



**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. 17/18

Date to Members: 27/04/2018

Member's Deadline: 03/05/2018 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
18/18	Tuesday 1 st May	09:00am Thursday 3 rd May	5pm Thursday 10 th May	Friday 11 th May
21/18	Tuesday 22 nd May	09:00am Thursday 24 th May	5pm Thursday 31 st May	Friday 1 st June

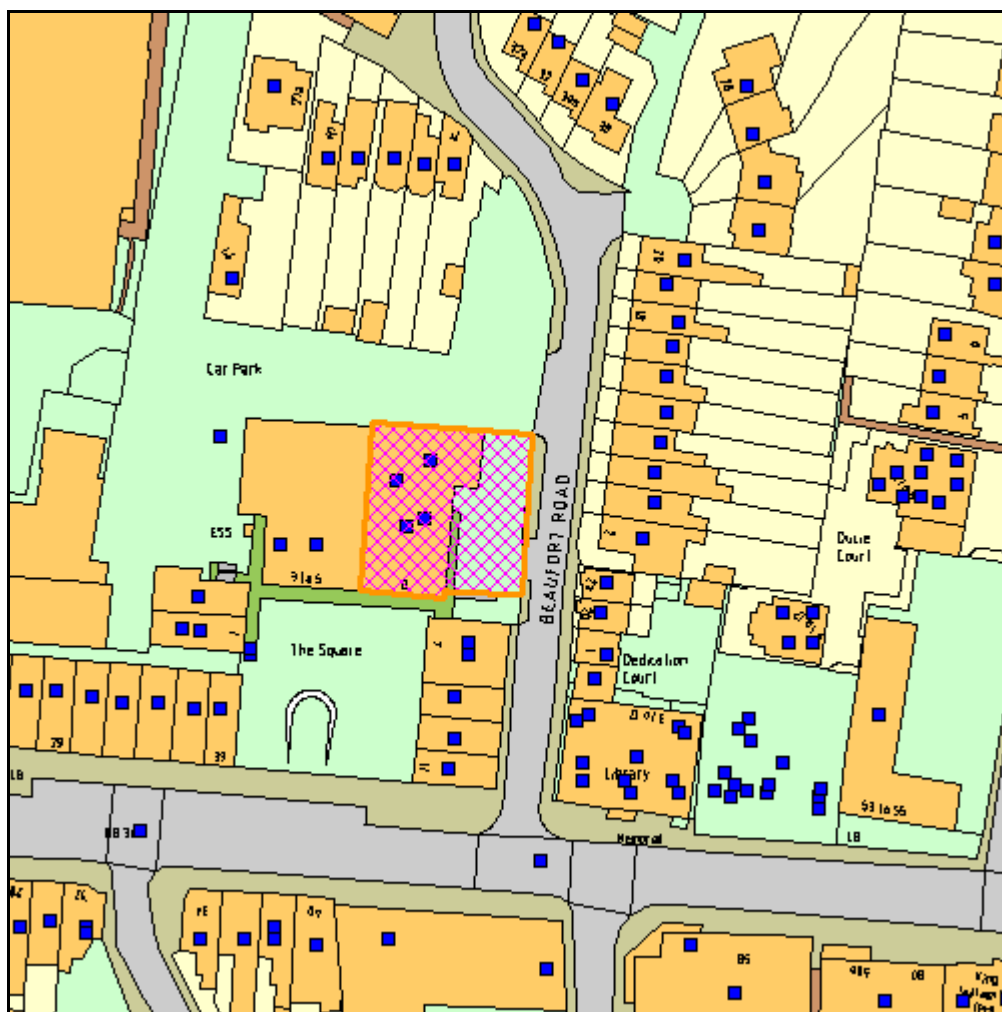
Dates and officer deadlines for Circulated Schedule May Bank Holidays 2018

CIRCULATED SCHEDULE - 27 April 2018

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/4477/O	Approve with Conditions	6A The Square Broad Street Staple Hill South Gloucestershire BS16 5LR	Staple Hill	None
2	PK17/4616/F	Approve with Conditions	Land At 14 Stanshawes Drive Yate South Gloucestershire BS37	Yate Central	Yate Town
3	PK17/5388/RM	Approve with Conditions	Parcels PL23A And PL23C North Yate NEw Neighbourhood Yate South Gloucestershire BS37 7JT	Yate North	Yate Town
4	PK18/0209/F	Approve with Conditions	Land At The Rear Of 22 Woodland Terrace Kingswood South Gloucestershire	Woodstock	None
5	PK18/0999/CLP	Approve with Conditions	53 Hollybrook Mews Yate South Gloucestershire BS37 4GB	Yate Central	Yate Town
6	PK18/1126/CLP	Approve with Conditions	79 Fouracre Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
7	PK18/1139/CLP	Approve with Conditions	39 Court Farm Road Longwell Green South Gloucestershire BS30 9AD	Longwell Green	Hanham Abbots Parish Council
8	PK18/1235/CLP	Approve with Conditions	9 Hunters Mead Hawkesbury Upton Badminton South Gloucestershire GL9 1BL	Cotswold Edge	Hawkesbury Parish Council
9	PK18/1347/CLP	Refusal	Bienvenue 6 Church Road Wick South Gloucestershire BS30 5QL	Boyd Valley	Wick And Abson Parish Council
10	PT17/5514/F	Approve with Conditions	Land To The North Of Minors Lane Avonmouth BS10	Almondsbury	Almondsbury Parish Council
11	PT18/0620/OHLE	Approve	Overhead Lines Old Gloucester Road Winterbourne South Gloucestershire BS36 1RX	Winterbourne	Winterbourne Parish Council
12	PT18/0667/CLE	Approve with Conditions	Poppies Barn Shepperdine Road Oldbury On Severn South Gloucestershire BS35 1RL	Severn	Oldbury-on- Severn Parish Council
13	PT18/0822/F	Approve with Conditions	Milbury House Whitewall Lane Buckover Gloucestershire GL12 8DY	Thornbury North	Thornbury Town Council
14	PT18/1022/CLE	Approve with Conditions	Homeland Cottage 111 Marsh Common Road Pilning South Gloucestershire BS35 4JU	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
15	PT18/1064/F	Approve with Conditions	37 Perrys Lea Bradley Stoke South Gloucestershire	Bradley Stoke North	Bradley Stoke Town Council
16	PT18/1265/CLP	Refusal	26 Beaufort Crescent Stoke Gifford South Gloucestershire BS34 8QX	Stoke Gifford	Stoke Gifford Parish Council

CIRCULATED SCHEDULE NO. 17/18 – 27 APRIL 2018

App No.:	PK17/4477/O	Applicant:	Mr Francis
Site:	6A The Square Broad Street Staple Hill Bristol South Gloucestershire BS16 5LR	Date Reg:	6th October 2017
Proposal:	Erection of 6no. two bedroom flats (Outline) with access, appearance, layout and scale to be determined. All other matters reserved.	Parish:	None
Map Ref:	365058 175970	Ward:	Staple Hill
Application Category:	Minor	Target Date:	29th November 2017



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 100023410, 2008. N.T.S. PK17/4477/O

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated as a result of the concerns of neighbours.

1. THE PROPOSAL

- 1.1 This application seeks outline planning permission to erect a three storey building to form no. 6 self-contained residential flats with car parking forming the ground floor of the proposal. Matters of access, appearance, layout and scale are to be determined. The fifth reserved matter of Landscaping is reserved for future consideration.
- 1.2 The application site is located on Beaufort Road in Staple Hill on land associated with 'The Square', part of the primary shopping frontage and which is currently given over to parking associated with unit six (A1 retail use)
- 1.3 The site is located within an urban area and is physically attached to unit 6 directly west of the site. The south of the site is a walkway and stairs to the flats located above the shops, to the north is more car parking space and across the road from the site is a mix of traditional and modern residential dwellings.
- 1.4 The proposal is shown to provide 9 car parking and 10 cycle spaces for the six flats which replaces the whole of the parking and turning area and loading bay for unit six and the little landscape troughs which form the boundary to the highway. The proposal shows natural stone at ground floor with white through colour render to first floor and vertical timber boarding to the second floor. Details of bath stone string courses, grey aluminium windows (some with glass Juliet balconies), Lindab galvanised rainwater goods and coping stones and a flat GRP roof are proposed.
- 1.5 The application site is within the Communities of the East Fringe of Bristol Urban Area.
- 1.6 This is a resubmission of a refused application and reduces the number of flats from nine to six, thereby also reducing the scale of the proposal to below the height of the existing building and removing the previous third floor residential accommodation. Throughout the application further consideration and amendments have also been made to the access and cycle parking arrangement.

2. POLICY CONTEXT

- 2.1 National Guidance
NPPF National Planning Policy Framework
PPG Planning Practice Guidance
THS Technical housing standards – nationally described space standard
March 2015

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

- PSP1 Local Distinctiveness
- PSP8 Residential amenity
- PSP11 Transport Impact Management
- PSP16 Parking Standards
- PSP31 Town centre
- PSP33 Primary shopping frontage
- PSP43 Private amenity standards

2.3 Supplementary Planning Guidance

- Residential Parking Standard SPD (Adopted) December 2013
- South Gloucestershire Design Checklist SPD (Adopted) August 2007
- Waste Collection Guidance for New Development (Adopted) January 2015
- CIL Charging Schedule and the CIL and S106 SPD (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PK17/2183/O Erection of 9no new dwellings (outline) with access, appearance, layout and scale to be determined, all other matters reserved. (Re submission of PK16/6664/F) this was refused for the following reasons:

- 1 The proposed development would result in total loss of all existing parking facilities as well as the existing service area that currently serves the site. The proposal would result in creation of new residential development on site with insufficient off-street parking. The proposal would lead to additional on-street parking thereby adding further congestion on the public highway. The cumulative impact of the above is considered to be severe in relation to the scale of development proposed and detrimental to highway safety and cannot be overcome through the use of appropriate planning conditions. As such the application is contrary to policies T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies), CS8 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and South Gloucestershire Residential Parking Standard SPD (Adopted) December 2013.

- 2 The proposal's scale, form, siting and massing are not informed by the site and its context, and does not respect or enhance the character, distinctiveness or amenity of the streetscene. Specifically, no regard is given to the juxtaposition of the terraced row of cottages to the west of the site and it is considered that the four storey building at this location as proposed would have a significant, detrimentally enclosing effect on the streetscene. As such the proposal is contrary to policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and Chapter 7 of the NPPF.
- 3 The site of the proposed development is restricted in size and the development of the land as proposed, would result in a cramped form of development to the detriment of the amenities of the occupiers of adjoining dwellings and the visual amenities of the locality. As such the development is contrary to policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and PSP8 of the South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016.
- 3.2 PK16/6664/F Erection of 9no. self contained apartments (Outline) with access, appearance, layout and scale to be determined. All other matters reserved. Withdrawn
- 3.3 Nearby applications within the wider car park area
- PK17/1743/F Erection of 3 storey apartment building for 5 apartments with ground floor integral parking and all associated works. Pending
- PK04/3754/F Erection of 2 no. dwellings and associated works. Refused 27.01.2005 for reasons relating to overlooking, unsatisfactory rear garden, layout, loss of parking for Fountain Square leading to increase in on street and for reasons of highway safety.

4. CONSULTATION RESPONSES

4.1 Parish Council
Non parished area.

4.2 Other Consultees

Lead Local Flood Authority

No objection but a SUDS scheme is expected by conditions

Children and young People

No comment received

Community services

No objection as falls below ten units

Transport Development Control

No objection further to reduction in scale and additional information

The Coal Authority

No objection subject to a condition being imposed to secure further investigations.

Housing enabling

As the proposal relates to 6 units on land measuring less than 0.33 hectares there is no requirement for on-site affordable housing.

Other Representations

4.3 Local Residents

Two households have responded to consultation with objections to the proposal for the following reasons:

- Inappropriate development – there is no more room for development.
- Out of keeping with the general style of established housing in the road.
- Development is imposing and will make writers house dark and street intimidating for pedestrians.
- Path will need to be wider
- Beaufort Road is very narrow and when Iceland deliver there is no room for any other car or pedestrian and the lorrys have to mount the pavement.
- The parking survey is false and an independent survey is needed and there are major parking issues for residents. At least six additional
- Further congestion will increase the risk of somebody being run over and there have been a number of near misses in the past
- Concerns about additional traffic and how they enter and exit the site and the existing carpark immediately next-door.
- Concern that loss of the loading bay might make it less attractive to other businesses.
- The current service yard is used as an official formal pedestrian access to the local shops in the square.
- Suggest consulting Iceland (*Officer has done already – no response received*)

Further an owner of a small part of the site was found and relevant ownership certificate has been served on that party.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application seeks planning permission for the erection of a three storey building with two floors containing a total of six No. 2 bedroomed flats two with an additional office/bedroom. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph goes on to state that if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date. The latest five year housing land supply is set out in the 2017 Authority's Monitoring Report (AMR) which shows a shortfall. This means that paragraph 49 of the NPPF is engaged.

- 5.2 Regardless of this, the starting point for any decision-taker is the adopted development plan, but the decision-taker is now also required to consider the guidance set out within paragraph 14 of the NPPF. Paragraph 14 states a presumption in favour of sustainable development, and states that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.
- 5.3 Returning to the development plan policy, the locational strategy in policy CS5 is concerned with the retention of settlement boundaries, and generally not supporting residential development outside of settlement boundaries or urban areas. Therefore the Development Plan policy supports residential development in principle at this urban location where there is good access to facilities and public transport provision.
- 5.4 Moreover the application site is previously developed land, being car parking area related to existing commercial and residential units at The Square. The site would therefore comply with a core planning principle of the NPPF, that being to *'encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value'* (paragraph 17).
- 5.5 Policy CS16 'Housing Density' of the Core Strategy requires developments to make efficient use of land, but importantly requires that new development be informed by the character of local area and contribute to:
- The high quality design objectives set out in policy CS1;
 - Improving the mix of housing types in the locality; and
 - Providing adequate levels of public open space, semi-private communal open space and private outdoor space.
- 5.6 Policy CS17 'Housing Diversity' of the Core Strategy makes considerations for the building of new dwellings in order to support mixed communities.
- 5.7 **Principle of Development – Summary**
The principle of residential development is supported by the Development Plan policy; and it would also make a contribution to overall housing supply. This would reuse brownfield land in an efficient way, and provide apartments to the mix of housing types in the area. All of these objectives are supported by local and national policy. Whilst the NPPF is an important material consideration, this proposal is in line with the Development policy, and in those circumstances should be approved without delay (assuming there are no insurmountable harmful impacts).
- 5.8 **Benefits of the Proposal**
The proposal will have one tangible and clear benefit, this would be the contribution of six new residential units toward the Council's 5 year housing land supply. This would be in a sustainable location, making more efficient use of brownfield land.

5.9 Design, Site Planning and Character

Policy CS1 'High Quality Design' of the Core Strategy which will only permit development where the highest possible standards of design and site planning are achieved. In addition to this, high quality design is seen as a 'key aspect of sustainable development...indivisible from good planning' within paragraph 56 of the NPPF, this paragraph goes on to state that good design contributes positively to 'making places better for people'. As this was a reason for the previous refusal the revisions proposed in this application are considered below.

The proposal essentially removes the existing loading bay, car parking and raised planting beds on the site and replaces that with a three storey building containing six flats and car and cycle parking in a self contained ground floor garage leaving a marginal part of the site undeveloped. The garage would also contain bin storage. The proposal is almost hard up to the edge of the footpath and overall rises some 8.5m above the pavement at the lowest part of the site, creating a three storey building. The previous proposal (refused under separate planning application) rose some 1.6m above the height of 6 The Square and some 3m above the height of the neighbouring two storey buildings known as 7-11 The Square. The scheme now sits comfortably a metre below the highest part of the attached building (No6) and only marginally above the height of 7-11 The Square. The horizontal changes in materials and the set back of the access to the garage, together with the flats above it also help to break up the form of the building. The materials proposed from bottom to top are set out on plan 112B and include natural stone walling, cream render, bath stone and grey cladding for the set back second floor. Windows and Juliet balconies will be grey and galvanised rainwater goods are also proposed. This is considered an acceptable design and similar in form to modern houses further up the street (attached to the Library). Whilst the proposal does not mimic the traditional early 20th century two storey terraced cottages with rooms integrated in the forward facing gable roofs, the proposal is an improvement on the large blank walls and dreary car park currently existing and overall in design terms is considered a positive improvement in the streetscene which overcomes the previous design refusals. Sufficient detail of materials is considered to have been submitted on plan 112b as received 12/12/2017 and will be conditioned to secure control over materials.

