields”.
- 5.11 On the basis this scale of development is not likely to have a material impact on the amount of agricultural land available in South Gloucestershire there would be no objection to the field changing from its agricultural use.
- 5.12 Outline permission:  
This application is for the siting, scale and access of four new dwellings. These will be examined in turn below.
- 5.13 Layout and character of the area  
Policy CS1 requires development in the district to meet the ‘highest possible’ standards of site planning and design. The NPPF states that development should respond to local character and design standards. Policy PSP1 also seeks that characteristics of a locality that promote its distinctiveness should be used to formulate the design of development.
- 5.14 Details included in the application indicate the site has most recently been used for the keeping of horses and there is a small building to the north east of the site presumably used as stables or storage associated with the horses. It is stated that the field has been empty for some time. A line of trees are located outside the site on the southern boundary.
- 5.15 The field is bound to the south by a 1 metre high dry stone wall, to the east, south and north by a wooden post and rail fence to the west. Open fields lie to the north with residential properties are on three sides.
- 5.16 The proposal shows four houses would be positioned in a linear fashion facing out onto Patch Elm Lane. Plans indicate a pair of semi-detached houses flanked on either side by a detached property.
- 5.17 It is clear that development along this road has evolved over time and is made up of properties ranging from older stone-built houses to render covered and more modern single storey dwellings, differing in style and size. Comments from local residents have acknowledged the individual styles of the properties here as contributing to its character. They state the introduction of four modern properties together in a cluster would detract from the existing street scene and form. It is recognised that a grouping of four new houses would create changes, but it must be noted that their overall design and appearance are not being considered under this outline scheme. These matters would be considered under a subsequent reserved matters scheme. On this basis a condition attached to the decision notice requiring a full Design Statement as part of the reserved matters application showing how the new properties would respect and reflect the existing character is considered appropriate.
- 5.18 In terms of the layout of the four within this plot, their position is considered acceptable.

5.19 Scale

Details included with the application indicate the application site is around 0.17ha on which the four houses would be positioned. Comments from local residents have suggested that the proposal would be out of keeping with the existing pattern of development of Patch Elm Lane which they state is made up of individual houses set within quite large plots. It is acknowledged that this proposal would provide smaller gardens than some which exist in this road, but garden sizes do vary even along the lane. In policy terms the proposed plots must accord with adopted residential amenity space and this is discussed below in the residential amenity section.

5.20 With regards to the buildings on either side of the application site: To the west is a two-storey stone faced cottage which faces out onto Patch Elm Lane. This has converted single storey outbuildings to the rear at right angles to the house with a series of rooflights and windows facing the site. A mature beech hedge separates the two sites. To the east is another two-storey rendered cottage facing Patch Elm Lane. This has a large two-storey outbuilding which appears to have been converted into a garage with rooms above.

5.21 Details included with the submission indicate the two smaller 3 bed houses would have footprints of around 52 square meters each and the larger two 4 bed houses would have footprints of 100 square metres. This would be conditioned to ensure the houses are of the sizes proposed. In addition plans show the height of the adjacent house, The Groves, as being around 7.6 metres whereas the overall height of the houses would be 7.7metres to ridge and 7.4 to eaves. It is noted that the new houses would be taller, however, they would be viewed as a small separate grouping which by the use of appropriate materials would respect the overall scale of the road. Heights would be conditioned.

5.22 The scale and massing of the proposed four new dwellings are considered acceptable.

5.23 Residential Amenity

Policy PSP8 and Policy PSP43 seek to ensure development does not have an adverse impact on residential amenity. With regards to the impact on the house to the west, the closest proposed new dwelling would be adjacent to the main part of the house where it is noted there are no existing openings in its side elevation. The converted outbuildings, attached to the rear of this house have openings facing east, but are there would be around 6 metres from the garden boundary of the two sites. It is expected that by appropriate design which would be discussed within the reserved matters application, there would be no overlooking from proposed side windows.

5.24 Moving on to the other existing neighbour, this house is situated further to the north than the closest proposed dwelling and similarly it is considered that the design and appearance would of the new properties, details of which would be within the reserved matters would ensure no inter-visibility or overlooking.

5.25 Proposed garden space for the two 4 bed properties is considered to accord with standard requirements as it is one of the proposed two 3 bed properties.

The semi-detached furthest to the west has the smallest garden which appears to fall just below the required 60 square metres of private usable amenity space. Pathways or garden areas down the side of properties if small as is this case, cannot be counted within the calculation of amenity space. However, a pragmatic approach is considered appropriate here as the other dwellings would meet the standard and because the garden space is only just below the required level.