5.10 The lesser scale of the proposed building, in comparison to the refused scheme and taking into account the scale of the other buildings in the immediate locality is no longer considered overbearing on the streetscene. Part of the building is to be located so close to the existing pavement edge that no wall/railings, landscaping etc is likely to be facilitated except in the set back of the garage area. Whilst the recess will be only around one metre deep this will be able to facilitate a limited planting area, perhaps for climbing shrubs and some ground cover. Details of this could be submitted with the landscaping reserved matters applications.

5.11 Paragraph 60 of the NPPF states:

'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'.

5.12 Officers consider that the proposal's scale, form, siting and massing are now sufficiently informed by the site and its context, so as to be acceptable in appearance and scale.

5.13 Overall, the quality of the proposal's design can be considered to create dense development which is promoted generally in and around town centre locations close to good public transport and as such the application complies with policies CS1 and CS16 and also paragraphs 56 and 57 of the NPPF.

5.14 Residential amenity

A core principle of the NPPF is to 'enhance and improve the places in which people live their lives'; and also to 'seek to ensure high quality design and a good standard of amenity for all existing and future occupants'. Accordingly, the proposed development should respect the residential amenity of all occupiers, both existing and future. The relationship a property has with a street is generally considered to be a public relationship. Generally the proximity of windows across a street does not attract the same level of protection that the more private elevations of houses might attract. In this case the neighbours immediately opposite on Beaufort Road have had little chance of being overlooked until now, save for from the first floor height open pedestrian access to the flats and from street level. The proposal will be only 13m distant at its closest point whilst the new flats will have higher second floor windows than the houses opposite this is not considered to be unreasonable in an urban location such as this. This scheme differs from the refused scheme by having only first and second floor residential accommodation (previously there was a third floor). This assists in limiting the relative impact considered to be felt by neighbours. Whilst the proposed windows and Juliet balconies in this more limited scheme will provide more glazing than a more traditional scheme the modern design and scale is considered to be reasonable and appropriate to this site.

5.15 Policy PSP43 seeks to ensure that all residences have access to private amenity space. The policy goes on to recognise that higher density development may be appropriate in certain locations and circumstances, such as where other planning policies are promoting regeneration around and along key transport corridors and nodes. In this case the site is on good transport routes and as such sustainable. The developer has also provided large openings and Juliet balconies to each of the flats to facilitate good access to fresh air and daylight. Whilst the flats do not have their own private amenity space, the site is only 300m from Page Park and given its good use of land in this built up location this is considered acceptable in this instance.

5.16 Highway Safety and Parking

Policy CS8 of the adopted Core Strategy, emphasises parking as an important issue, and the Residential Parking Standards SPD is material. Overall, with regard to car parking, policy CS8 requires parking and vehicular access for new development to be 'well integrated and situated so it supports the street scene and does not compromise walking, cycling, public transport infrastructure and highway safety'

This application seeks permission for the erection of 6 No. 2-bed apartment with parking on land adjacent to the retail unit at 6 Fountain Square, Broad Street, Staple Hill, Bristol. The development is accompanied with Technical Note on Access. The site is part of part of Fountain Square and is occupied by a retail shop (i.e. Top to

Bottom Limited, a soft furnishing store) which has operated from these premises for many years. Fountain Square has its frontage with Broad Street.

- 5.17 The application site is currently an underused service yard for a large vehicle to unload goods associated with the existing business (soft furnishing business and for customers to park when picking up heavier items). The service yard has its frontage with Beaufort Road and there is a pedestrian access to Fountain Square adjacent to the service yard where a stairway is provided to the residential apartments above the retail units.
- 5.18 The loading bay part of this existing building will be demolished as part of the development proposal. This application follows the earlier proposals in 2016 and in 2017 that were refused partly on highway and parking issues. The current application differs to the earlier ones in terms of the scale of development and it includes more information on parking and ratios have changed as a result of the reduction in residential accommodation. The scale of the development has now been reduced from 9 to 6no. self-contained flats and it is proposed to provide 9no. car parking on site.
- 5.19 Access
The plan submitted with this application shows there are two existing access to the site which will be stopped up. Instead, the applicant is proposing a new access to be created onto Beaufort Road in the form of dropped kerb crossover to serve the new development. Visibility from the car park access serving the proposed development (drawing 1717/07B) confirms that visibility splays of 2.4 by 43m can be achieved. Details of visibility from the existing Fountain Square car park access also show that similar visibility splays can be achieved from this access. With this in mind, the transportation officer is satisfied that the adequate access can be provided and details of visibility can be secured by a planning condition. Proposed access is considered acceptable.
- 5.20 Parking
Car parking requirement for this development is assessed against SG Council parking standards SPD. According to this, parking requirement for 2-bed dwelling are 1.5 spaces. Additionally, 0.2 parking is required for each property for visitors' space. Based on the proposed development of 6no. 2-bed units then total of 10 parking spaces are required including visitors space. The context of this standard is set out in Section 3.1 and 3.2 of the Council parking guidance, where it confirms that no special provision need be made for visitors' parking when at least half of the parking provision associated with a housing development in 'unallocated'. In this case, the applicant is proposing to maintain all proposed 9no. parking spaces on site as 'unallocated'.
- 5.21 Relevant to the Council parking standard – it must be reported that the SG Council Residential parking standards (SPD), allows a variation from the prescribed standards, where there are extenuating circumstances that would justify a lower standard.

- 5.22 In this instance, the application site is in a highly accessible and sustainable location that is close to services and facilities required on a daily basis, including good local bus services. It is also noted that the applicant is also proposing provision of a travel plan with his application which includes 'Travel Welcome Packs' in order to encourage sustainable modes of travel and reduce reliance on the car. The proposed 'Travel Welcome Packs' would be available on first occupation and it would include £500 of sustainable travel vouchers per unit to be redeemed for public transport tickets or cycle purchase or cycle related measures. Provision of such a measure is considered to be useful and it would help toward promoting sustainability issue although this is considered to be a civil arrangement and not considered necessary to justify a planning obligation to that effect.
- 5.23 Associated with this scheme, the applicant has submitted a 'Technical Note on Access' with his application and this includes parking survey in the vicinity of the site. The results of this shows that during the course of their survey, there were up to four on-street car parking space close by on Broad Street and with similar number parking available on Beaufort Road. The parking survey has also been carried out on the applicant's own site –within the service area of this site. The results shows that the number of cars within the existing service yard, which forms the application site is low. Some three or four cars were parked in this car park adjoining to the existing service area.
- 5.24 From the Council's point of view, officers have also carried out site visits on a number of occasions and during different time of the day. The officer's own observations concur with the applicant's parking survey/results that on-street parking is available nearby.
- 5.25 The applicant will also provide cycle facilities on site in order to promote the use of sustainable transport methods and reduce reliance on car usage. The revised plan 171 07B submitted shows six cycle stands, which can accommodate up to 12 cycle parking on site.
- 5.26 In view of all the above-mentioned therefore, the officer concludes that the proposed development is acceptable and it would not result in severe highway impact and hence, it is considered unreasonable to refuse this application on highway grounds. As such conditions should be attached if consent is granted which require a Construction Environmental Management Plan (CEMP), and that the changes to the accesses and vehicle crossovers are carried out before occupation of the building. Further it would be necessary to see car and cycle parking provided prior to occupation of the first flat.
- 5.27 Drainage Considerations
No objection is raised by the Lead Local Flood Authority subject to a SUDS condition being attached if consent is granted.
- 5.28 Environmental impact
A Phase 1 Mining Risk Assessment Report was submitted with the application and this has been considered by the Coal Authority. This advised that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

It would be necessary that this would form a condition of consent if planning permission were to be granted.

5.29 The Planning Balance

The principle of development is supported by the Development Plan policy. Added weight in favour of the proposal is given in light of the Council's current inability to demonstrate a 5 year housing land supply. The proposal would make efficient use of brownfield land in a sustainable location, and add to the housing mix in the area. Sufficient alterations and reductions have been made to the current proposal to overcome the refusal reasons that related to the previous application.

5.30 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is granted subject to the following conditions.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

1. Approval of the details of 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 landscaping of the site, shall be submitted in writing/plan form 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 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 reserved matter, whichever is the later.

Reason

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

4. Coal Authority #1
Prior to the commencement of development a scheme of intrusive site investigations shall be submitted to and agreed in writing by the Local Planning Authority.

Reason 1

In accordance with the findings of Phase 1 Mining Risk Assessment Report (January 2017, prepared by Johnson Poole and Bloomer Limited) in order to establish the exact situation regarding coal mining legacy issues on the site and to comply with policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

Reason 2

This is a pre-commencement decision because it needs to be considered and implemented at the beginning of the works of site to prevent remedial action.

5. Coal Authority #2
The scheme of intrusive site investigations agreed under condition 4 shall be undertaken prior to commencement of development and the report of findings arising from those intrusive site investigations, together with a scheme of remedial works shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed in writing the remedial works (if any) shall be implemented prior to the commencement of development.

Reason 1

In accordance with the findings of Phase 1 Mining Risk Assessment Report (January 2017, prepared by Johnson Poole and Bloomer Limited) in order to establish the exact situation regarding coal mining legacy issues on the site and to comply with policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

Reason 2

This is a pre-commencement decision because it needs to be considered and implemented at the beginning of the works of site to prevent remedial action.

6. 1) A site specific Construction Environmental Management Plan (CEMP), shall be submitted to and agreed in writing with the Local Planning Authority prior to commencement of work. The CEMP as approved by the Council shall be fully complied with at all times. The CEMP shall address the following matters:
 - (i) Measures to control dust from the demolition and construction works approved.
 - (ii) Adequate provision for the delivery and storage of materials and provision of suitable contractor's parking on site.
 - (iii) Measures to control the safe movement of construction traffic on The access road leading into the site and Beaufort Road to include the use of a Banksman for all reversing movements.
 - (iv) Deliveries shall only take place Monday to Friday between the hours of 09:30 to 15:00 (school term time) and 09:00 to 16:00 (outside of school term time) and 09:00 to 12:00 Saturday. No deliveries on a Sunday.
 - (v) Details of how construction work is to be managed to ensure that the access road is not obstructed.
 - (vi) Details of how residents as well as other business using the access road and adjacent properties on Beaufort Road will be kept informed about the programme of works including the timing of large vehicle deliveries.
 - (vii) Contact details for the Site Manager.

Reason 1

In the interests of highway safety and the environmental quality of the area during works, and to accord with Policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

Reason 2

This is a pre-commencement decision because it needs to be considered and implemented at the beginning of the works of site to prevent remedial action.

7. No building shall be occupied until the proposed means of vehicular crossover has been completed, the existing access onto Beaufort Road to the development site has been permanently stopped up and the footway has been reinstated.

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.

8. The development shall not be occupied until the parking, manoeuvring area, cycle and bin facilities are provided as shown on plan 1717 08 Rev B.

Reason

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

9. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. Thereafter the development shall accord with the agreed details.

Reason 1

To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

Reason 2

This is a pre-commencement decision because it needs to be considered and implemented at the beginning of the works of site to prevent remedial action.

10. The development shall proceed in accordance with the following plans and documents upon which the decision is based:
Location plan 500
Existing site plan 100
Existing first floor plan 101
Existing elevations 102 all received 25/9/2017

Technical notes received 4/10/2017

Proposed first floor plan and schedule of accommodation 111B
Proposed second floor plan and schedule of materials 112B
Proposed elevations 113A
Proposed ground floor plan 110B all received 12/12/2018

Proposed site section 114 received 12/12/2018

Proposed ground floor plan 110B

1717 07 Rev B

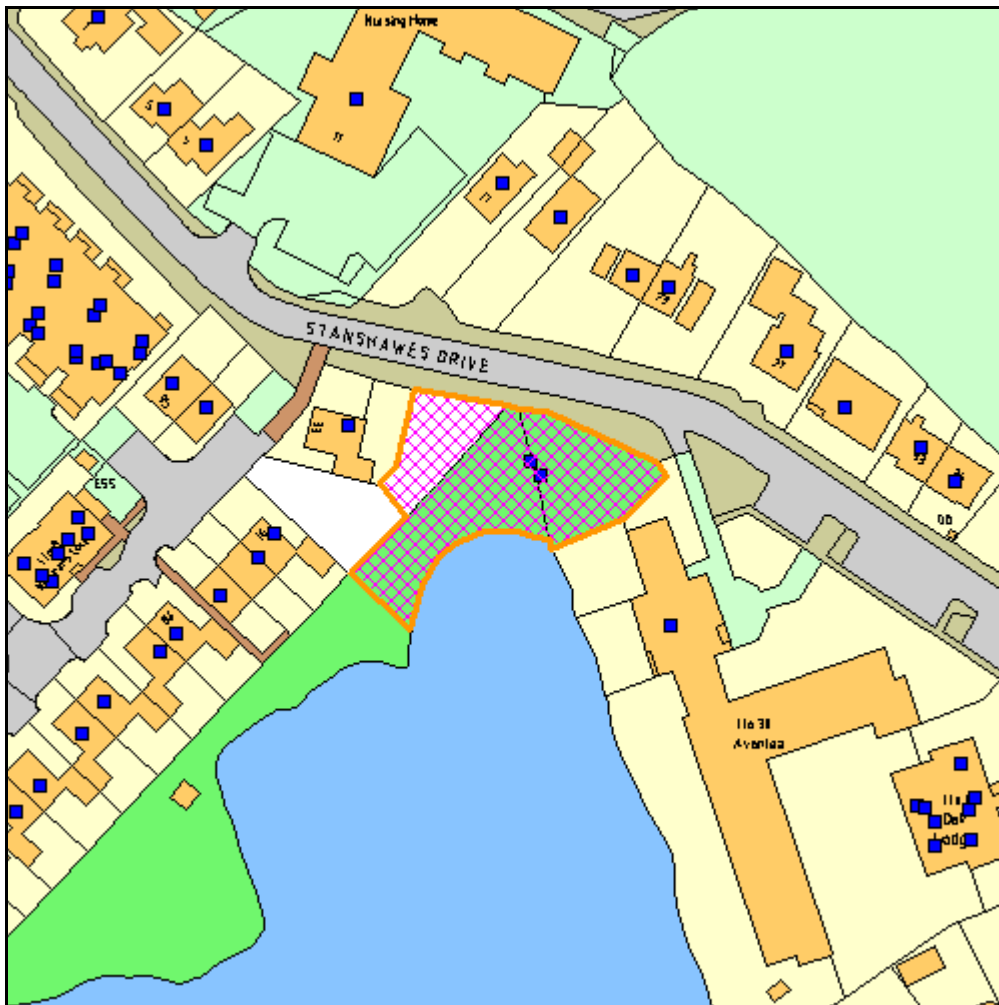
1717 08/Rev B both received 5/2/2018.

Reason

For clarity and to prevent the need for future remedial action.

CIRCULATED SCHEDULE NO. 17/18 – 27 APRIL 2018

App No.:	PK17/4616/F	Applicant:	Mr And Mrs Powell
Site:	Land At 14 Stanshawes Drive Yate South Gloucestershire BS37 4ET	Date Reg:	11th October 2017
Proposal:	Erection of 2no. detached dwellings with new access and associated works	Parish:	Yate Town Council
Map Ref:	370839 182002	Ward:	Yate Central
Application Category:	Minor	Target Date:	27th November 2017



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure as comments received have been contrary to the Officer's recommendation. As well as this, the application is submitted to the Council's Circulated Schedule as any consent would be subject to a legal agreement.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of 2no. detached dwellings with access and associated works. The proposed dwelling would be accessed off Stanshawes Drive.
- 1.2 The application site consists of a section of the far eastern corner of the Former Coopers Works Site, which has permission for 48no. dwellings, 44no. elderly persons residential flats, and 1no. office building (ref. PK12/2924/F). The application site is currently cleared and closed off from public access through gates onto Stanshawes Drive. Planning ref. PK12/2924/F has now been implemented and 'built-out', for clarity Blue Cedar Close forms part of the 'Former Coopers Work Site'.
- 1.3 The application site has an extensive planning history. Planning ref. PK14/1648/F was approved at appeal and granted permission to replace the approved office building with 2no. dwellings (known hereafter as plot A and plot B) (appeal ref. APP/P0119/W/14/3000831). Plot A and plot B have now both been sold meaning they are under different ownership. The application site is effectively plot A. Planning permission was granted to erect a dwelling on plot B in May 2016 – planning ref. PK15/3537/F. This permission has been built-out.
- 1.4 An application for the erection of 1no. dwelling at the application site (Plot A) was recently permitted (ref. PK16/5363/F). This application now proposes to erect a total of 2no. dwellings at the site.
- 1.5 To the east of the application site is a former quarry which is now a lake, this is included within the 'blue-line' of the submitted location plan. No development is proposed within this blue line.