- 5.26 Concerns have been expressed regarding noise disturbance. With regards to noise during the construction phase, a condition will set out hours of construction to ensure disturbance to existing residents is limited. If the comment relates to general noise due to the introduction of new residential properties in the lane, it is considered that the noise resulting from the use of any new house would be limited to the families living within and be of a typical domestic setting to which there can be no valid planning objection.
- 5.27 Access  
Following comments from the Transport Officer additional details to confirm the visibility splay from the site and also to indicate the amount of traffic that would be using this lane was requested and provided by the applicant.
- 5.28 The Transport Statement prepared by Cotswold Transport Planning dated September 2018 assessed the site's location and the local highway network, the site's accessibility and opportunities for sustainable travel, a forecast of trip generation and predicted impact on the local highway network, an assessment of the junction capacity and a review of local highway safety.
- 5.29 It was acknowledged that Patch Elm Lane is a single track lane with informal passing places that provides access to several residential properties but also to agricultural land. It is subject to a 60mph speed limit with no street lighting or footways. The lane meets the B4058 Wotton Road about 30 metres from the proposed site entrance. This road has a 40 mph speed limit at this point.
- 5.30 As part of the additional information requested by the Transport Officer, an Automatic Traffic Count (ATC) was carried out by an independent surveyor, 360TLS. This demonstrated that the daily and peak hour traffic flows are relatively low on Patch Elm Lane. The Crashmap Database confirmed there had been no personal injury collisions with the vicinity of the site within the latest 5 year review period (i.e until the end of 2017).
- 5.31 The report found that pedestrian access to the site will be via a shared surface arrangement from Patch Elm Lane as is the existing case and this is appropriate given the low level of traffic and low speeds of vehicles uses the lane. Officers are satisfied with these findings.
- 5.32 With regards to the visibility from the proposed site, the traffic survey was used to determine the level of required junction visibility from the site access. Submitted details indicate that an acceptable splay can be achieved from the site and this is supported by details in the Transport Statement. Officers are satisfied with the plans and the findings of this report.

- 5.33 In respect of the predicted number of trips generated by the proposed 4 new houses, the report indicates an additional 1 new vehicular trip on the local highway network every 20 to 30 minutes in peak travel times with an overall additional one vehicle trip per hour over the 24 hour period.
- 5.34 Sufficient parking and on site turning to serve the properties can be accommodated on site and ad-hoc parking for visitors can be achieved on site or just outside the site boundary on the lane.
- 5.35 Comment has been made on the potential for the new development and associated construction vehicles to further damage the lane which is in poor condition and scheduled for repair. However, it must be noted that the location of the application site around 30 metres from the main road and the Highway Officer has made no adverse comment regarding the condition of the lane. Furthermore, although on larger schemes an informative can be attached to ensure any damage caused by or associated with the development is repaired, this development is small scale with the number of construction/delivery vehicles limited. Large scale developments would fall under the remit of the Highways Act which aims to protect the highway.
- 5.36 Given the above it is considered that the proposal would not have a significant or detrimental impact on the existing situation and there are therefore no objections in transport terms to the scheme.
- 5.37 Ecology  
The proposal has been accompanied by a Preliminary Ecological Appraisal (December, 2017) and Bat Activity Surveys report (June, 2018) by Abricon Ltd. No evidence of bats was found during the inspection of the stable but it was considered to have moderate potential for roosting bats but additional surveys found no activity. None of the trees were suitable for roosting bats but the site does offer some potential for foraging. There are no waterbodies on site or within 250metres and it is therefore unlikely that Great Crested Newts would be commuting across the site. With regards to other reptiles as the land had been grazed by horses it was considered unsuitable for reptiles. Two swallow nests were found in the stables.
- 5.38 The ecological appraisal proposes various mitigation measure and subject to the scheme proceeding in accordance with these details there are no ecological objections. Informatives regarding nesting birds will be attached to the decision notice.
- 5.39 Trees and landscape  
A number of mature trees are noted outside the application site on the other side of the dry stone wall. The submitted proposed site plan indicates their position and implies that the proposed access would not affect the trees. A new pedestrian access is however shown through an area of planting and through the dry stone wall. The retention of trees here would be an important consideration and this would be covered within a landscape scheme required as part of the reserved matters application.

5.40 Drainage

A number of local residents have mentioned the existing problems with the current drainage system. The issue of capacity of the existing foul drainage system was raised with the agent and it was queried if Wessex Water had been approached to determine the current capacity of the public foul sewer. In response the agent indicated that under the reserved matters a drainage engineer would investigate more thoroughly with the options being, if connecting another four houses to the existing sewerage was not practical, then either the pumping station system could be upgraded or a sewerage treatment plant or septic tank could be incorporated into the design. This was accepted by the drainage engineer with the caveat that these options each have their own limitations, for example, being subject to percolation tests or having to be located certain distances from structure and highways. These matters would be thoroughly scrutinised under the reserved matters application. One resident has commented that the developer does not propose to contribute to improvements to the existing drainage system. It is considered that such a request would fall outside the scope of any planning condition that could be attached to a planning permission and would not be proportionate to the size of the development.

5.41 Subject to conditions the proposal is considered acceptable.

5.42 Other matters:

One resident has commented that this is purely a financial transaction. There can be no planning objection to an individual or a company making use of the land they own or wish to develop. In this way all development can be regarded as being financial transactions.

5.43 Pre-commencement conditions

The agent has agreed to pre-commencement conditions relating to drainage and archaeology on the site, however drainage details will be required as part of the reserved matters application.

5.44 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

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

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

#### 5.47 Planning Balance

The proposal is for outline planning permission for four new houses. A balancing exercise has been undertaken to weigh up the positives against the negatives of the scheme. Weight is given in favour of the scheme for its contribution to the housing supply. Although it is noted that the site is outside the settlement boundary the location has been judged as being sustainable being located close to bus stops and some services and as such the presumption in favour of sustainable location applies. Similarly, the loss of grade 3 agricultural land would have an overall neutral impact on the area. Residential amenity for the new houses has been deemed appropriate and the assessment has shown no adverse effects on closest neighbours, and detailed matters of design would be addressed at reserved matters stage. The site can achieve an acceptable visibility splay and the additional traffic resulting from the four new properties would not have a severe impact on the existing highway situation. Given the above, the scheme can be recommended for approval.

### 6. CONCLUSION

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

### 7. RECOMMENDATION

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

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

### CONDITIONS

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
  
Reason  
This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.
2. Approval of the details of the 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.

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

Reason

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

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

Reason

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

5. The development shall proceed in accordance with the following plans:

As received on 25.6.18

Site location and block plan - 14/000/0

Proposed site plan - 17/0205/100

Proposed street scene and location plan - 17/0205/101

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.

6. All works shall proceed in accordance with the methods laid out in Section 5.3 (Birds) of the Preliminary Ecological Appraisal (December, 2017) and Section 5 of the Bat Activity Surveys report (June, 2018) by Abricon Ltd. This includes avoiding disturbance and/or harm to nesting birds and roosting bats and installing bird and bat boxes.

Reason

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

7. Prior to the commencement of any groundworks, including any exempt infrastructure, geotechnical or remediation works, a mitigation, publication and outreach strategy based upon the results of a programme of trial trenching (which in itself shall be approved by the LPA) must be submitted to and approved by the local planning

authority. Thereafter the approved programme of mitigated measures and method of outreach and publication shall be implemented in all respects.

Reason

This is a pre-commencement to development condition to avoid any unnecessary remedial action in the future and in the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

8. Details of the Foul and 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 shall be submitted as part of the reserved matters as per condition 2 above and approved by the Local Planning Authority.

Reason

To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2012.

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

- o Confirmation and acceptance of an agreed connection point for foul sewage disposal from Wessex Water.
  - o A clearly labelled drainage layout plan showing the exact location of any soakaways.
  - o Evidence is required to confirm that the ground is suitable for soakaways. Percolation / Soakage test results in accordance with BRE Digest 365 and as described in Building Regs H - Drainage and Waste Disposal
  - o Evidence that the soakaway is appropriately sized in accordance with BRE Digest 365 Soakaway Design.
  - o Sp. Note; - Soakaways must be located 5 Metres from any structure including the Public Highway
  - o Sp. Note: - No surface water discharge will be permitted to an existing foul sewer without the expressed approval of the sewage undertaker.
9. The dwelling shall not be occupied until two covered and secure cycle parking spaces have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To promote sustainable transport choices and to accord with Policy PSP 16 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.

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

Reason

In the interests of the amenity of the landscape and biodiversity and the general character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

11. As part of the reserved matters application a full Design Statement will be required to demonstrate how the proposed new properties would respect and reflect the existing character of Patch Elm Lane in terms of materials and detailing.

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.

12. The approved houses shall accord with the submitted details which show the overall heights and scale as indicated on approved plan Proposed Street Scene and Location Plan - 17/0205/101.

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.

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

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

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

No working shall take place on Sundays or Public Holidays.

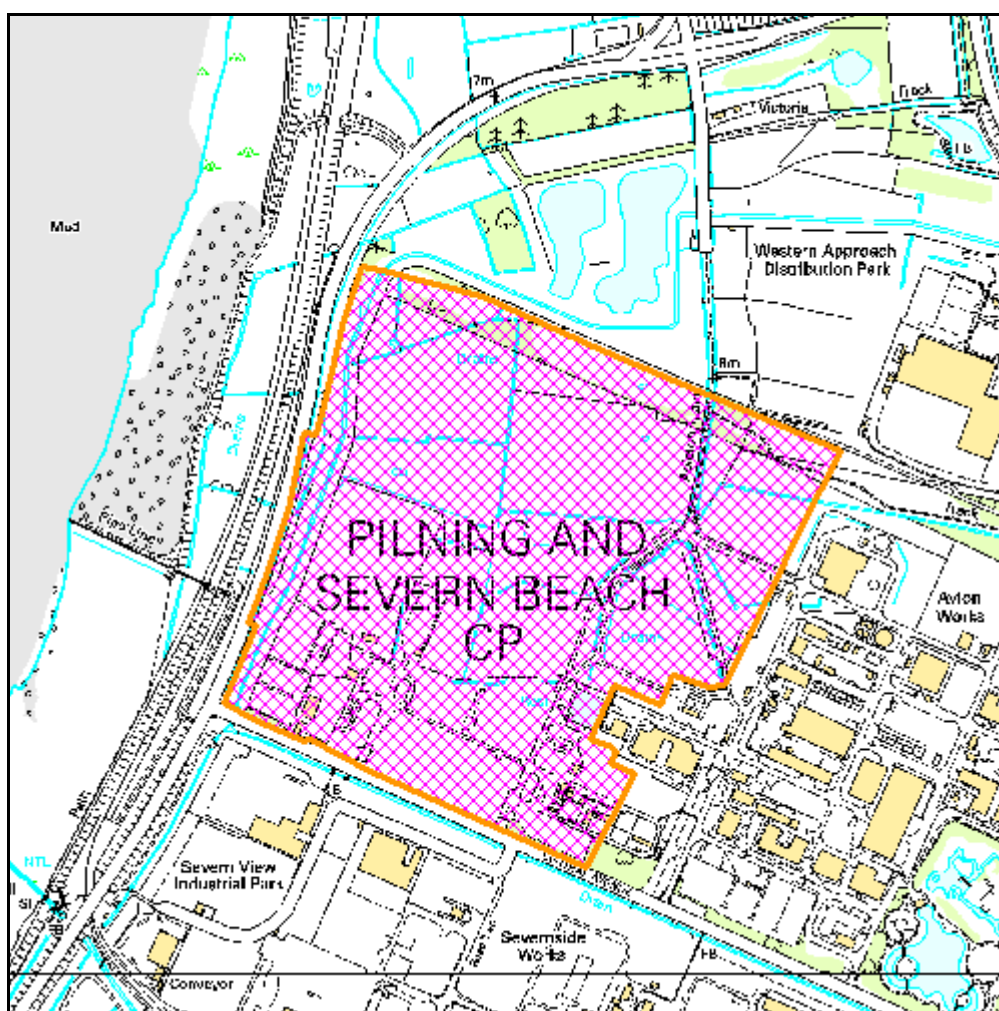
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