2. POLICY CONTEXT

2.1 National Guidance

NPPF	National Planning Policy Framework March 2012
PPG	National Planning Practice 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
CS6	Infrastructure and Developer Contributions

CS8	Improving Accessibility
CS9	Managing Environment and Heritage
CS12	Safeguarded Areas for Economic Development
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS23	Community Infrastructure and Cultural Activity
CS24	Green Infrastructure, sport and recreation Standards
CS30	Yate and Chipping Sodbury

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
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
PSP42	Self-Build and Custom Housebuilding
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

Community Infrastructure Levy and Section 106 Planning Obligations Guide (2015) SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/5363/F - Erection of 1no detached dwelling, garage, access and associated works (Plot A). Approve with Conditions 01.02.2017
- 3.2 PK15/3537/F - Erection of 1no. detached dwelling with access and associated works (Plot B). Approve with Conditions 11th May 2016.
- 3.3 APP/P0119/W/14/3000831 - Appeal upheld against the Council's refusal of planning ref. PK14/1648/F. 19th May 2015.
- 3.4 PK14/1648/F - Erection of 2no. detached dwellings and detached double garage with access and associated works. (Resubmission of PK13/4461/F). Refused 01st October 2014.
- 3.5 PK13/4461/F - Erection of 3 no. dwellings with access and associated works. Withdrawn 31st January 2014

- 3.6 PK12/2924/F - Erection of 48 no dwellings, 44 no. elderly persons residential flats with ancillary accommodation and 1 no office building (Class B1) with access, landscaping and associated works (Resubmission of PK12/0837/F). Approved 24th January 2013

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
Objection. Comments summarised as follows:
- Highway safety
- Vegetation concerns
- 4.2 Transportation
No objection, subject to conditions.
- 4.3 Tree Officer
No comments received
- 4.4 Ecology Officer
No objection subject to condition requiring bat box enhancement measures, and an informative regarding birds.
- 4.5 Landscape Architect
No comments received
- 4.6 Lead Local Flood Authority
No objection.
- 4.7 Highway Structures
No comment.
- 4.8 Environmental Protection
No comments received.

Other Representations

- 4.9 Local Residents
5no. objections have been received. Comments can be summarised as follows:
- Highway Safety, including access and parking concerns
- Ecology issues and loss of hedgerow
- Similar to previously refused application
- Loss of light and overshadowing
- loss of view
- concerns in relation to adjacent lake (outside of the red line boundary of the site).
- Tree damage concerns
- detrimental impact on the area and visual amenity.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Residential development is acceptable in principle, this was established under planning ref. APP/P0119/W/14/3000831, and subsequently application ref. PK16/5363/F, which, at the time of writing, both remain extant planning permissions. Meaning if this development was refused, the applicant could still build-out either of these permissions.

5.2 Since the determination of the most recent application, the Councils Policies, Sites and Places (PSP) Plan has now been adopted (November 2017), this replaces the South Gloucestershire Local Plan (Adopted 2006). The adopted policies are not largely considered to represent a material change, although it should be noted that Parking Standards and Private Amenity Space Standards have now been introduced through PSP16 and PSP43, respectively.

5.3 Given the above, the assessment of this planning application will assess the impact of the additional dwelling (taking the total at the site to 2), as well as the differences this proposal makes when compared to the previously approved dwelling. In terms of the principle of the introduction of 1no. additional dwelling introduced to the site, this would form a more efficient use of land and maximise the amount of housing supplied, in accordance with CS16.

5.4 Access and Parking

Access to the site off the cul-de-sac has raised concerns from the Town Council and local residents. However, planning history demonstrates that the principle of the access off Stanshawes Drive has already been accepted through the previous allowed appeal and subsequent permitted application (ref. PK16/5363/F). The transport officer considers that the proposed access is safe with appropriate visibility splays.

5.5 The proposal involves 1no. additional dwelling compared to that previously approved. As such, it is noted that there would be some additional vehicular movements to and from the site. It is anticipated that each house would generate approximately 5-6 movements per day. This level of traffic is not considered to be material and the transport officer is satisfied that the road is adequate to accommodate the minor level of traffic generated from the development.

5.6 Moving on to parking, PSP16 sets out the parking standards expected for residential development, based on the number of bedrooms within the dwelling. Plans show that each dwelling would have three bedrooms, and as such 2no. off street parking spaces would be expected to be provided. Sufficient space is provided for two car parking spaces for each dwelling, one in the appropriately sized garage and one on hardstanding to the front of the garage, this is in accordance with PSP16. It is recommended that a condition is issued to ensure the parking is in place prior to occupation of dwellings.

5.7 Trees and Landscaping

The proposal does not include the felling of any trees further than that of the previously approved development. It follows the advice of a previously submitted arboricultural report and method statement, which was submitted as part of ref. PK14/1648/F. Plans submitted show that the trees and their root protection zones will be safeguarded as part of this development. Information submitted alongside this application states that protective fencing will be erected during the course of the construction works, as well as ground protection in accordance with BS.5837: 2012. This reflects information previously submitted as part of the recently permitted, ref. PK16/5363/F and is considered acceptable. It is recommended that a condition is issued to ensure the protection measures are put in place.

5.8 The proposed boundary treatments are largely within the application site and would comprise hedging, timber fencing and chestnut paling. These are considered acceptable.

5.9 Ecology

Comments from local residents raising concerns with impact on ecology and hedgerow are noted. The ecological Officer has reviewed this application, they consider that the adjacent lake (outside the red line boundary of the site), is likely to offer foraging for common urban bat species, such as pipistrelles, and the trees around the boundary of the site may provide roosting opportunities. Birds may also be present in the boundary vegetation.

5.10 The applicant has submitted ecological information alongside the application. This states that bat boxes will be installed as well as additional bird nesting boxes. The ecology officer has not raised an objection to the application but recommends that a condition is issued to ensure the bat boxes are installed and evidence of their installation provided to the Council.

5.11 Design

Members of the public commented that the development would be detrimental to the visual amenity of the area. Stanshawes Drive has a highly mixed character, which includes modern two/two and a half storey dwellings (as part of the wider Cooper's Works development), as well as large care home and retirement buildings, alongside two storey and single storey dwellings of differing designs. It is considered that the site would be viewed within this varied context.

5.12 The proposed dwellings would be largely two storey, and one would have a relatively large single storey element. Cladding would be introduced alongside render. A large amount of glazing would be introduced to their rear elevations, with one having an inset balcony, and the other having a Juliet balcony.

5.13 It is considered that the main characteristic of the site is its green boundary formed of vegetation and trees, this would be retained as part of the development. Given the mixed character of the surrounding area, it is not considered that the proposed dwellings would result in harmful visual impacts to the surrounding area. Accordingly, there are no objections in relation to

design. It is recommended that a condition is imposed in relation to proposed materials.

5.14 Residential Amenity

Comments have been received by nearby occupiers at No.33 Blue Cedar Close that the development will result in loss of light and overlooking to their property. Officers have reviewed the proposed relationship between the dwellings on a site visit. This dwelling sits on slightly higher ground than the application site. It is noted that the nearest dwelling would be located approximately 12 metres away, with the single storey element slightly nearer. It is noted that the development would result in some impacts to the residential amenity currently afforded to these occupiers as well as other occupiers along Blue Cedar Close. However, it is not considered that this relationship would be unacceptable, or unusual especially within high density developments, such as the Cooper's Works site itself.

5.15 Public Open Space

Previous contributions

- 5.16 Previous applications at this site (refs. PK14/1648/F & PK16/5363/F) identified that they represented artificial subdivision of the previously approved original application ref. PK12/2924/F. Therefore, in assessing requirements for infrastructure and developer contributions the Council calculated contributions based on the policy and figures used at the time of application ref. PK12/2924/F (although taking Community Infrastructure into account). Planning ref. PK14/1648/F therefore requested the following contributions toward public open space:

£6,223.71 towards provision of offsite enhancements

£4,310.01 towards future maintenance

- 5.17 It has been confirmed that the contributions required for open space under ref. PK14/1648/F secured through a Section 106 Unilateral Undertaking have now been paid, and it would therefore be unreasonable for the Local Planning Authority to request these contributions to be paid again, as effectively, the required contributions to mitigate the application sites impact have been paid for.
- 5.18 Having said the above, this proposal (as with previous application ref. PK16/5363/F) effectively subdivides an existing planning permission (ref. PK14/1648/F) for the erection of two dwellings which was subject to a legal agreement. A Unilateral Undertaking (UU) is therefore required to effectively link this planning application with the previous Section 106 UU. If this UU is not undertaken as part of this application, the applicant for the previous planning application, who paid the originally requested contributions under the previous Section 106 UU, could technically request that this sum of money is paid back.
- 5.19 Accordingly, a UU has been prepared, signed and sealed in order to ensure that the correct proportion of the sum already held by South Gloucestershire Council (the payment of £3,338.78 towards provision of offsite enhancements

and the payment of £2,430.20 towards future maintenance of public open space) is accounted for against this planning application.

Additional Contributions

- 5.20 It is acknowledged that this application introduces an additional dwelling to that permitted as part of refs. PK14/1648/F & PK16/5363/F. As such, public open space Officers requested that additional payments were made to account for this. The additional cost, based on today's calculations would be as follows;

£3,483.45 towards off-site enhancements

£2,535.43 towards future maintenance

- 5.21 The National Planning Practice Guidance (NPPG) sets out that; there are specific circumstances where obligations should not be sought. This includes where developments are of 10-units of less, and which have a maximum combined floorspace of no more than 1000m² (gross internal area). It also states that in all cases, the local planning authority must ensure the obligations meet the relevant tests as set out in para. 204 of the NPPF, and that they should not be sought where they [obligations] are clearly not necessary to make the development acceptable in planning terms.
- 5.22 CS24 seeks the provision of green infrastructure, sport and recreation provision. The Council's Community Infrastructure Levy and Section 106 Planning Obligations Guide (2015) SPD explains that open space contributions will be sought for schemes for the erection of 10 or more dwellings.
- 5.23 In a recent appeal decision in another part of South Gloucestershire (ref. APP/P0119/W/17/3191394), for 10 dwellings, the Inspector found that they could, '*not be certain that the [public open space] contributions sought would be necessary to make the development acceptable or that they would be directly related to the development and fairly and reasonably related in scale and kind*'. They also gave more weight to the advice in the NPPG over that of the development plan, as it is considered the most up to date.
- 5.24 This application is for 2no. dwellings, and Officers are mindful that public open space contributions have already been paid for the equivalent of 1no. dwelling at this site. These contributions were required around 3 years ago, and in relation to the sites subdivision from the main Cooper's Works site which was permitted around 6 years ago and which has now been built out. This is some time ago, and this application must be assessed under current policy and guidance.
- 5.25 Given the scale of the development, and that obligations would be required for only 1no. dwelling and associated household, Officers do not consider that the public open space contributions would be in accordance with current policy and guidance. The scheme would clearly be under 10 residential units and it is not considered that the obligations would be necessary to make the development acceptable in planning terms. For these reasons, it is recommended that no further obligations should be sought for this application, as it is considered it would be unreasonable.

5.26 Drainage

Original comments from the drainage team requested that a SUDs condition was imposed on any decision. Throughout the course of the application the applicant has confirmed a number of drainage details. Drainage colleagues reviewed this information and attended a site visit. It was confirmed that the rainwater will be dealt with through rainwater harvesting, permeable parking areas and soakaways to the rear of properties. It was confirmed that this was acceptable, and they now raise no objection to the development.

5.27 Other Matters

A number of comments were received from local residents which related to the lake (outside of the red line boundary, but in the applicants ownership). This included that it should be made publically available and relating to its maintenance. This application does not relate to the lake, or involve any alterations to the lake, as such this is outside the scope of this application.

5.28 Planning Balance

The principle of development in this location is acceptable. Having regard to the assessment above, there may be some harm resulting from the development. However, these impacts have been minimised and it is not considered that they would be such to outweigh the benefits of the provision of 2no. residential units within a defined urban area. It would also result in a more efficient use of land and higher density development than previous proposals at this site. For these reasons, and on balance, the application is considered acceptable and it is recommended for approval.

6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2018 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is granted subject to:

- the conditions listed below/and on the decision notice; and
- the signed Unilateral Undertaking that ensures that the correct proportion of the sum already held by South Gloucestershire Council (the payment of £3,338.78 towards provision of offsite enhancements and the payment of £2,430.20 towards future maintenance of public open space) is accounted for against the development subject of this planning application (ref. PK17/4616/F).

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. Car Parking and Access

The dwellings shall not be occupied until the access and parking arrangements have been completed, and made available, in accordance with the submitted Block I Plan (dwg no. S/1, as received by the Council 3rd October 2017). They shall be retained as such thereafter.

Reason

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

3. Tree Protection

The development shall proceed in strict accordance with the submitted Tree Protection Plan (dwg no. S/2/A, received by the Council 3rd October 2017) and Arboricultural Information (received by the Council 3rd October 2017).

Reason

In the interests of the health of the trees at the site, and the amenity of the area, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP3 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2018 and the provisions of the National Planning Policy Framework.

4. Bat Boxes

Prior to occupation of the dwellings hereby approved, three bat boxes shall be placed within the site boundary in accordance with Bat Box Sites Plan (dwg no. S/1, received by the Council 3rd October 2017).

For the avoidance of doubt: the bat box(es) shall be suitable for pipistrelles.

Reason

To provide enhancement for bats and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP19 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

5. Materials

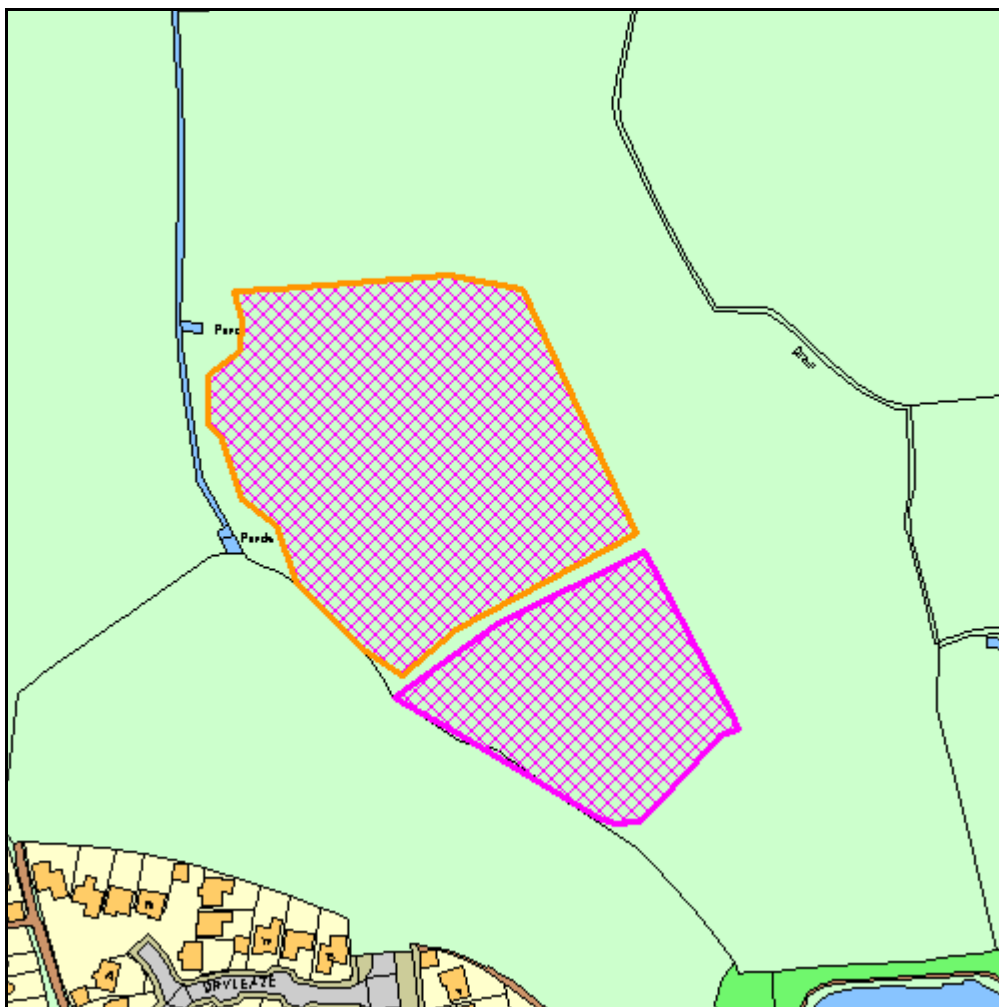
Prior to the relevant parts of the development hereby approved, details/samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure 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.