## CIRCULATED SCHEDULE NO. 43/18 – 26 OCTOBER 2018

<b>App No.:</b>	PT18/3278/RVC	<b>Applicant:</b>	Mountpark
<b>Site:</b>	Avlon Works Severn Road Hallen Bristol South Gloucestershire BS10 7ZE	<b>Date Reg:</b>	31st July 2018
<b>Proposal:</b>	Variation of condition 9 to include the requirements of condition 10 and remove reference to trip rates. Removal of condition 10 as the provisions of this condition are to be included in condition 9. Variation of condition 11 to substitute plans with 16-6834-SK10 to show proposed traffic signal layout all attached to planning permission PT10/2630/O.	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	354570 183240	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Major	<b>Target Date:</b>	18th October 2018



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N.T.S.

PT18/3278/RVC

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

The application is reported to the Circulated Schedule, due to the objections from Pilning and Severn Beach Parish Council and a local resident, which are contrary to the Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks to vary conditions 9 and 11, and remove condition 10 of planning permission ref: PT10/2630/O. The previous application was for the development of 31.96 ha of B2, B8 and B1 uses with associated works. Access was considered at reserved matters stage with all other matters reserved.
- 1.2 The site is within the former Avlon Works site within Severnside Enterprise Zone. The site falls within the area covered by the 1957 and 1958 consents. Reserved matters approval has been granted for the erection of 6 units within the scope of the outline permission.
- 1.3 Condition 9 requires a Travel Plan for B2 units greater than 2000 sq m and B8 units greater than 5000 sq m to be approved prior to the occupation of each unit. Condition 10 requires the Travel Plans to include targets for trip rates and trip reduction. This application seeks to amalgamate the requirements of conditions 9 and 10 to form a single condition.
- 1.4 Condition 11 requires that the access is set out in accordance with the approved drawings. This application seeks to substitute the approved drawings with some amendments to the nature of the junction.

### **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
CS5	Location of development
CS6	Infrastructure and Developer Contributions
CS9	Managing the environment and heritage
CS11	Distribution of economic development land
CS12	Safeguarded areas for economic development
CS35	Severnside

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

PSP11	Transport Impact Management
PSP26	Enterprise Areas
PSP27	B8 Storage and Distribution Uses

### 3. **RELEVANT PLANNING HISTORY**

- 3.1 SG4244 - Planning permission over a 1000 acres for the development of factories for the production of chemical and allied products, construction of offices, warehouses, stores, reservoirs, pumphouses, canteens, clubs, hostels, training establishments, amenity and welfare buildings, sports pavilion and sports and playing fields. – Permitted 27 November 1957. *(Officer note: This permission is called the '1957 consent', and is an 'open' permission with very little restrictions on it. The original ICI factory, and Central Avenue, was built under this permission. This permission was challenged by the Council in 2000, but was found sound and capable of implementation in its current form by the Courts in 2003)*
- 3.2 SG4244/A - Outline planning permission for the development of 22.55 acres for the construction and operation of factories for the production of chemical and allied products and construction of offices, warehouses, stores, reservoirs, pumphouses, canteens, clubs, hostels, training establishments, amenity and welfare buildings, sports pavilion and sports and playing fields. – Permitted 13th July 1958. *(Officer note; This is known as the '1958' consent and geographically extends the above consent and is similarly 'open' in terms of restrictions on it. It is also capable of implementation in its current form)*
- 3.3 PT10/2630/O - Development of 31.96ha of B2, B8 and ancillary B1 uses, with highway infrastructure, car parking and associated works. Outline including access with all other matters reserved – Permitted 14<sup>th</sup> December 2011
- 3.4 DOC15/0089 - Discharge of conditions 16 (landscape management plan), 17 (GCN mitigation), 18 (eco mitigation BAP species), 19 (reptiles mitigation) and 20 (wildlife management plan) of planning permission PT10/2630/O - Development of 31.96ha of B2, B8 and ancillary B1 uses, with highway infrastructure, car parking and associated works. Outline including access with all other matters reserved. – Conditions 17, 18, 19 and 20 discharged 5<sup>th</sup> August 2015
- 3.5 PT16/6614/RM - Erection of 2no. distribution units (Class B2, B8 and ancillary B1 use). (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT10/2630/O) – Approved 26<sup>th</sup> April 2017
- 3.6 PT16/6658/RM - Erection of 4no. distribution units (Class B2, B8 and ancillary B1 use). (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT10/2630/O) – Approved 26<sup>th</sup> April 2017
- 3.7 PT16/6695/RM - Erection of 4no. distribution units (Class B2, B8 and ancillary B1 use). (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT10/2630/O) – Approved 26<sup>th</sup> April 2017
- 3.8 MODT18/0006 - Modification to a Section 106 agreement attached to PT10/2630/O. – Pending consideration

- 3.9 DOC18/0210 - Discharge of conditions 13 (Flood protection), 25 (Construction management plan) and 27 (Site waste management) attached to planning permission PT10/2630/O. Discharge of condition 3 (Tree protection) attached to planning permission PT16/6614/RM. – Pending consideration

#### 4. **CONSULTATION RESPONSES**

4.1 Pilning and Severn Beach Parish Council

Object to the application, raising the following points;

- Original consent imposed a requirement to constrain and reduce trip rate by reference to defined criteria
- This amendment would remove the requirement within any additional compensatory s106 contribution

4.2 Other External Consultees

**Highways England** – No objection

**Natural England** – No comments

**Coal Authority** – No comments

**Wessex Water** – No comments

**Sport England** – The application falls outside their statutory remit

4.3 Internal Consultees

**Lead Local Flood Authority** – No objection

**Ecology** – No objection

**Sustainable Transport** – No objection

**Tree Officer** – No comments

**Landscape Architect** – No objection

#### **Other Representations**

4.4 Local Residents

1 letter of objection received, raising the following points;

- Fails to respect the criteria set out on the Western Approach Master Plan
- Western Approach Phase one is not part of the 1957 consent
- Subsequent developments on this area are subject to the Masterplan
- Overdevelopment of the site
- Inadequate provision for landscaping
- Masterplan ensured the retention and strengthening of the hedgerow and adequate planting along the rhine frontage to reflect its importance as a wildlife corridor
- None of this can be achieved without the development reducing the insanity of the development proposed here
- The proposed position of one of the buildings encroaches on the agreed preserved distance from “Victoria”, which should only be relaxed with the agreement of the current owners
- The buffer area would be planted in conjunction with the relevant part of the development, so whether the current applicants for site 8020 are owners or not does not absolve them from a responsibility to complete this part of the work

- Principle of development is not questioned but this application should be refused.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The principle of development has been established through the 1957 and 1958 consents and the previous outline application (ref: PT10/2630/O). This application seeks to vary two conditions on the outline application and as such, the principle of the development is considered to be acceptable.

### **5.2 Impact on highway safety**

The Council's Sustainable Transport team have assessed the application and raise no objection to the proposed variation to the conditions. The applicant would still be required to submit a Travel Plan, prior to the occupation of each unit that would seek to promote sustainable travel and reduce reliance on the private car. The broad substance of the required travel plans would not be altered by this application. The trip rates were required to be included in the travel plans as Highways England had concerns over the capacity of the highway network in the area. There is a new motorway junction proposed onto the M49 and this has resulted in additional capacity in the network. Furthermore, the units require reserved matters approval by the Local Planning Authority and therefore the size of the units would be limited. In view of this, there would not be an adverse impact on the highway network as a result of the removal of condition 10.

- 5.3 The application proposes the variation of the plans condition to require a signalised junction rather than the ghost island proposed in the original application. The original application is accompanied by a s106 Agreement, requiring, inter alia, the works shown on the plans in condition 11 to be implemented. There is a current application to modify the s106 Agreement (ref: MODT18/0006), which will amend the references to the highway works to include those shown in the plans in this condition. The proposed works would not have an adverse impact on the highway network nor would they be prejudicial to highway safety.

### **5.4 Consideration of likely impact on Equalities**

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



## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 The application be PERMITTED, subject to the following conditions;

**Contact Officer:** Suzanne D'Arcy  
**Tel. No.** 01454 865065

## **CONDITIONS**

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

Reason

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

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

Reason

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

3. The development hereby permitted shall be begun either before 14th December 2018, 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

As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

4. Application for the approval of the reserved matters shall be in accordance with the parameters described in the design and access statement hereby approved and the Development Framework Plan, drawing numbered 30077-PL-103H received by the Council on 26 April 2011.

Reason

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

5. The development hereby permitted shall not exceed a maximum of 119,660 sq m gross floorspace and shall be provided in a maximum of 6 units and such units shall not be internally sub-divided to create additional self-contained units, without the prior written approval of the Local Planning Authority.