CIRCULATED SCHEDULE NO. 17/18 – 27 APRIL 2018

App No.:	PK17/5388/RM	Applicant:	Mr Mark Powell BDW Trading Ltd (David Wilson Homes Bristol Division)
Site:	Parcels PL23A And PL23C North Yate New Neighbourhood Yate Bristol South Gloucestershire BS37 7JT	Date Reg:	8th December 2017
Proposal:	Erection of 77 dwellings , associated roads, drainage, landscaping, garages and parking to include reserved matters of appearance, layout, scale and landscaping (Reserved Matters application to be read in conjunction with Planning permission PK17/4826/RVC)	Parish:	Yate Town Council
Map Ref:	371157 184343	Ward:	Yate North
Application Category:	Major	Target Date:	21st February 2018



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INTRODUCTION

This application appears on the circulated schedule because objections have been received from Yate Town Council and neighbouring occupiers which are contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks reserved matters consent for the erection of 77 dwellings, associated roads, drainage, landscaping, garages and parking. The reserved matters, which comprises appearance, layout, scale and landscaping should be read in conjunction with outline planning permission PK17/4826/RVC. This outline consent included details of access into the site off Randolph Avenue and Leechpool Way, with provision for access from Peg Hill. The scheme benefits from an approved design code (North Yate New Neighbourhood Design Code Rev D-March 2017) and masterplan (Condition 39 Detailed Masterplan 4739-LDA-00-XX-DR-L-0013), as well as a number of framework plans approved at outline stage.
- 1.2 This application is for parcels PL23A and PL23C as shown on the approved phasing plan, which are in the initial phases of development at North Yate. Comprising an area of some 1.69ha the parcels are located on the southern side of the NYNN site. The parcels abut the Ladden Brook stream and streamside trees and vegetation on the western boundary; a primary street on the north and eastern boundaries; and an attenuation basin on the southern boundary. The order that parcels will be developed reflects Barratt's and DWH buildout strategy influenced by timings involved in the grounding of high voltage electricity cables. The strategy is to build from south to north with initial construction access off Leechpool Way for 6 months to assist in the buildout of the initial phase. Once the main spine road between Leechpool Way and Randolph Avenue has been constructed, construction traffic will only use the access off Randolph Avenue. This reflects the approved Construction Management Plan.
- 1.3 Access into the parcel will be via primary and secondary streets, which form part the infrastructure application (PK17/4260/RM) and therefore; do not form part of the proposal. The 77 residential units in parcels PL23A and PL23C would include a mix of houses and flats of 1, 2, 3 and 4 bedrooms, ranging in 2 – 2.5 storeys in height. A statement of compliance has been submitted in support of this application.
- 1.4 Through the application process improvements have been secured in terms of the appearance of the units to provide more contemporary and distinctive elevations more in keeping with the vision of the design code, and improvements to the western green edge of the parcel to provide a more sympathetic setting to the adjacent green space corridor.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

National Planning Practice 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
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS30 Yate and Chipping Sodbury
CS31 North Yate New Neighbourhood

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodland
PSP6 Onsite Renewable and Low Carbon Energy
PSP8 Residential Amenity
PSP10 Active Travel Routes
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP17 Heritage Assets and the Historic Environment
PSP19 Wider Biodiversity
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP21 Environmental Pollution and Impacts
PSP37 Internal Space and Accessibility Standards for Affordable Dwellings
PSP43 Private Amenity Space Standards
PSP47 Site Allocations and Safeguarding

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Residential Parking Standards SPD (adopted)
Waste Collection: Guidance for New Developers SPD (adopted)
Extra Care and Affordable Housing SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/042/SCO, Scoping Opinion for a proposed mixed-use site approximately 104ha in North Yate.
- 3.2 PK12/1913/O, Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 4.63 hectares of employment land (Use Class B1,B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including: new vehicular and pedestrian accesses, public open

- space and landscaping and proposal to underground the electricity powerlines. Outline application including access with all other matters reserved. Approved on 17th July 2015.
- 3.3 PK15/5230/RVC, Variation of condition 41 of Planning Permission PK12/1913/O to change the proposed wording which related to the need for an Energy Statement and energy targets. Approved on 6th May 2016.
 - 3.4 PK16/2449/RVC, Variation of condition 12 attached to planning permission PK12/1913/O to allow for a programme for archaeological investigations across the site. Approved on 15th August 2016.
 - 3.5 PK17/0039/NMA, Non-material amendment to Condition 19 of PK16/2449/RVC (Outline planning permission for the North Yate New Neighbourhood) to reflect the updated phasing plan submitted pursuant to Condition 4. Approved on 23rd February 2017.
 - 3.6 PK17/4826/RVC, Variation of conditions 12, 19 and 41 attached to outline planning permission PK12/1913/O to rationalise and validate amendments to conditions previously granted under application reference numbers PK15/5230/RVC, PK16/2449/RVC, and PK17/0039/NMA. Approved on 27th November 2017.
 - 3.7 PK17/4260/RM, Laying out of landscape and infrastructure (Phase 0) including primary and secondary streets, utilities, services, foul and surface water drainage, hard and soft landscaping. (Approval of reserved matters including appearance, landscaping, layout and scale to be read in conjunction with Outline Planning Permission PK12/1913/O superseded by PK16/2449/RVC). Recommended approval.
 - 3.8 PK17/5389/RM, Erection of 86 dwellings , associated roads, drainage, landscaping, garages and parking to include reserved matters of appearance, layout, scale and landscaping (Reserved Matters application to be read in conjunction with Planning permission PK17/4826/RVC). Recommended Approval.
 - 3.9 Parcels PL23B, PL23D and PL23E. PK18/0527/RM, Erection of 71 no. residential dwellings and their associated roads, drainage, landscaping, garaging and parking. Approval of the reserved matters appearance, layout, scale and landscaping associated with application PK12/1913/O superseded by application PK17/4826/RVC. Still under consideration.
 - 3.10 PK18/0529/RM, Reserved matters for appearance, layout, scale and landscaping attached to outline planning permission PK12/1913/O Installation of local play area and associated works. Still under consideration.

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
Objection. The following is a summary of the reasons that Yate Town Council is objecting:

- The name Ladden Garden Village is misleading and confusing;
- Construction traffic issues;
- The proposals will affect the residential amenity of existing residents;
- There should be a hedgerow to the south side of parcel to help screen the development from existing occupiers;
- Concern regarding the lack of pavements;
- Lack of pedestrian crossings on main roads;
- A safe route to schools plan is required;
- Concerns regarding the design of parking for proposed dwellings;
- Lack of visitor parking;
- Insufficient parking allocated for proposed dwellings;
- Road widths are insufficient in width to allow for adequate manoeuvring;
- Lack of play space for residents and also the arrangement of play spaces;
- Oppose the use of weatherboarding or render as they are not part of the local vernacular (which is stone and brick);
- Boundaries should be brick with pillars nor single skin runs or wood;
- Wheelchair compliant parking space is required for the wheelchair unit;
- The whole development requires a Tree Preservation Order and hedge protection;
- Tree protection fencing must extend to the canopy edge rather than the RPZ.

4.2 Archaeological Officer
No comment

4.3 Network Rail
No objection in principle subject to standard advice. *This will be provided as an informative*

4.4 Listed Building Officer
No comment

4.5 Bristol and Avon River Trust
Would like to see much more consideration of the environmental impacts on the Ladden Brook, which is an important tributary. BART can confirm it is an important wildlife corridor with otter, woodcock and snipe found along its course. Ladden Brook is important as a habitat for fish and invertebrates and needs to be protected and developed as a community asset. BART do not oppose plans but would support South Glos CC efforts to include environmental protections wherever they can. It is important for the cumulative effects of development to be considered in the decisions as each individual compromise will undermine the possible benefits of future green infrastructure plans.

4.6 Highways England
No objection

4.7 Affordable Housing Officer

I would point out that the 3 flats on the second floor of Block B appear to be below the minimum size standards specified in the S106 agreement (min size 46m²). The applicant is requested to address this – we have raised min size standards with them previously on this RM when they first submitted plans which they then corrected. Other than that I can't see any other AH issues.

4.8 Drainage Officer

I have no objection to the proposed layout, however they need to supply drainage calculations that match the proposed layout. I am happy for the submission of these updated drainage calculations to be conditioned as a pre-commencement condition.

4.9 Historic England

In our view you do not need to notify us of this application under the relevant statutory provisions, details of which are below.

4.10 Waste Officer

The bin stores for the apartments are good and in general the proposal is acceptable. I still have a concern over the collection vehicle tracking near plot 29 (previously plot 27).

4.11 Ecology Officer

Plots 1 and 26 and the roads running along the west of the parcels are too close to the Ladden Brook to ensure that it acts as a robust wildlife corridor. The Ladden Brook is an integral link within the existing ecological connectivity of agricultural fields, as well as the proposed green infrastructure of the site. Its function as a wildlife corridor to and from Cooper's Lake and other green spaces is essential to the ecological functioning of the site for a number of species.

The increase in density of development has resulted in the loss of small areas of green space to private gardens. Whilst of some use to local ecology, these gardens are small islands trapped within a network of roads, limiting their use to local wildlife.

4.12 Public Rights of Way Officer

23A & 23C do not contain a public right of way. I welcome the representation of recreational off road paths to the immediate south of the parcels that reflect the route of LYA/50/80 leading east/west connecting to Coopers Lake and Brimsham Park facilities. I would prefer to see the northern end of this path link to a continuation path across the site in line with PSP 10 Local Plan Policy that seeks to protect all active travel routes including public rights of way.

4.14 Transportation Officer

With regard to visitors' parking spaces fronting plots no. 25 to 27, I suggest that these are made allocated spaces to the plot in front. Widen the paths fronting 22-27, 57-62, 69-74 and 34-37 to minimum width of 1.2m.

Otherwise, the layout is ok from highway's point of view.

4.15 Crime Prevention Design Officer
No objection subject to the following:

Plots 6, 61 and 62 have parking areas in front of garages which are likely to be in the dark and these areas may be vulnerable to crime. It would be advantageous to either provide additional light in the area and/or ensure buildings have habitable rooms overlooking this area.

Plots 23-24, 25, 58-59, 74 and both sides of 75 have exposed gable end walls. It is important to avoid the creation of windowless elevations and blank walls adjacent to space which the public have access.

4.16 Environmental Protection Officer
No adverse comments

4.17 Coal Authority
The site does not fall within the defined Development High Risk Area. It will be necessary to include The Coal Authority's Standing Advice.

4.18 Public Art Officer
There is an agreed public art plan for the new NYNN. However, no details about how this will be brought forward and implemented appear to have been included in this submission. These details should be submitted prior to approval.

Other Representations

4.19 Local Residents
Ten letters of objection have been received from nine members of the public. The following is a summary of the reasons given for objecting:

Housing in Yate is not required;
Loss of green space;
Yate infrastructure cannot cope;
A drainage ditch to the rear of my property (Pear Tree Hey) appears to be removed – how will drainage be dealt with;
Concerns regarding the loss of a hedge/vegetation to the rear of my property (Pear Tree Hey);
Development will cause additional traffic on existing roads causing rat runs to be created on country lanes;
Proposed compound is too close to existing properties on Eastfield drive which will increase traffic and noise levels;
Concerns regarding construction traffic;
This area was stated as phase 2 on the original plans;
I would like to know construction days/times;
Lack of provision of cycling routes;
Concerns regarding a lack of pavements and the impact on highway safety;
Unable to see any pedestrian crossings;
Concerns regarding noise from builders;
What guarantee is there to ensure roads will be kept clean and not muddy;
Fencing required to protect children from surface water swale;

Public transport to this area is very poor;
When do the extra schools and shops get built;
Who takes responsibility for cleaning the roads;
Construction issues relating to noise and dust;
Insufficient space has been allocated to the river and hedgerow corridors which will be detrimental for their use by wildlife;

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Urban Design

The approved design code envisages a new neighbourhood made up of different areas with their own particular qualities. Three separate character areas – Yate Gallops, Yate Woods, and Yate Meadows are proposed in order to achieve this. The idea, according to the design code, is that the character areas facilitate design that works with the existing site and its surrounding context, whilst enabling a range of development types to come forward to broaden the market choice on offer and to help deliver a commercially sustainable scheme.

5.3 The site lies within the Yate Meadows character area. This area has the strongest visual and physical relationship to the wider countryside. It is characterised by contiguous green space, and contains extensive ponds, swales and recessed flood attenuation areas. The eastern edge of Yate Meadows is characterised by individual buildings at a generally lower scale, which is part of the sensitive design response to the wider countryside setting.

5.4 Parameter Plans

The approved parameter plans show parcels PL23A and PL23C are required to provide entirely residential development, with a density between 35-50DPH, with a maximum of 3 storeys in the northern section and 2.5 storeys elsewhere. The proposal is entirely residential and has a density of approximately 46DPH and is a maximum of 2.5 storeys.

5.5 Green Infrastructure

The application parcel is not required to provide any green infrastructure according to the relevant framework plan. Revised plans received have provided a more sympathetic edge to green infrastructure directly to the west

by providing more of a buffer between the development and the green infrastructure.

5.6 Access and Movement

Primary streets extend to the north and east of the parcels, whilst a secondary street extends east-west between the parcels. The only streets within the application parcels are tertiary. Tertiary streets are shown indicatively on the Access and Movement Framework Plan and the code sets out that there is flexibility in respect of their actual positions, although proposals must incorporate the number of connections shown as a minimum. The Access and Movement Framework Plan demonstrates a single tertiary street providing two entrances into parcel 23A from the north and south edges of the parcel, as well as on plot footway/share surface routes to the south and east edges of the parcel. The tertiary street connections and the pedestrian links, which are provided on a combination of shared surface and dedicated footway are considered to accord with the framework plan.

5.7 Waste Collection and Storage

The site wide principles in the NYNN Design Code for waste collection and storage set out that bins should be stored to the side or rear of households to adequately screen containers from view in the interests of visual amenity. If that is not possible, they should be integrated into the façade or boundary treatment and be screened by a wall or hedge. The majority of the dwellings proposed have bin stores within rear gardens with collection from the highway to the front, which will ensure there is ample room for the storage of the various receptacles. This design will also ensure that they will be well screened from public views, and it will be practical for householders. Mid terrace properties have front bin storage areas to provide more convenient storage and collection of refuse and recyclables, which will be screened by a 1.2 metre high brick wall. Comments made by the Council's Refuse Officer in respect of the refuse tracking plans have been addressed through revised plans.

5.8 Layout and Appearance

The original plans submitted showed a very weak architectural language with too many disparate materials used within individual house types and unnecessary embellishment of openings that made little compositional sense and did not reflect the crisp, contemporary approach that the design code envisages. The disposition of the main elevational and roofing materials originally demonstrated no clear strategy in creating sub-character areas that relate together and group buildings as coherent streetscapes and/or clusters of development sharing a common character. It is considered that the revised proposals demonstrate a more refined and measured approach and represent a considerable improvement.