Reason

To encourage means of transportation other than the private car in accordance with Policy PSP11 of the South Gloucestershire Policies, Sites and Places Plan (adopted November 2017).

6. The development hereby permitted shall include one unit to be occupied by a Class B8 use including any ancillary Class B1 or B2 accommodation as specified in the Town and Country Planning (Use Classes) Order 1987 (as amended) with a minimum gross floorspace of 40,000 sq.m.

Reason

To encourage means of transportation other than the private car in accordance with Policy PSP11 of the South Gloucestershire Policies, Sites and Places Plan (adopted November 2017).

7. In addition to the unit referred to in Condition No.6 above, the remainder of the floorspace hereby permitted shall not exceed 69,296 sq.m gross floorspace in total and shall be restricted to Use Classes B2 and/or B8, (including any ancillary B1 accommodation), as specified in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason

To encourage means of transportation other than the private car in accordance with Policy PSP11 of the South Gloucestershire Policies, Sites and Places Plan (adopted November 2017).

8. Prior to the occupation of each unit of the development hereby permitted, a comprehensive Travel Plan for B2 units greater than 2000 sq.m and B8 units greater than 5,000 sq. m. shall be submitted and approved in writing by the Local Planning Authority and Local Highway Authority (who shall consult with Highways England on behalf of the Secretary of State) and implemented in accordance with the approved document. Units of lesser size shall manage their travel demand in accordance with the approved Travel Plan Framework.

All the recommendations and proposed actions contained within the approved Travel Plans shall be implemented in accordance with the detail as approved.

Reason

To encourage means of transportation other than the private car in accordance with Policy PSP11 of the South Gloucestershire Policies, Sites and Places Plan (adopted November 2017).

9. The primary access for vehicles, pedestrians and cyclists to the development hereby permitted shall be in accordance with approved drawing numbered 16- 6834-SK10 Revision P1 received by the Council on 13th July 2018 This access point shall be formed, laid out, constructed and drained before any building served by such vehicular, pedestrian or cycle access is first occupied.

Reason

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

10. The development hereby approved shall be carried out in accordance with the site investigation report, approved under application reference DOC18/0210, unless otherwise approved in writing by the Local Planning Authority.

Reason

In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017).

11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason

To protect controlled waters in accordance with PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017).

12. Piling or any other foundation designs using penetrative methods shall only be undertaken with the prior written express consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason

To protect controlled waters accordance with PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017).

13. Prior to the occupation of development of each phase or sub-phase (save for such preliminary works as the Local Planning Authority may approve in writing) a Landscape Management Plan for that phase or sub-phase, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, including the proposed on-site and off-site conservation areas, shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include the following elements:

- o Explanation of the landscape proposals

- o Detail, extent and type of new planting (NB planting to be of native species of regional provenance, where possible)
- o Details of the retention of existing vegetation, where possible
- o Details of maintenance regimes of existing vegetation and new planting, both short and long term
- o Details of any new habitat created on site
- o Details of treatment of site boundaries and/or buffers around water bodies
- o Details of planting within water bodies
- o Details of profiles and levels within water bodies

The development shall be carried out in accordance with the approved Landscape Management Plan unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

To protect the character and appearance of the area to accord with Policies PSP2, PSP11 and PSP26 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017).

14. All works on site shall be carried out in accordance with the Great Crested Newt Strategy agreed with the Council as set out in the Environmental Statement dated September 2010 (including further information submitted March 2011) that will form the basis of an European species licence application under Regulation 53/56 of the Habitat Regulations 2010. All works shall be carried out in accordance with the mitigation strategy (approved under application reference DOC15/0089) unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

To ensure health and wellbeing of nearby wildlife and habitats and in accordance with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017).

15. The development hereby permitted shall be carried out in accordance with the Hedgehog, Song Thrush and Invertebrates mitigation measures identified for this site and set out in the Environmental Statement dated September 2010 (including the further information dated February 2011, submitted in March 2011) and application reference DOC15/0089 unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

To ensure health and wellbeing of nearby wildlife and habitats and in accordance with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017).

16. The development shall be carried out in accordance with the contingency strategy for grass snakes and slow-worms approved by the Council under application reference DOC15/0089, unless otherwise approved in writing by the Local Planning Authority.

**Reason**

To ensure health and wellbeing of nearby wildlife and habitats and in accordance with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017).

17. The development hereby permitted shall be carried out in accordance with the Wildlife Management Plan, approved under application reference DOC15/0089, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure health and wellbeing of nearby wildlife and habitats and in accordance with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017).

18. The development shall be implemented in accordance with the ecology mitigation measures relating to construction noise impacts at Orchard Pools, as set out in the Environmental Statement dated September 2010 (including the further information dated February 2011, submitted in March 2011) including the following:
- o The peak level of noise during the construction phase shall not exceed 70dB (LA01,1hr) as measured at the southern edge of Orchard Pools
  - o Any piling on any part of the site shall commence at the furthest point and work towards the Pools with the nearest piling carried out last
  - o Piling should avoid high tide periods and shall be limited to daylight hours
  - o A monitoring scheme shall be implemented to monitor the effect of construction works on the wintering bird assemblage using Orchard Pools. Details of the monitoring scheme shall be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on the site.

Reason

To minimise disturbance to nearby wildlife and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017).

19. Prior to the first use or occupation of any of the development hereby permitted, an acoustic fence of up to 4 metres in height, including a sound absorbent facing on the southern or service yard side of the fence, shall be erected along the northern boundary of the operational site in accordance with full design and layout details to be submitted to and approved in writing by the Local Planning Authority before its installation. The acoustic fence shall be installed and thereafter retained in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason

To minimise disturbance to nearby wildlife and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017).

20. The development hereby approved shall be carried out in accordance with the Construction Management Plan, approved under application reference DOC 18/0210, unless otherwise approved in writing by the Local Planning Authority.

Reason

To minimise disturbance to nearby wildlife and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017).

21. Notwithstanding the details shown on the Site Levels & Site Sections drawing (Drawing No. 30077-PL-110C) submitted with the application, the development hereby permitted shall ensure that finished floor levels of the buildings are set no lower than 7.6m above Ordnance Datum (AOD).

Reason

To prevent non-point source flooding, and to accord with Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places (adopted November 2017).

22. Any waste shall be disposed of in accordance with the Site Waste Management Plan, approved under application reference DOC18/210, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that site waste arising from the site is minimised, in accordance with Policy PSP22 of the South Gloucestershire Local Plan: Policies, Sites and Places (adopted November 2017).

23. The development hereby permitted shall achieve a minimum of Building Research Establishment Environmental Assessment Method (BREEAM) level of 'very good' (or the equivalent standard which replaces the Building Research Establishment Environmental Assessment Method, which is to be the assessment in force when the development concerned is registered for assessment purposes).

Reason

In order to provide a sustainable form of development and in accordance with Policy CS1 of the South Gloucestershire Core Strategy (adopted December 2013).

24. No flood lighting or external illumination shall be erected until details, including measures to control light spillage for that phase or sub phase, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To minimise disturbance to wildlife and neighbouring occupiers in accordance with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places (adopted November 2017).

25. Prior to the installation of any drainage, details for that phase or sub-phase of the development incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, culverts) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies PSP19 and PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017).

26. Prior to the installation of any drainage, a detailed scheme for the disposal of foul water generated by that phase of the development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and no building in that phase shall be occupied until the sewage disposal works to serve that phase or sub-phase have been completed in accordance with the approved details and are operational unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

27. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

30077-PL-100 E

30077-PL-110 C

Received by the Council on 18th October 2010

3077-PL-102 L

Received by the Council on 26th April 2011

16-6834-SK10

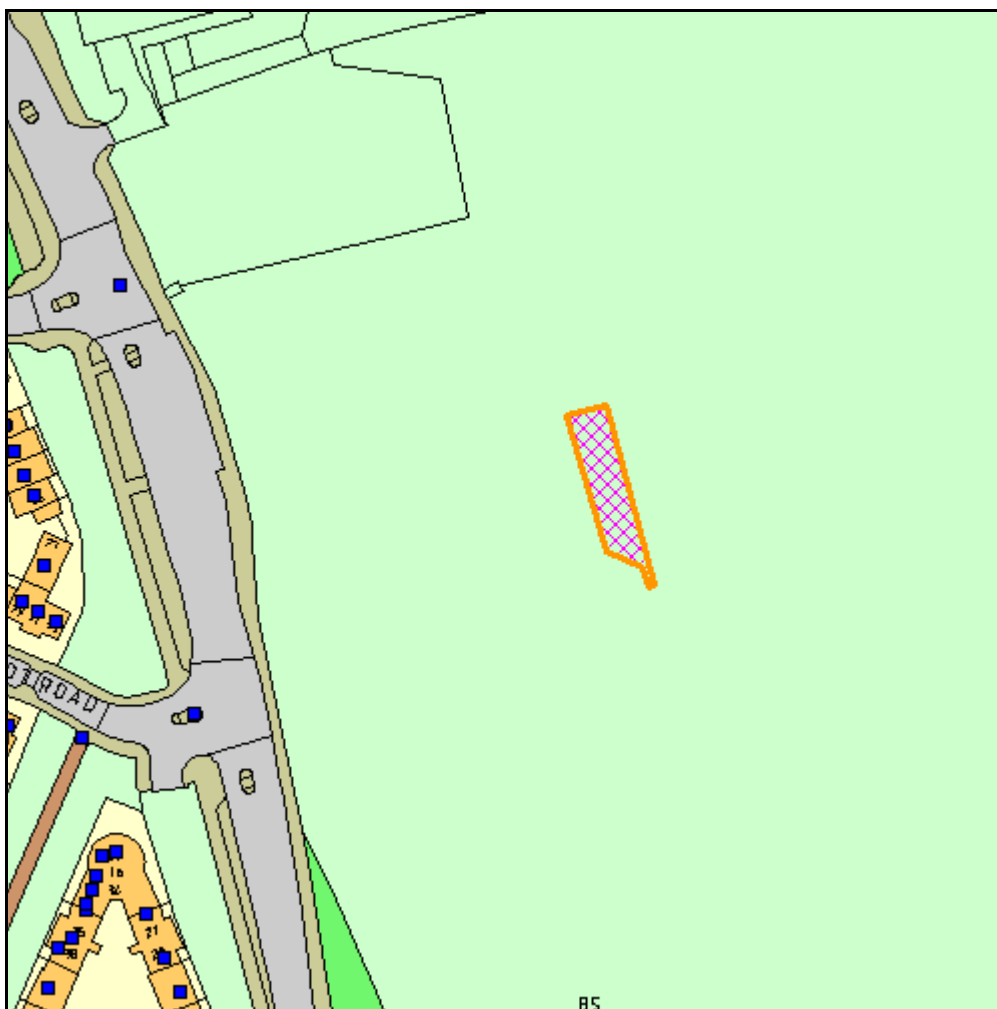
Received by the Council on 13th July 2018