5.9 The materials proposed are Weber render (chalk and silver pearl colours); Forticrete shearstone mid grey cottage finish; red, buff and blue bricks; Marley Eternit cedral weatherboarding (grey brown, atlas brown, taupe, and pewter colours); and Forticrete pan8 brown and SL8 grey roof tiles. According to the developer, clipped eaves will be used on the Barratt's parcels and boxed eaves will be used on the David Wilson Homes parcels in order to provide a variation in eaves typology. Grey fascia's are proposed to all sides, whilst grey windows

- are proposed to front and exposed side elevations only. There is no objection in principle to the materials proposed and accord with the design code guidance for the Meadows character area, although the colours of the render and weatherboarding could be more vibrant. Samples of materials are required to be agreed with the Local Planning Authority to ensure an adequate standard of appearance. A condition is attached on this basis.
- 5.10 Although the revised proposals for appearance are generally supported, the units comprising buff brick were not considered as successful as the other materials treatments and lacked visual interest. In response, the developer has reviewed the relevant sub character area and has introduced additional elements of detailed brick. Brick panels have been introduced to offer more interest and will be in a blue/grey contrast brick.
- 5.11 The apartment block elevations have been amended and are considered to be an improvement over the original proposals. Elevations have been enhanced with windows of larger and more vertical proportions; balconies have been added to provide private amenity space, as well as a sense of depth to the elevations; provision has also been added for a communal seating area for residents to the side of the apartment blocks; and the materials proposed have been updated to reflect the revised aesthetic approach.
- 5.12 When used as an embellishment detail, it is considered important that the weatherboarding is recessed to the same level as the brickwork. A detail showing the method of fixing of weatherboarding has been submitted demonstrating that it will be recessed almost flush with the brickwork. A largescale detail will be secured to ensure an adequate standard of appearance.
- 5.13 Originally the western edge fronting a public open space corridor comprised a number of terrace properties with a car dominated frontage, which would not have provided an attractive setting for the public open space. The revised plans demonstrate a higher percentage of detached dwellings in this area providing a more consistent and attractive frontage to the public open space. The northern and eastern edges primarily comprise a mix of 2.5 and 2 storey semi-detached dwellings. These properties front a primary street; therefore, whilst the design code specifies 2 storey semi-detached dwellings in this location there is no objection to the increase in height. The dwellings will provide a consistent frontage to the edge of the main spine roads which accords with the aims of the design code.
- 5.14 Additional windows are proposed where side gable elevations frame the entrance to the street to provide surveillance to these areas such as plots 40, 77, 33 and 63. The east facing gable end of unit 33 will be prominent within the street and faces the front of units 62-59. This unit has been amended to provide a dual aspect in this location to address the street better to the north and east, which accords with the advice given by the Council's Urban Design Officer.

5.15 PROW

The Council's Public Rights of Way Officer has confirmed that no public right of way cross the application parcel. The PROW Officer's comments in relation to the treatment of the public open space paths to the south of the parcel are beyond the scope of this application as they fall outside the application site and relate to the infrastructure application (PK17/4260/RM).

5.16 Shared Street Design

The internal streets within the parcel are to be shared between cyclists/pedestrians and vehicles, as there is no defined footway or carriageway. This is in accordance with the design code which seeks to create a series of clear, predominately shared surface streets. The proposed streets will be seen as subordinate compared to the more formal primary and secondary streets and therefore, will discourage rat running. The design code requires shared surface streets to be 8 metre plot to plot minimum in width and designed to an adoptable standard. On street parking, as well as trees within buildouts are required to contribute to traffic calming. The main shared surface street which extends through the centre of parcel 23A demonstrates on street vehicular parking, changes of material, buildouts and a deflection to the road direction to calm traffic. On the western edge abutting green space, the shared street will have more of a low key character due to the narrower width of the road; and the meandering design formed by the pinching of the highway by green space at several points will aid in traffic calming.

5.17 The design code envisages a flush shared surface to provide a truly democratic shared surface environment. Although this is shown on the plans submitted, the detailed design of the streets will need to be approved via the S38 process. It will be necessary for Planning Officers to work closely with the Highway Adoption Engineers to ensure that a flush shared surface design is carried forward to the implementation stage.

5.18 Security

The Crime Prevention Officer has raised concerns regarding single width parking areas between the side elevations of dwellings, as this area is likely to be dark and vulnerable to crime. On the revised plans these areas relate to plots 64, 31, 55, 54, 50 and 27. Revised plans received have addressed this matter through the provision of side windows to provide extra surveillance to these areas. In addition, the officer has advised against blank gable ends that are publically accessible, as they are vulnerable to vandalism. Therefore, exposed gable ends that are prominent in the streetscene now comprise glazing in accordance with the Crime Prevention Officer's advice.

5.19 Landscaping

The main landscaping issue with this application has been the western edge which abuts a green corridor, and ensuring that the development layout provides a sufficiently sympathetic design response. Drainage constraints have necessitated levels being increased by approximately 1 metre within the parcel; therefore previously, dwellings and access roads, which extended very close to the stream corridor, necessitated the use of retaining structures up to 1.4 metres in height along the length of the green corridor. Even though these structures were proposed to be faced in stone to match the buildings, it was

considered that it would result in a contrived design and would not retain the naturalistic character of the stream corridor as required by the design code. The scheme has been amended through an increase in the separation distance between the access road edge and the stream corridor. This has meant that there is sufficient space for the land between the stream corridor and the access road to be regraded to address the change in levels. It is considered that the revised layout will have less of an impact on streamside vegetation, and provides a more sympathetic design response to the stream corridor. The Council's Landscape Officer still has concern regarding the impact of the proposed embankment on existing vegetation. The embankment slope is currently shown as 1:3 generally and therefore, a condition is proposed for it to be steepened to 1:2 where there are pinch points in order to avoid impact on the hedge.

- 5.20 The street trees originally did not match with the tree species on the infrastructure plans. It was considered that the proposed *Carpinus Betula* 'frans fontaine' was not appropriate as there was space for a broader, more natural form of tree along the main roads, and in tertiary streets the amelanchier tree species previously proposed was not considered to be of sufficient stature to provide character. The revised plans have amended the species of trees to match the approved infrastructure proposals, whilst the amelanchier species has been replaced by magnolia Kobus to provide greater stature. The size of the trees proposed on primary, secondary and tertiary streets accords with the design code. Concerns were also raised that the planting proposals were very similar to those of many other schemes proposed for new developments within South Gloucestershire, with *Phormiums* and *Photinia* in particular being heavily over used. In response, the revised plans have removed all *phormium* specimen shrubs which have been replaced with more informal species to reflect the more relaxed character of the meadows.
- 5.21 Boundary treatments predominately comprise a 450mm high wall with a hedgerow behind, which accords with the design code. A low wall and hedge is proposed to all areas with the exception of the western edge where open front gardens with shrub planting is proposed. Given that this will provide a more open and informal character to the edge of the development fronting green space, there is no objection on this basis.
- 5.22 Tree protection fencing has been approved and is required to be installed around retained trees and hedgerows under application PK17/4260/RM for infrastructure. The whole of the NYNN site is covered by Tree Reservation Order SGTPO 09/09 (632) dated 22nd September 2009. The works to trees, as well as the location of tree protection fencing has been agreed with the Council's Tree Officer under applications PK17/4260/RM and PK18/0156/TRE.
- 5.23 Residential Amenity
It is considered that the proposed layout will provide an adequate standard of amenity for future occupiers. Back to back distances are around 19-21 metres, which will ensure an adequate level of privacy. Although the front elevation of the affordable housing plot 35 shares a close relationship with the affordable housing plot 36, it is considered that the properties are at a sufficiently oblique angle to each other to ensure that no adverse inter-visibility issues would result.

Garden sizes overall are considered to be acceptable to ensure an adequate standard of amenity for future occupiers. Originally no balconies or communal space was proposed for the apartment blocks. The revised plans received have addressed this issue through the provision of balconies, as well as communal space with a seating area, which will provide a far better level of amenity for future occupiers. Although it is noted that a close relationship between plot 57 and 56, would cause some loss of light to plot 56, it is considered overall that the proposed layout is acceptable in terms of residential amenity.

5.24 The application site is located at a distance of approximately 65 metres from existing properties. Therefore, given the level of separation it is not considered that existing occupiers will be adversely affected in terms of loss of natural light or privacy. Whilst it is noted that objections have been received from existing occupiers in respect of noise and disruption through the construction process, these matters are outside the scope of this reserved matters application. These issues are addressed in the construction management plan, which has been approved. This document sets the hours of working on the site (Monday to Friday 8am until 6.00pm; Saturday 8am to 1pm; No Working on Sundays or bank holidays), the routing of delivery vehicles, as well as measures to reduce the environmental impacts such as dust and noise from construction activities, as well as measures for keeping the roads clear of mud. The developer will be required to comply with the measures set out in the plan. An informative note is considered appropriate to bring this to the attention of the developer. Construction access will only be off Leechpool Way for a 6 month period to assist in the buildout of the initial phase of development. Once the main spine road between Leechpool Way and Randolph Avenue has been constructed, construction traffic will only use the access off Randolph Avenue. Leechpool Way will then be restricted for residential traffic only.

5.25 Transportation

The Council's Transportation Officer has confirmed that the internal road layout within the development is designed subject to a 20mph speed limit and includes provision of traffic calming features, including changes of surface material. The Transportation Officer is satisfied that vehicular speeds within the development would be low and all new junctions would have an adequate level of visibility. The Transportation Officer has consequently raised no objections to the proposal and considers the access and internal road layout to be acceptable and in accordance with the Council's adoptable design standards and would be adequate for pedestrian/cycle/vehicular use.

5.26 The Council's Transportation Officer has recommended that the surface material of shared surface roads be concrete block paving. Tarmac is proposed to the shared surface areas with areas of block paving acting as a traffic calming measure, as well as denoting visitor parking. The design code seeks tertiary and shared spaces to be designed to respond to the relevant character area description with shared spaces and dedicated parking bays finished in materials that support the character area objectives. The design code also seeks a single surface finish laid flush with no features other than parking that define a carriageway for vehicles. The plans demonstrate the use of a single surface material laid flush with no other features defining a carriageway, which will provide a truly democratic shared surface environment. It will be necessary

- for Planning Officers to work closely with the Highway Adoption Engineers to ensure that an adequate shared surface design is carried forward to the implementation stage.
- 5.27 Amendments made to the layout have introduced a through road on the western edge of the parcel to accommodate pedestrian and vehicular movements. The narrow width and winding low key nature of this route will ensure that vehicular speeds are kept low. A tracking plan submitted demonstrates that the layout will provide adequate manoeuvring space for large vehicles.
- 5.28 The Council's Transportation Officer has confirmed that the general level of on plot parking as proposed for each property complies with the Council's adopted parking standards. Garages that have minimum internal dimensions of 3m x 6m may count as a parking space. All garages proposed will meet this minimum size requirement. The Council's Transportation Officer has confirmed that 15 visitor parking spaces are required to be provided for a development of the scale proposed and the proposal provides 21 visitor spaces and therefore, complies with the South Gloucestershire Residential Parking Standards SPD. It is noted that some of the visitor parking spaces is provided perpendicular to the highway, and therefore, would not be adopted by the Council. These types of parking spaces are therefore, unlikely to function as visitor parking, and visitor parking previously proposed has been allocated to plots in accordance with advice from the Council's Transport Officer. Visitor spaces associated with apartment blocks and affordable housing will be managed and allocated by the relevant management company and therefore, could be retained as visitor parking. On this basis, it is considered that 18 visitor spaces will be provided which accords with the Council's Residential Parking Standards SPD. The paths to plots 22-27, 57-62, 69-74 and 34-37 have been increased in width to 1.2m in accordance with advice from the Council's Transportation Officer.
- 5.29 In response to the Town Council's concerns regarding the provision of safe route to school, the approved approach set out in the design code is that all primary and secondary streets will be designed with safe route to school principles. Matters relating to the design of primary and secondary roads are outside the scope of this application. These matters are considered in the infrastructure application PK17/4260/RM.
- 5.30 Listed Building Impacts
The closest heritage asset is the grade II listed Goosegreen Farmhouse and barn which is approximately 360metres to the southwest of the parcels. Given the separation distance and the intervening development, it is not considered that there would be a significant effect on the setting and significance of the listed building. Weight is also given to the fact that the masterplan showing residential development in this location has also been approved.
- 5.31 Affordable Housing
The provision of affordable housing on the parcels is required to be considered against the approved Affordable Housing Schedule and plan, as described in the approved S106 agreement. The affordable housing quantum has been provided in accordance with the S106 agreement. The Council's Affordable

Housing Officer has confirmed that the quantum of affordable housing proposed (25 affordable homes) is in accordance with the S106 agreement. The tenure split of 24 units for social rent and 1 unit for shared ownership has also been accepted by the Affordable Housing Officer. The range of house types proposed does not match the Affordable Housing Schedule with regards to the numbers of 2 and 3 bedroom houses for social rent; however, the Affordable Housing Officer has accepted the proposal as it is in broad accordance. An informative note is appropriate to notify the developer that the affordable housing schedule will need to be amended accordingly. It has been agreed that there should be no more than 12 dwellings in a cluster with no more than 6 flats with shared access. The proposal is considered to be acceptable in terms of clustering. The applicant has confirmed in writing that the affordable homes will be built to relevant codes and standards set out in the S106. A number of issues raised by the Council's Affordable Housing Officer in relation to the wheelchair units have been addressed through revised plans. Revised plans have also increased the internal dimensions of three flats on the second floor of flat blockB to meet the minimum size requirements set out in the S106 of 46m². Accordingly, there are no objections in respect of affordable housing.

5.32 Drainage

The Council's Drainage Officer has confirmed that they have no objection in principle to the proposal. MicroDrainage Calculations have been submitted in respect of foul and surface water drainage. The comment from a member of the public in relation to the requirement for fencing to protect children from the surface water attenuation basin is noted; however, the design code specifies that no edge protection is required for a sloped edge of an attenuation basin with a gradient no greater than 1:3. The adjacent attenuation basin S8 will have side slopes of 1:3 gradient and a maximum water depth of 1 metre. Accordingly, on this basis, it is not considered that fencing is required to the edge of the attenuation basin.

5.33 Ecology

The Ecological Officer has raised concerns that the proximity of plots 1 and 26, as well as the roads running along the west of the parcel, are too close to the Ladden Brook to ensure that it acts as a robust wildlife corridor. The officer notes that the Ladden Brook is an integral link within the proposed green infrastructure of the site, as it functions as a wildlife corridor to and from Cooper's Lake and other green spaces and is essential to the ecological function of the site for a number of species. Originally plot 26 was approximately 2 metres and the access road was 0.5 metres from the nearside bank of the Ladden Brook at the closest point. The plans have been amended to allow for more of a buffer between the development and the Ladden Brook and demonstrate a minimum separation distance of 6 metres (approx.) to dwellings, and 3 metres (approx.) to access roads at the closest point. Significant weight is given to the fact that the approved framework plan (Blue Infrastructure Framework) demonstrates a separation distance of some 2 metres between the Ladden Brook and development. Accordingly, there are no objections to the revised plans which show a more generous buffer to the

Ladden Brook and would have less of an impact on the use of the green corridor by wildlife.

5.34 The Council's Ecological Officer has raised concern regarding the increase in density compared to the masterplan and the fact that this has resulted in small areas of open space being given over to private gardens. Whilst this comment is noted, significant weight is given to the fact that the density proposed has already been approved in principle by virtue of the approved density framework plan. Moreover, the relevant framework plan (Green Infrastructure Framework) does not require any informal or natural/semi-natural green space to be provided within the parcels. Accordingly, there are no objections on this basis.

5.35 A number of ecological strategies were secured as part of the discharge of conditions on the outline consent. This included a Landscape and Ecological Management Plan, and wildlife mitigation strategies. These strategies were required to help mitigate the impact on, as well as measures to enhance wildlife. An informative note is attached to notify the developer of the requirement to accord with the relevant wildlife strategies.

5.36 Further Matters

Matters relating to construction traffic, hours of working and traffic calming have already been agreed under the outline application and conditions.

The impact on infrastructure in Yate, including local roads, has already been considered under the outline application and is beyond the scope of matters to be considered under this application.

The NEAP and LAP are located outside the application site and are beyond the scope of this application.

Some of the objections raised by the public relate specifically to application parcels 14d and 22 (PK17/5389/RM) and are outside the scope of this application.