Reason

To define the terms and extent of the permission.

## CIRCULATED SCHEDULE NO. 43/18 – 26 OCTOBER 2018

<b>App No.:</b>	PT18/3935/CLP	<b>Applicant:</b>	Mrs Carol Evans
<b>Site:</b>	7 Slade Baker Way Stoke Gifford Bristol South Gloucestershire BS16 1QT	<b>Date Reg:</b>	30th August 2018
<b>Proposal:</b>	Change of Use from dwelling (Class C3) to HMO (Class C4) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362388 177516	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	25th October 2018



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100023410, 2008.

N.T.S.

PT18/3935/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.

Also, this application was placed on the 19/10/2018 (42/18) circulated schedule previously. As representations were received while on the Circulated Schedule, this application is being recirculated in order to address these comments.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed change of use of an existing dwelling (Class C3) to maximum of a 6no. bed HMO (Class C4) at 7 Slade Baker Way Stoke Gifford would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.
- 1.3 The Town and Country Planning (Use Classes) Order 1987 states that under Class C4, the maximum inhabitants for a HMO would be six people. As the proposed HMO would have five beds initially but the applicant indicated that it may increase to a maximum of six beds in the future, it is considered that the use could be defined as a HMO under Class C4.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class L.

### **3. RELEVANT PLANNING HISTORY**

- 3.1 No relevant planning history.

### **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
Objection. Council notes this is a CLP application but understands that the developer has covenants in place across the housing stock to prevent use as HMOs. Many of the properties built so far on this road are already reportedly in use as HMOs.

#### **Other Representations**

- 4.2 Local Residents  
Four letters were received before the application was placed on the Circulated Schedule. One raised no objection, stating that as HMO's are already present in the area it would be unfair to not permit this application.

The remaining three objected in relation to

#### *Amenity*

Noise, disturbance, rubbish, overcrowding, and vermin.

#### *Transport*

Parking pressures, illegal parking, poor pedestrian and vehicular access.

#### *Other*

Lacking community development, driving out families, health impacts, environmental impacts, and landlords not adhering to existing covenants on the properties.

- 4.3 Three additional objections were received while the application was on the circulated schedule. One referenced that the Case Officer (David Ditchett) is a UWE Alumni and as the property is likely to be let to UWE students this poses a conflict of interest. The remaining two were from the same objector referencing the restrictive covenant at the property. This objector also provided additional details (including a copy of the title deeds) to demonstrate that the proposed use would be contrary to the covenant at the property.

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

- 5.1 Site Location Plan  
Received by the Council on 20<sup>th</sup> August 2018.

## **6. ANALYSIS OF PROPOSAL**

### **6.1 Principle of Development**

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

- 6.2 The proposed development consists of the conversion of the property to a maximum of a 6 bed HMO. This development would fall within Schedule 2, Part 3, Class L, which allows for the conversion of small HMOs to dwellinghouses and vice versa, provided it meets the criteria as detailed below:

### **L.1 Development is not permitted by Class L if it would result in the use—**

- (a) **as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or**

The works would not result in the use as two or more separate dwellinghouses falling within the C3 use class.

- (b) **as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.**

The works would not result in the use as two or more separate dwellinghouses falling within the C4 use class.

6.3 Other Matters

The Case Officer understands the frustrations of local residents regarding the proliferation of HMO's in this location. However, applications of this type are a matter of fact and degree based on the facts presented. The development is either lawful in planning terms, or not. Any issues relating to amenity, transport, health, or community cohesiveness are not of relevance to the determination of this planning application.

- 6.4 It is acknowledged that the Case Officer is a UWE Alumni. However, this application is assessed on its lawfulness on the facts presented, therefore there is no conflict of interest in this case.

- 6.5 In regards to the restrictive covenant at the property that the owner is 'Not to use the Property except as a single private dwellinghouse'. A Certificate of Lawfulness application is to determine if the proposed development, or indeed lack of development, is legal in planning terms. Any civil covenants applied to a property are outside of the decision making process in this instance. Just as a property is bound in legal terms by Health and Safety Legislation or The Building Control Regulations which are enforced by separate agents, a civil covenant is also enforced by a separate agent, namely Taylor Wimpey. And the onus is on Taylor Wimpey to enforce this covenant in civil proceedings if they so wish. Therefore the presence of a restrictive covenant at the property sits outside of the scope of this application and bears no relevance to deciding if the proposed change is lawful in planning terms.

## 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 development falls within Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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