Provisions for infrastructure delivery are set out in the approved S106 agreement. Primary school 1 is required to be transferred to the Council prior to the 500th dwelling occupation; if a second primary school is required it will be transferred to the council by 1663rd dwelling; a nursery is required to be provided prior to occupation of 750th dwelling; if a second nursery is required it is required to be provided prior to 1883rd dwelling; land for a community building is required to be transferred to the council prior to the occupation of the 500th dwelling. Whilst there is space within the local centre for shops to be provided, there are no triggers in relation to when they need to be provided. This is because it is up to the market to deliver this type of infrastructure.

In relation to public art, a scheme of public art has been approved (North Yate Public Art Plan). The developer has confirmed that they are in the process of obtaining a quote in respect of the implementation of this plan. The S106 agreement requires the art funding to be expended prior to the first occupation of the 1960th dwelling.

5.37 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 Reserved matters consent is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

2. All hard and soft landscape works shall be carried out in accordance with the details hereby approved. The works shall be carried out in the first planting season prior to occupation of the final dwelling approved under this reserved matters application or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason

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

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

Reason

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

4. Prior to the construction of development above Damp Proof Course (DPC) level, samples of all external facing materials shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

5. Prior to the construction of development above Damp Proof Course (DPC) level, sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority . The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

6. Prior to the construction of development above Damp Proof Course (DPC) level, sample panels of brickwork, demonstrating the colour, texture, facebond and pointing are to be erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be kept on site for reference until the brickwork is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

7. Prior to the construction of development above Damp Proof Course (DPC) level, the design and details including materials and finishes of the following items on all dwellings shall be submitted to and approved in writing by the local planning authority:
 1. Eaves, verges and ridges
 2. All windows (including cill, reveal and lintels)
 3. All external door hoods, architraves, canopies and porches
 4. Extracts, vents, flues & meter boxes
 5. Dormers
 6. Weatherboarding cladding relative to masonry external leaf/window frames
 7. Bay windows

The design details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 together with cross section profiles. The scheme shall be implemented strictly in accordance with the approved details.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

8. Prior to the construction of development above Damp Proof Course (DPC) level, a sample panel of the render indicating colours and texture, shall be erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be kept on site for reference until the development is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

9. The bin storage shown on the drawings hereby approved shall be provided before the corresponding dwellings are first occupied, and thereafter retained for that purpose.

Reason

In the interest of the amenities of the site and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

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

Reason

In the interest of the amenities of the site and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

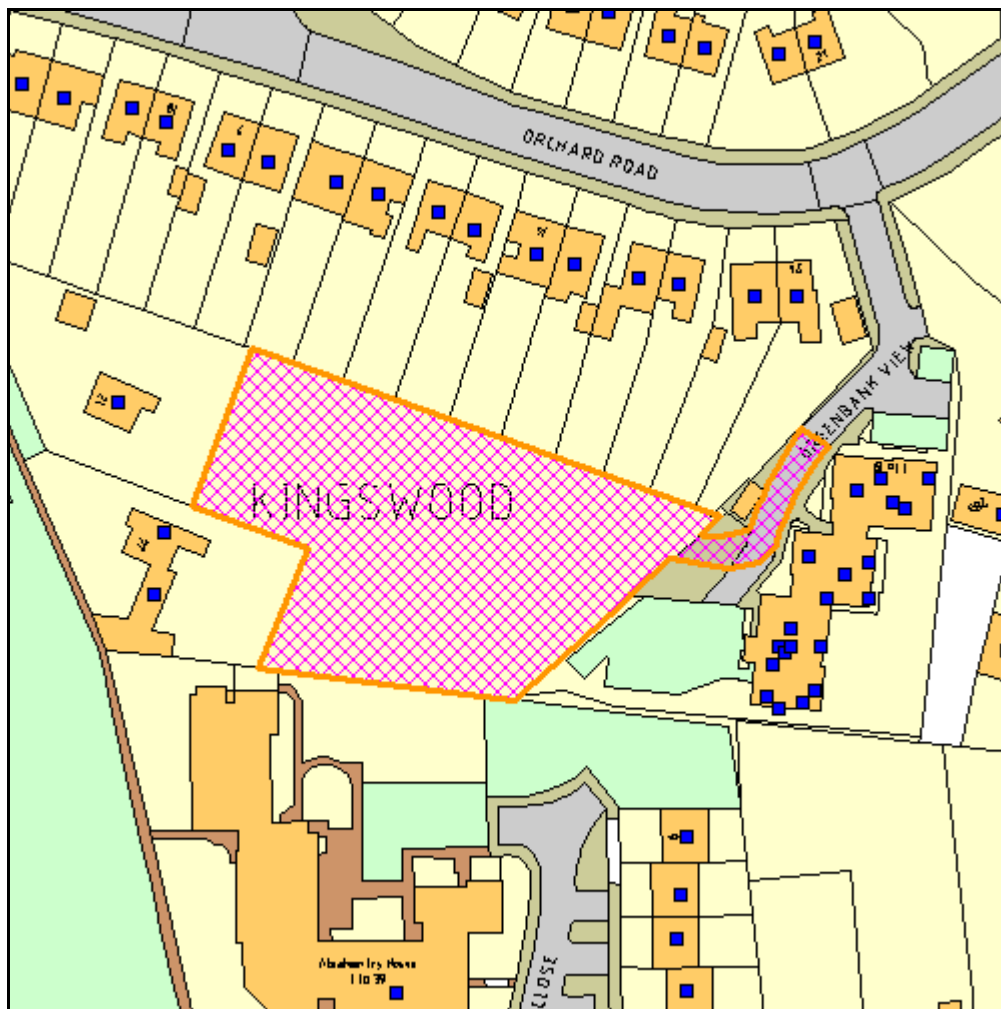
11. The existing streamside hedge shall not be removed. Notwithstanding the details submitted, the proposed embankment slope shall be steepened to 1:2 at pinch points in order to avoid groundworks impacting on the hedge.

Reason

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

CIRCULATED SCHEDULE NO. 17/18 – 27 APRIL 2018

App No.:	PK18/0209/F	Applicant:	Mandalay Investments Ltd
Site:	Land At The Rear Of 22 Woodland Terrace Kingswood Bristol South Gloucestershire BS15 9PU	Date Reg:	19th January 2018
Proposal:	Erection of 6no. detached dwellings, creation of new access, and associated works.	Parish:	None
Map Ref:	365076 173390	Ward:	Woodstock
Application Category:	Minor	Target Date:	13th March 2018



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 100023410, 2008. **N.T.S.** **PK18/0209/F**

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following objections from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks permission for the erection of 6 new detached dwellings, the creation of a new access and associated works. The site relates to land to the rear of 22 Woodland Terrace, Kingswood.
- 1.2 The site relates to an area of land bound by trees, some of which are protected by Tree Protection Order No. 0205 (made and confirmed in 1984), surrounded by residential development including three storey blocks of flats, two-storey dwellings and a residential care home.
- 1.3 The site lies within an area with coal mining features/hazards, within Flood Zone 1 and in the established settlement boundary of Kingswood.
- 1.4 During the course of the application further details were requested and received to address ecological issues raised by concerned neighbours and to move Plot 5 further away from existing residential properties. Additional plans have also addressed transportation issues and a revised tree plan now details those trees to remain on site, those to be removed and the root protection areas of affected trees.
- 1.5 It is noted that the site was nominated as a Local Green Space in 2014/15 by three local councillors. In summary the reason given for its nomination included:
 - The space has wildlife significance
 - This is a piece of private land within the curtilage of a private residence
 - Local residents would like it protected as there was a refused attempt to put a lot of houses on it a few years ago (PK11/1305/F)
 - The site is surrounded on three sides by dense residential accommodation (Woodland Terrace and Orchard Road to the north, Greenbank View flats to the east, Abraham Fry House and Petherton Close to the south) and the provides those residents with important green visual relief in a very built-up area.

Notwithstanding the nomination, the site is currently not designated as a Local Green Space and will be reassessed through the new Local Plan. This planning application therefore stands to be assessed on its own merits. It is useful to highlight the differences in this and the application referenced as PK11/1305/F. The previous application involved the demolition of 22 Woodland Terrace and the use of part of the school playing fields to the north of that house to facilitate the erection of 23 dwellings (9 houses and 16 flats). Since 2011 there has been a change in ownership of the site, No. 22 Woodland Terrace is in different private ownership, separate to the application site and the scale of the development now proposed is much reduced at 6no. detached houses.

2. **POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework March 2012
National Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS29	East Fringe Communities

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP5	Undesignated Open Spaces Within Urban Areas and Settlements
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP22	Unstable Land
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

SPD: Design Check List (Adopted) 2007.
SPD: Residential Parking Standards (Adopted) (2013)
SPD: Waste Collection (Adopted) 2015
SPG: Trees on development sites (Adopted) 2005

3. **RELEVANT PLANNING HISTORY**

- | | | |
|-----|----------------|---|
| 3.1 | PRE16/1430 | Erection of 8no. dwellings |
| | Response given | April 2017 |
| 3.2 | PK11/017/SCO | Erection of 23 dwellings with associated access, parking, and landscaping and associated works. Screening opinion for PK11/1305/F |

	EIA nor required	05.05.11
3.3	PK11/1305/F Refused	Erection of 23 dwellings with access, parking, landscaping and associated works to replace existing dwelling. 08.11.11
3.4	PK05/1250/F Approved	Regrading and landscaping of land. 10.11.05
3.5	P97/4153 Approved	Residential development (Outline) (Renewal of planning permission K4547/5 dated 9 May 1994) 29.05.97
3.6	K4547/5 Approved	Residential development (outline) (renewal of permission K4547/4 granted on 18 Feb 1991) 09.05.94
3.7	K4547/4 Approved	Residential development (outline) (renewal) 8.2.91
3.8	K4547/3 Refused	Erection of one dwelling and garage and new garage associated with 21 woodland terrace 28.01.91
3.9	K4547/2 Approved	Residential development (outline) 12.1.88
3.10	K4547 Refused	Residential development on apprx.0.42 hectare (1 acre) outline 23.7.84

Other planning applications mentioned by residents

22 Woodland Terrace:

3.11	PK17/0309/F Approved	Erection of two storey rear extension to form additional living accommodation. Construction of new driveway with turning circle. 20.3.17
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Greenbank View Flats:

3.12	PK12/2983/F Approved	Conversion of existing lower ground floor voids to form 4no. flats with associated works (retrospective). 10.12.12
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3.13	PK11/0290/F	Conversion of existing lower ground floor voids to form 4no. self contained flats with associated works.
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4. CONSULTATION RESPONSES

4.1	<u>Parish Council</u> The area is not parished
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Internal Consultees

- 4.2 Transport
No objection subject to conditions
- 4.3 Drainage
No objection in principle subject to a SUDS condition and an informatives.
- 4.4 Highway Structures
No objection subject to an informative to be attached to the decision notice.
- 4.5 Coal Authority
No objection subject to condition.
- 4.6 Tree officer
Amendments necessary following site visit. Final version of tree report is acceptable subject to strict conditions and a pre commencement site inspection.
- 4.7 Environmental Protection
No objection:
The site has the potential for contamination and an appropriate condition is to be attached to the decision notice.

Other Representations

- 4.8 Natural England
Priority habitat has no legal protection, but the classification should be a consideration of any planning decision.
- 4.9 People's Trust For Endangered Species
The definition of a habitat does not depend on it being registered and mapped, it is defined by what is present on the ground, mapped or no. A lot of habitat data is provided by the public and external projects conducting surveys on the ground. In this case, the evidence from the historical map and a report provided from a member of the public is sufficient to determine this as a traditional orchard with high biodiversity potential. As such it should be considered *a priori* to have high biodiversity as per the Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. Section 40(1) of the Act places a 'Duty to conserve biodiversity' on all public authorities in exercising their functions. The condition of the trees as assessed by an arboriculturist has no bearing on this determination. Most of the biodiversity potential of old fruit trees is, as with non-fruit ancient and veteran trees, in their veteran features, in particular the standing dry deadwood contained within hollow trunks. This frequently leads arb reports to determine that the trees are 'moribund' or of short life expectancy and they are indeed in the last third of their life expectancy, but as veteran trees (relative to the life expectancy of a fruit tree) they must be recognised for not only their value to biodiversity but also their context within cultural heritage, the wider landscape, ecosystem services and habitat connectivity. Orchards are often viewed as a 'stepping stone' habitat, as defined by the Habitats Directive Article 10.

4.10 Local Residents

8 letters of objection from local residents have been received by the Council. The points raised are summarised as follows:

Parking and transport

- Flats at Greenbank View have added to parking issues
- Entrance to Greenbank View is on a blind bend with a camber and vehicles park on Orchard Road blocking view of on-coming traffic. Additional traffic from the development will cause more congestion and accidents waiting to happen
- No provision for visitor parking

Residential Amenity

- The development will overlook rear gardens
- Natural daylight into our gardens is at a premium and the development will cause further issues
- Plots 5 and 6 would have approx. distance of 22m back to back with our house. understand minimum distance between 3 storey houses should be 27.5 m
- The view we enjoy of trees and foliage and will be replaced by townhouses some 9 metres in height – will change our outlook and result in complete loss of privacy
- Impact on existing neighbours due to increased street and residents' lighting
- Proposed balcony will be at only 1/3rd the 28 metre distance from rear of house as set out in guidelines
- Overbearing three storey town houses are much higher than 2 storey houses as roofs are steeply pitched. Even though they will be 1.5m lower than my ground level this won't make much difference
- These houses will be only 1.5 metres away from my fence – the openness of my garden will be lost
- View of Cotswolds will be lost
- Extra light from the houses will mean my ability to wake up naturally at dawn will be lost

Design

- Site unsuitable for 6 houses
- Style should be more in keeping with the existing neighbouring 1950s properties

Ecology and trees:

- Prior to the construction of the flats the site was one of the biggest badger setts in Kingswood which disappeared. The land has an abundance of wildlife that return annually – e.g. fox cubs, wide variety of birds, frogs, bats and bees. It would be a devastating effect on local nature and wildlife to lose this natural habitat.
- Number of trees on site have tree preservation orders
- The site is an apple orchard
- Ecological and arboricultural surveys submitted have failed to note the presence of a traditional orchard on the site. This may be because half the

trees are in the adjacent garden which has only recently been separated from the site. Previous applications noted the area was orchard.

- The site is a priority habitat – the presence of 5 apples trees in the area should mean they are to be considered a traditional orchard and therefore a priority habitat. Failure to recognise this would be to ignore statutory guidance
- The fruit trees on site have not been assessed for heritage value or rarity
- In 2005 a condition attached to PK05/1250/F required trees and wild flowers to be planted to compensate removal. In this application all trees apart from those with TPO will be felled. This loss goes against Council's previous decision to have this land replanted
- Removal of so many trees will impact on air quality in Kingswood
- Felling of almost every tree and shrub will affect bats' ability to hunt
- Arboricultural report has failed to note a Silver Birch in my garden

Drainage:

- Drains were not built for all the additional infrastructure that has been added over the last 10-15 years
- Our gardens are well saturated in winter months due to being lower than the land behind

Other matters:

- foregone conclusion
- three storey houses are not aimed at families who need affordable accommodation
- 6 houses will not make any difference to reducing housing shortage
- Did not receive sufficient notification of the application
- Ground levels on the site raised when tons of soil were removed from 26 Orchard Road for the building of Greenbank View flats
- To remove woods from Kingswood would directly impact on the heritage of Kingswood as part of Kings Forest and the Forest of Avon

5. ANALYSIS OF PROPOSAL

5.1 The application is for the erection of 6 houses within a plot of land located to the rear of 22 Woodland Terrace, Kingswood.

5.2 Principle of Development

The application is to be assessed under the above listed planning policies and all other material considerations.

5.3 The NPPF has a strong presumption in favour of sustainable development and declares planning authorities should approve development proposals without delay where they accord with the local development plan, unless material considerations indicate otherwise. New development in urban areas is encouraged in the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 along with the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 which together form the adopted local development plan. Policies CS5 and CS15 of the Core Strategy promote new residential development into the urban area and Policy CS29 encourages the provision of new housing in the East Fringe of Bristol Urban Area (in line with Housing policy CS15 of the Core Strategy (adopted) December 2013.

- 5.4 All development is required to conform to design policies and not to have an adverse impact on residential amenity. Policy CS1 along with the NPPF encourages high quality design for new development. Policy CS1 and PSP8 are not directly related to the supply of housing and therefore attract full weight.
- 5.5 The proposal accords with the principle of development. Issues regarding impact on residential amenity, parking, trees and ecology are discussed in more detail below.
- 5.6 Five Year Housing Supply
South Gloucestershire Council cannot demonstrate a five year housing land supply. This proposal would add 6 new dwellings to that shortfall and as such some weight can be awarded in its favour for this reason.
- 5.7 Design and Visual Impact
Policy CS1 states that development will only be permitted where the highest possible standards of design and site planning are achieved and requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality. Design, therefore, has a much broader remit than merely appearance and good design incorporates within it a number of elements including function.
- 5.8 A definition used by CABE (commission for Architecture and the Built Environment) stated:

It is possible to distinguish good design from bad design. By good design we mean design that is fit for purpose, sustainable, efficient, coherent, flexible, responsive to context, good looking and a clear expression of the requirements of the brief
- 5.9 Although CABE was merged with the Design Council, the organisation, Design Council CabE, remains the government's adviser on design. Its published documents on design emphasise the importance the government places on good design demonstrated in the 12 planning principles set out in the NPPF, where design is the 4th on that list stating that planning should:

..always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 5.10 At paragraph 56 the NPPF declares that *Good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people.*
- 5.11 Most relevantly here the NPPF at paragraphs 63-64 states quite clearly:
In determining applications, local planning authorities should give great weight to outstanding or innovative designs that help to raise the standard of design more generally in the area. Equally, they should refuse planning permission 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.

- 5.12 The application site is located on a plot of land which slopes up from the east to the west. It is surrounded by residential development with a row of two-storey semi-detached properties typical of 1950s design to the north at Orchard Road, two individual detached properties are located to the west accessed off an unmade up lane, Woodland Terrace, a three storey care home to the south, Abraham Fry House and a block of three storey flats to the east, Greenbank View. Access into the site would be achieved by sharing part of the entrance road used by these flats. The site benefits from a number of large trees, some of which are protected by tree preservation orders.
- 5.13 The scale of development has been limited by the topography of the site, by existing sewer easements and by the root protection areas for the various trees. At around 20 houses per hectare the amount of development on the site could be regarded as being quite low, but the particular constraints of this site have limited the number of houses that can be accommodated on the site. The houses will be three storeys, with the top floor set within the pitched roofs. Both the flats to the south and east are three storey and as such the proposed houses would reflect existing built form in the area, and in these terms would not be out of keeping. The constraints of the site have been acknowledged in the orientation and position of the 6no. houses and by slight differences in their design to avoid inter-visibility or overlooking.
- 5.14 The small grouping of houses would have a modern appearance, reflected in their style and proposed material; they would be finished in render with areas of fibre cement cladding to add interest and double roman tiles would be used on the pitched roofs. These would be conditioned as part of any permission to ensure high quality materials are used.
- 5.15 The proposed design, scale and massing are considered to accord with Policy CS1.
- 5.16 Residential Amenity
The proposed new dwellings would form a semi-circle, curving along the south of the site with the access road to the north. Plans indicate the numbering as having number 1 to the east, closest to the proposed entrance into the site and the rest following on around to the west. Their position on site means there would be no inter-visibility between the new houses. Houses at Orchard Road to the north would be separated by a distance of around 37 metres. Concern has been expressed that due to the topography of the site, Plot 6 could have an impact on the privacy of these existing gardens. Openings facing these properties are all small in scale and would comprise two hall windows and a dining room window at ground floor level, a landing window at first floor and a roof light at the highest point. Given the distance, the presence of protected trees along the boundary separating the sites and along with the proposed use of the openings, it is considered that there would be no unacceptable impact on the amenity of properties along Orchard Road resulting from the development.

- 5.17 Other neighbours to the west have mentioned the distance between the properties. Plans indicate that Plots 5 and 6 would be around 25 metres distant from the main rear elevation of No. 21 Woodland Terrace. It is noted that the proposed new dwellings would have a bank of full height windows at ground floor level, a single window at first and second floor levels, each of these upper floor openings would serve a bedroom. It is further noted that the existing property is at a higher level than the proposed new dwellings, includes large conifers and various boundary treatments which in some places is over two metres. It is considered that these distances and measures would be sufficient to avoid any unacceptable impact on the amenity of either property.
- 5.18 A number of comments submitted to the LPA have mentioned the loss of views, loss of openness, loss of light. There is no right to a view in planning terms; the density of the proposed development will be fairly low and given the distance between the proposed houses and existing properties on Orchard Road at about 37 metres, there would be no issues of overbearing or over-shadowing resulting from the development.
- 5.19 Specific comments have been made with regards to the impact from the neighbouring property at 22 Woodland Terrace. This property benefits from planning permission which granted a two-storey rear extension (PK17/0309/F). Plot No. 5 would be positioned to the north east of this house. It is reasonable to assume that the proposed extension would be built out as approved and as such must be taken into consideration in this assessment. Revised plans submitted during the course of this application show the footprint of the new house moved further away from the boundary between it and No. 22 and would now achieve a distance of 3 metres. The granted planning application included a proposed balcony for No. 22 which would face to the east. Concern has been expressed that there would be an impact on privacy resulting from the first and second floor bedrooms of Plot 5 which would face to the west. The distance between the proposed balcony and the proposed windows would be around 11 metres with Plot 5 being located around 4 metres further to the east. The angle between these openings would be around 25 degrees. Generally speaking if something is in front of something else at an angle of 90 degrees, this would likely result in direct inter-visibility. However, the more sharp or acute an angle is, the less opportunity there is for inter-visibility. In this case, the position of Plot 5 in relation to No. 22 Woodland Terrace would result in an angle of 25 degrees. This means that given the distance between the proposed balcony of No. 22 and the proposed Plot 5 along with the proposed angle there would be no concerns regarding possible inter-visibility between the respective rooms.
- 5.20 It is noted that application PK17/0309/F also gave permission for a first floor window on the northern elevation. This would be around 13 metres away from the proposed rear elevation of Plot 5 with the possibility of overlooking into the rear garden of Plot 5. However, some planting is proposed along this boundary which is considered to assist in the privacy for the proposed new dwelling.

- 5.21 With regards to the other proposed plots these are considered to be a reasonable distance away from existing properties at Abraham Fry House, Greenview Flats and Orchard Road for there not to be any issues regarding overbearing, overshadowing or inter-visibility. Similarly the houses themselves have been designed to avoid any adverse impact on the amenity between each house.
- 5.22 With regards to the amount of amenity space, adopted policy under PSP43 states that 4 bed houses should have as a minimum 70 square metres of private amenity space. The amount of space allocated for each of the 6no. houses achieves this level and a combination of different boundary treatments including fencing and planting would ensure privacy. However, given that a number of trees along the southern boundary are protected, a landscape plan will need to be submitted to confirm the boundary treatment and a condition attached to the decision notice to ensure any future works do not affect the longevity of these trees.
- 5.23 The proposed scheme is considered to accord with Policy PSP8 and can be supported.
- 5.24 Trees
The site comprises a number of trees, some of which are covered by Tree Preservation (TPO) Order No. 0205. The revised Arboricultural report prepared by Hillside Trees Ltd, identified that 19 trees are to be retained on site and 14 individual and two groups of trees are to be removed. The report states that 5 trees outside the site boundary would be affected by the development proposals. Of the trees within the site that are covered by the TPO, T1 as identified in the arboricultural report has deteriorated in condition to such an extent that its retention is not viable and another listed on the Order no longer exists (it is assumed this tree was removed sometime in the past).
- 5.25 It is confirmed that those trees to be retained on site will require both above and below ground protection. The above ground protection will involve remedial tree work while the below ground work would include tree protection barriers and measures to minimise the damage to the roots and the root environment. The works are to be carried out by an experienced tree surgeon to industry best practice and in accordance with BS3998:2010 'Works to Trees'.
- 5.26 The latest submitted Tree Protection Plan is adequate for the safe protection of the trees that are to be retained on site. Crown work to trees identified as T12, T13, T14, T17 T18 and T19 is considered not appropriate as it would lead to ongoing pruning and this element of the proposal has been removed from the scheme. The development must be carried out in accordance with the amended plan/details and a pre-commencement site meeting as specified in the arboricultural method statement must take place.
- 5.27 With regards to the presence of a traditional orchard – priority habitat - this is discussed in more detail below.

5.28 Ecology

An Ecological Appraisal by Crossman Associates (September, 2017) has been submitted in support of this application. The site is not classed as a statutory or non-statutory site for nature conservation. As there are no buildings on site and the large mature trees present on site lack structural diversity they do not offer any roosting opportunities for bats. Furthermore, due to the urban nature (light pollution) of the site, foraging opportunities for bats are limited. The habitat and location of the site make it unsuitable for great crested newts, but is suitable for the common toad; no reptiles were recorded on site. However the site offers good nesting and foraging habitat for commoner garden bird species.

5.29 A former badger sett is located on the north-east edge of the site, which has been professionally blocked as part of an adjacent housing development. A survey of the site identified a possible outlier sett but further survey work confirmed that the sett was not being used by badgers. A red fox was recorded during the badger survey and during the Officer site visit a fox earth (under an old mattress) was noted, which could be active.

5.30 The Ecological Appraisal by Crossman Associates (September, 2017) recommends various mitigation and enhancement measures to prevent biodiversity loss, and enable biodiversity gain, through the proposed development. There are no ecological objections to this application. However, foxes are wild animals and are offered some protection through Animal Welfare Act and the clearing of the site must not cause unnecessary suffering to the animal. Appropriate humane control measures should be used to close down the earth if occupied. Appropriate conditions will be attached to the decision notice.

5.31 Examination of site as a Traditional orchard

Several concerns were raised regarding the possible presence of a Traditional Orchard (Priority Habitat) on site. The Ecologist visited the site and after a thorough examination supports the findings of the Ecological Appraisal by Crossman Associates (September 2017). The site is part of a former large garden, with a mix of native and non-native trees, which includes three apple trees *Malus domestica*. The apple trees are relatively small and due to the neglected state of the site are now surrounded in scrub and brambles. There is no dead wood on the apple trees so their main biodiversity value would be as an early nectar source for pollinators. It is therefore suggested that replacement apple trees are included in the new landscape planting. This can be secured by condition.

5.32 The People's Trust for Endangered Species (PTSE) has been contacted by a member of the public. This group is not a statutory consultee and their comments are apportioned weight accordingly. Natural England were also contacted, and again, not being a statutory consultee for priority habitats, their comments are also apportioned weight according to their status.

- 5.33 Traditional Orchards are defined, for priority habitat purposes, as groups of fruit and nut trees planted on vigorous rootstocks at low densities in permanent grassland; and managed in a low intensity way. The minimum size of a Traditional Orchard is defined as five trees with crown edges less than 20m apart. However the potential biological and genetic interest of sites with fewer trees, such as relict orchards and individual trees within gardens, is noted.
- 5.34 Three small old apple trees are to be found within the application site and two other fruit trees are found in the adjoining neighbour's garden. Historically the site may have been an orchard or even a nursery but the site was cleared and as anecdotal evidence has indicated in comments from neighbours the site was used as a dumping ground during the development of Greenbank View Flats. During the Officer's site visit it was evident that the site had been neglected for some time. It is acknowledged that the crown edges of the fruit trees in both the site and the neighbouring garden would be less than 20m apart and they would therefore be regarded as a relict orchard where mitigation for their loss should be sought.
- 5.35 A condition attached to the decision notice will require the submission of a landscape scheme showing where 3 replacement apple trees are to be planted. The ground underneath the trees along the northern boundary falls outside any of the residential gardens so clarification must be sought as to how these are to be maintained. The apple trees could be planted in this area, close to the visitor parking space and in front of trees T6 and T7 as per the Arboricultural report. Full details of these new trees will be required.
- 5.36 Drainage
The site lies within an established residential area and maps indicate it is within Flood Zone 1. Neighbours along Orchard Road have expressed concern that the scheme would exacerbate flooding already experienced in their gardens. Officers have examined the application and consider that by condition appropriate drainage methods can be implemented. As part of the Building Regulations, any new development must not worsen any drainage situation and the introduction of drainage here would provide an opportunity for the existing situation to be improved.
- 5.37 Transport
The application is seeking permission for erection of 6no. new residential dwellings with parking. We note that some local residents are objecting to this application and therefore, make comments as follow.
- 5.38 The application site is located off Greenbank View which forms a priority junction with Orchard Road and it is located south-eastern side of Kingswood Town Centre. Access road, Greenbank View is approximately 5.5m in width with a footway on the eastern side. It is adopted highway approximately up to half way up its length before it becomes in private ownership. The private section of this road would be extended further to enable access for the new houses – this new section of the road would also remain private. A new turning area is proposed at the end of this road in order to provide for larger service vehicle. The applicant has confirmed that the internal road, drainage and street

lighting will be maintained by a management firm to a level consistent with South Gloucestershire's adoptable standards.

- 5.39 Associated with this application, the applicant has submitted a Transport statement and this provides details of traffic movement from the development. It is estimated that the proposal would result in 5 or 6 trip movements per house each day. This level of traffic is not considered to be significant or to justify refusal of the application on traffic grounds. The transport officer is satisfied that there is sufficient capacity associated with the existing road and its junction onto Orchard Road to accommodate the predicted level of movement.
- 5.40 In respect of parking requirement, reference is made to the South Gloucestershire Council parking standards SPD. According to this, for 3 and 4 bed dwellings 2 spaces per dwelling are required with visitor parking at a rate of 0.2 spaces for each house. Accordingly the applicant proposes 2 parking spaces per unit plus 2no. visitor spaces. The level of parking proposed therefore meets the Council's parking standards. In addition, cycle parking will also be provided for each new house consistent with adopted standards.
- 5.41 It is noted that some local residents are concerned with on-street parking. The proposed development would provide its own parking and visitors' parking provisions that conform to the Council's parking requirement. Additionally, it must be reported that all existing apartments that are served off Greenbank View have their own allocated parking spaces. Given the above, there are no highway objections to this application subject to conditions.
- 5.42 Coal Authority
The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority records indicate that the site is in an area of likely historic unrecorded underground coal mine workings at shallow depth
- 5.43 The planning application is supported by a Coal Mining Risk Assessment, dated 22 December 2017 and prepared by GRM Development Solutions. This report has been informed by an appropriate range of sources of information. The Coal Mining Risk Assessment concludes that there is a potential risk posed to the development by past coal mining activity. The report therefore recommends that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy issues. In the event that shallow mine workings are encountered, The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development.
- 5.44 The intrusive site investigations should be designed by a competent person and should ensure that they are adequate to properly assess the ground conditions on the site in order to establish the exact situation in respect of coal mining legacy and the potential risks posed to the development by past coal mining activity. The nature and extent of the intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the

permissions process. The findings of the intrusive site investigations should inform any remedial measures which may be required.

5.45 There are therefore no objections subject to a prior to commencement of development condition.

5.46 Environmental Protection

The site has the potential for contamination. The historic use of land within 250metres of the site as landfill may have caused contamination which could give rise to unacceptable risks to the proposed development. This matter can be dealt with by appropriately worded conditions attached to the decision notice.

5.47 Impact on Equalities

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

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

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

5.50 Other Matters

It has been mentioned that the removal of the trees would have an adverse impact on the air quality of this part of Kingswood. It is acknowledged that a number of trees on the site would be removed but an equal number of large and mature trees would remain on the site. Furthermore, mitigation measures include the planting of three apples trees to counter their loss on site. Overall there would be no adverse impact on the air quality resulting from the removal of some of the trees on this small site.

The Council was informed that local residents had not been notified of the application. A further round of consultee cards were therefore sent out to neighbours.

One consultee response expressed concern that the removal of woods from Kingswood would directly impact on the heritage of Kingswood as part of Kings Forest and the Forest of Avon. Policy L4 of the South Gloucestershire Local Plan (adopted in 2006) specifically dealt with development with the Forest of Avon. The aims of Policy L4 included among other things: improving landscape; increasing opportunities for sport and recreation; protecting the most versatile agricultural land; protecting high quality landscape and areas of historical or archaeological interest; protecting sites of nature conservation and

the sustainable management of existing woodlands and forests. These aims no longer appear as one policy but have been subsumed into a number of policies contained within the Core Strategy (adopted) 2013 and the Policies Site and Places Local Plan (adopted) 2017 the most pertinent of which appear listed above. It must also be noted that the site is not a forest, which can be defined as a large area covered by trees. It is a relatively small site which has a number of trees on it.

5.51 Planning Balance

The application site is located within the established urban area and as such the principle of development is acceptable. The scheme would add 6 houses to the existing shortfall in the supply of housing and this is given some weight in its favour. The impact of the development on the residential amenity of closest neighbours has been assessed and although there would be changes for these properties the proposed scheme would not give rise to an unacceptable impact on amenity sufficient to refuse the scheme. Neutral weight is accordingly awarded. An appropriate level of on-site and visitor parking can be provided for this development – this is given weight in its favour. The submitted arboricultural survey confirms protected trees on the site will not be endangered by the development and given the presence of three old apple trees within the site and two other fruit trees in the adjacent garden which may have been part of an old orchard, mitigation for the loss of the 3 trees on site will be ensured by a planning condition. On balance the scheme can be viewed positively and as such is recommended for approval.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. Development shall proceed in strict accordance with the following plans:
As received by the Council on 15.1.18:

Plots 1 and 2 Plans - E475-PL-101
Plots 1 and 2 Elevations - E475-PL-102
Plots 1 and 2 Elevations - E475pPL-103
Plots 3 and 6 - E475-PL-104
Plots 4 and 5 - E475-PL-105

As received by the Council on 1.3.18:
Proposed refuse collection location - SK02

As received by the Council on 19.3.18
Location plan - E475-PL-001 D
Proposed site plan - E475-PL-100B
Proposed block plan - E475-PL-106A
Proposed section A-A - E475-PL-107

As received on 18.4.18:
Tree Protection Plan revision A

Reason

For the avoidance of doubt and to accord with Policies CS1, CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policies PSP1,2,5,8,11,16 and 43 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) 2017.

3. Contamination:

- A) Desk Study - Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably competent person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
- B) Intrusive Investigation - Where potential contaminants are identified under (A), prior to the commencement of development an investigation shall be carried out by a suitably competent person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks (Remediation Strategy). The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development

shall proceed in accordance with any agreed mitigation measures. (Note (A) and (B) may be combined if appropriate).

- C) Verification Strategy - Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
- D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

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

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

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

Reason

This is a pre-commencement of development condition to avoid any unnecessary remedial action and to ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

4. SUDS

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

All works shall take place in accordance with the approved details.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action in future and to comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2012.

5. Coal authority

Prior to the commencement of development the following is required:

- * The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past coal mining activity;
- * The submission of a report of findings arising from the intrusive site investigations, including details of any remedial works necessary for approval; and
- * Implementation of those remedial works

Reason

This is a prior to commencement condition to avoid any necessary remedial action in future and to ensure that adequate measures have been taken to mitigate against any coal mining features to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

6. Development to proceed as per Ecological Appraisal

The development should proceed in accordance with the recommendations made in Section 4 of the Ecological Appraisal by Crossman Associates (September, 2017). This includes avoiding disturbance/harm to nesting birds, erection of bird boxes and new native planting through the landscape plan.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action and 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. Check for foxes:

No more than a week prior to the commencement of development, a check for active fox earths shall be undertaken on the site by a qualified ecological consultant. If an active fox earth is found then an appropriate mitigation strategy shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the recommendations of the mitigation strategy or any amendment of the strategy as approved in writing by the local planning authority.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action and to ensure the works are carried out in an appropriate manner and in the interests of local biodiversity and wildlife, 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.

8. Location of the bird boxes

Prior to first occupation of the development, the location of 8 bird boxes and sparrow terrace nesting boxes (as described in Section 4 of the Ecological Appraisal by Crossman Associates (September, 2017) should be submitted to the local planning authority for approval in writing. Development shall take place in accordance with the approved details.

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.

9. Parking and turning

Prior to occupation of any unit on site, off street parking and turning area on site shall be provided in accordance with the submitted and the approved plan and shall be maintained satisfactorily thereafter.

Reason

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

10. Cycle parking

Notwithstanding the approved plans, prior to the commencement of development a detailed plan showing the provision of cycle parking facilities in accordance with Schedule A - Cycle parking standards as set out in Policy PSP16 of the Policies, Sites and Places Plan (adopted) November 2017 shall be submitted for written approval of the planning authority. Thereafter, the development shall proceed in accordance with the agreed scheme, with the cycle parking facilities provided prior to the first occupation of the development; and thereafter retained for that purpose.

Reason

This is a prior to commencement of development to avoid any unnecessary remedial action in future and to encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

11. CEMP

A site specific 'Construction Environmental Management Plan' (CEMP), shall be agreed in writing with the Local Planning Authority prior to commencement of work. The CEMP as approved by the Council shall be fully complied with at all times. The CEMP shall address the following matters:

(i) Measures to control mud and building debris being tracked onto the public highway including providing wheel washing facilities on site.

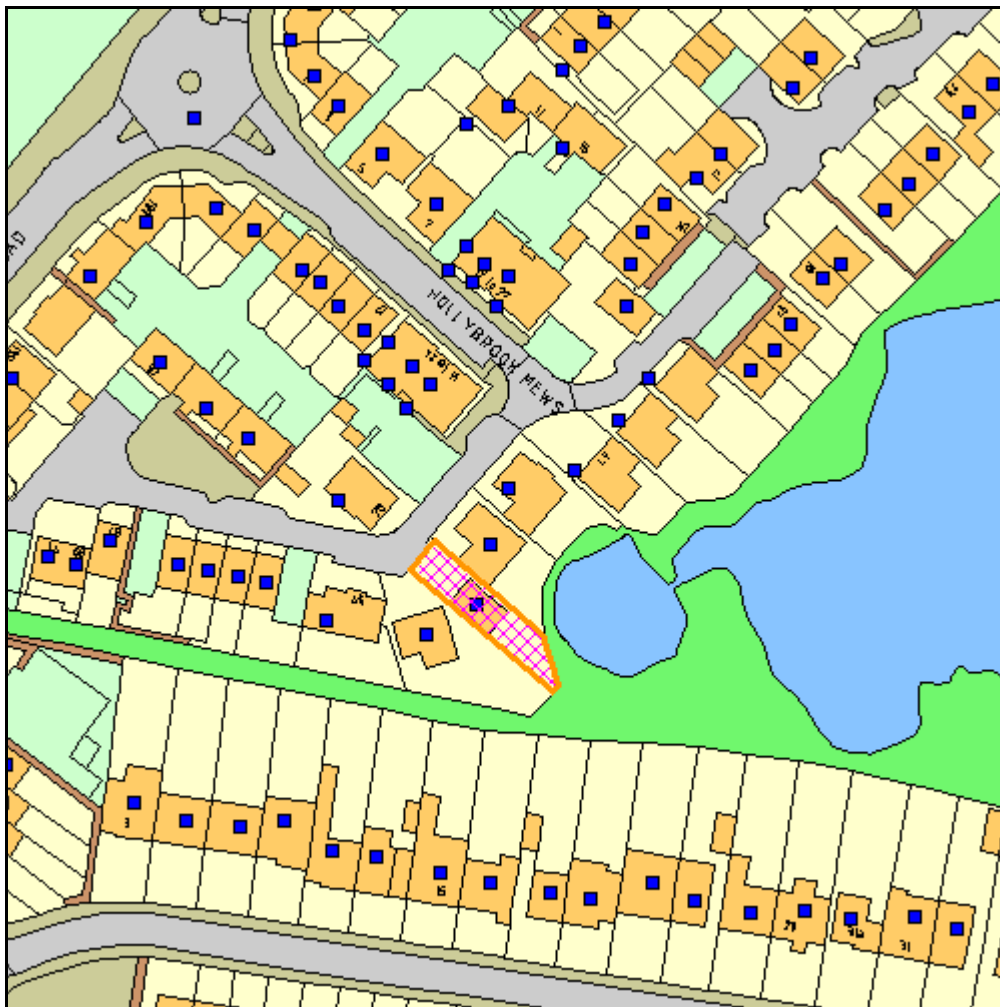
- (ii) Adequate provision for the delivery and storage of materials and provision of suitable contractor's parking on site.
- (iii) Measures to control the safe movement of construction traffic on the access road leading into the site.
- (iv) Deliveries shall only take place Monday to Friday between the hours of 09:30 to 15:00 (school term time) and 09:00 to 16:00 (outside of school term time) and 09:00 to 12:00 Saturday. No deliveries on a Sunday.
- (v) Details of how construction work is to be managed to ensure that the access road is not obstructed.
- (vi) Contact details for the Site Manager.

Reason

This is a prior to commencement of development to avoid any unnecessary remedial action in future and in the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 17/18 – 27 APRIL 2018

App No.:	PK18/0999/CLP	Applicant:	Mr Brian Carter
Site:	53 Hollybrook Mews Yate South Gloucestershire BS37 4GB	Date Reg:	19th March 2018
Proposal:	Removal of 2 sets of French doors on the rear elevation and replacement with bi-fold doors.	Parish:	Yate Town Council
Map Ref:	370672 181865	Ward:	Yate Central
Application Category:	Certificate of Lawfulness	Target Date:	7th May 2018



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REASON FOR REPORTING TO CIRCULATED SCHEDULE.

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

1. THE PROPOSAL

- 1.1. The applicant is seeking a formal decision as to whether the removal of 2 sets of French doors on the rear elevation and the replacement with bi-fold doors at 53 Hollybrook Mews Yate would be lawful.
- 1.2. The application is a formal way of establishing whether the proposal requires planning permission or not.

2. POLICY CONTEXT

- 2.1. Town and Country Planning Act 1990 (as amended) sections 55 and 192.

3. RELEVANT PLANNING HISTORY

- 3.1. None relevant.

4. CONSULTATION RESPONSES

- 4.1. Yate Town Council
"No objection."

Other Representations

- 4.2. Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

Plans, Elevations, and Sections Existing and Proposed
Drawing No. NRD/2017/BC41B
Received by the Council on 1st March 2018

6. ANALYSIS OF PROPOSAL

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

evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

6.2. The key issue is to determine whether the proposal is considered “development” under the Town and Country Planning Act 1990 (as amended) section 55.

6.3. The proposal is for the removal of French doors and the installation of bi fold doors. This is considered “development” subject to the assessment below:

55 Meaning of “development” and “new development”.

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

[F1(1A) For the purposes of this Act “building operations” includes—

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alterations of or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.]

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

- (a) the carrying out for the maintenance, improvement or other alteration of any building of works which—
 - (i) affect only the interior of the building, or
 - (ii) do not materially affect the external appearance of the building

6.4 Whilst ‘materially affect’ has no statutory definition; case law establishes what may be considered to be a material impact. *Burroughs Day v Bristol City Council* [1996] shows that whilst the exterior of the building may be affected this does not necessarily constitute a ‘material affect’ on the external appearance of the building. In this case it was found the works did not amount to development within the meaning of section 55(2)(a)(ii) of the 1990 Act. As a result, when assessing this impact the following should be taken into account:

“What must be affected is “the external appearance”, and not the exterior of the building. The alteration must be one which affects the way in which the exterior of the building is or can be seen by an observer outside the building”. Also, “the external appearance must be ‘materially’ affected, and this depends in part on

the degree of visibility". Furthermore, "the effect on the external appearance must be judged for its materiality in relation to the building as a whole, and not by reference to a part of the building taken in isolation".

- 6.5 The Case Officer has assessed the removal of French doors and the installation of bi fold doors; and on balance of probabilities; when considering the visibility of the proposal; combined with the "material affect" of the proposed replacement of French doors with bi-fold doors. The proposal is not considered "development" under Section 55 of the Town and Country Planning Act 1990 (as amended).

7. RECOMMENDATION

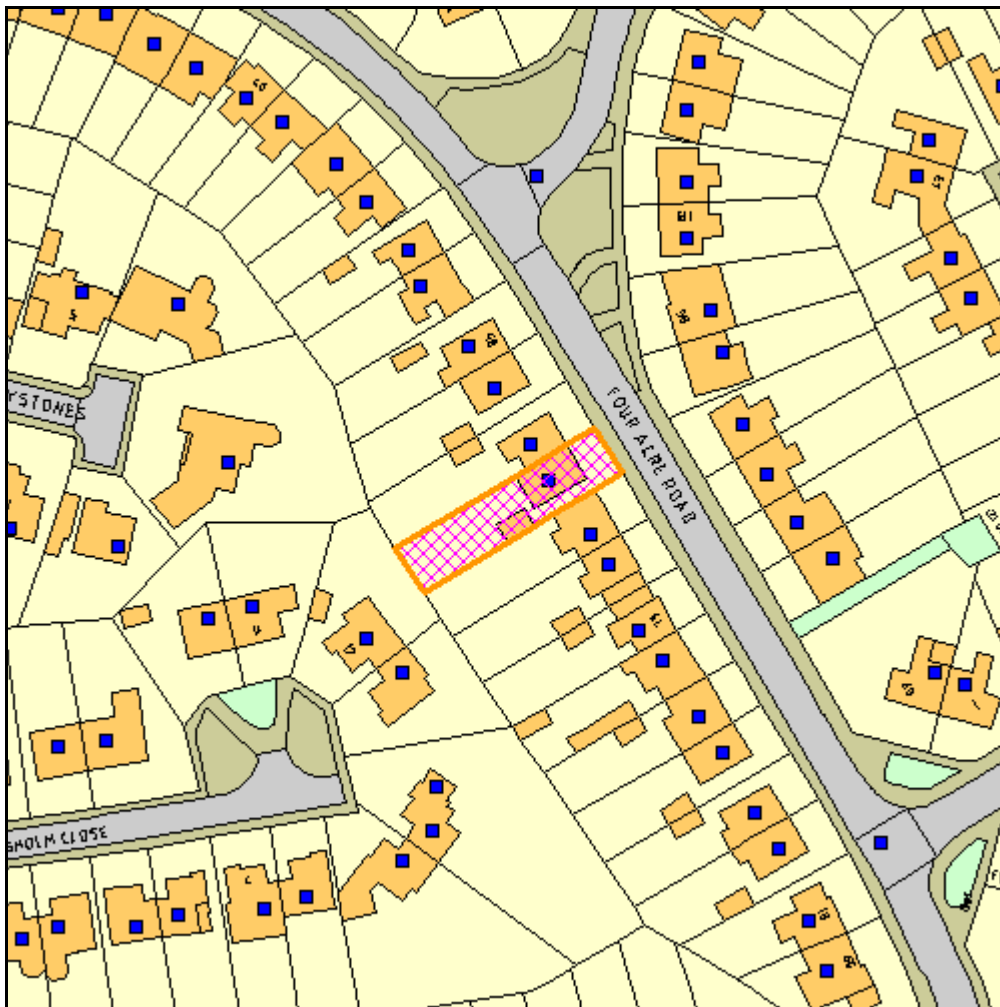
- 7.1 That a Certificate of Lawfulness for the Proposed Development is **granted** for the reasons listed below:

Evidence has been provided to demonstrate that on the balance of probabilities the removal of French doors and the installation of bi fold doors does not constitute development as described in Town and Country Planning Act 1990 (as amended) section 55(2)(a)(ii). As such a Certificate of Lawfulness for Proposed Development can be issued.

Contact Officer: David Ditchett
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 17/18 – 27 APRIL 2018

App No.:	PK18/1126/CLP	Applicant:	Mr Ben Hill
Site:	79 Fouracre Road Downend Bristol South Gloucestershire BS16 6PH	Date Reg:	14th March 2018
Proposal:	Erection of single storey rear extension.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365299 178083	Ward:	Downend
Application Category:	Certificate of Lawfulness	Target Date:	2nd May 2018



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed single storey rear extension at 79 Fouracre Road, Downend.
- 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 No relevant planning history

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection

Local Councillor
No comments received

Other Representations

- 4.2 Local Residents
One objection received due to errors on plans, lack of clarity relating to treatment of partition wall, and colour/finish on northern elevation.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Existing Elevations
Existing Floor Plan

Received by Local Planning Authority 07 Mar 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 with dual pitched roof. 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 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;**

An email from the agent has confirmed 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

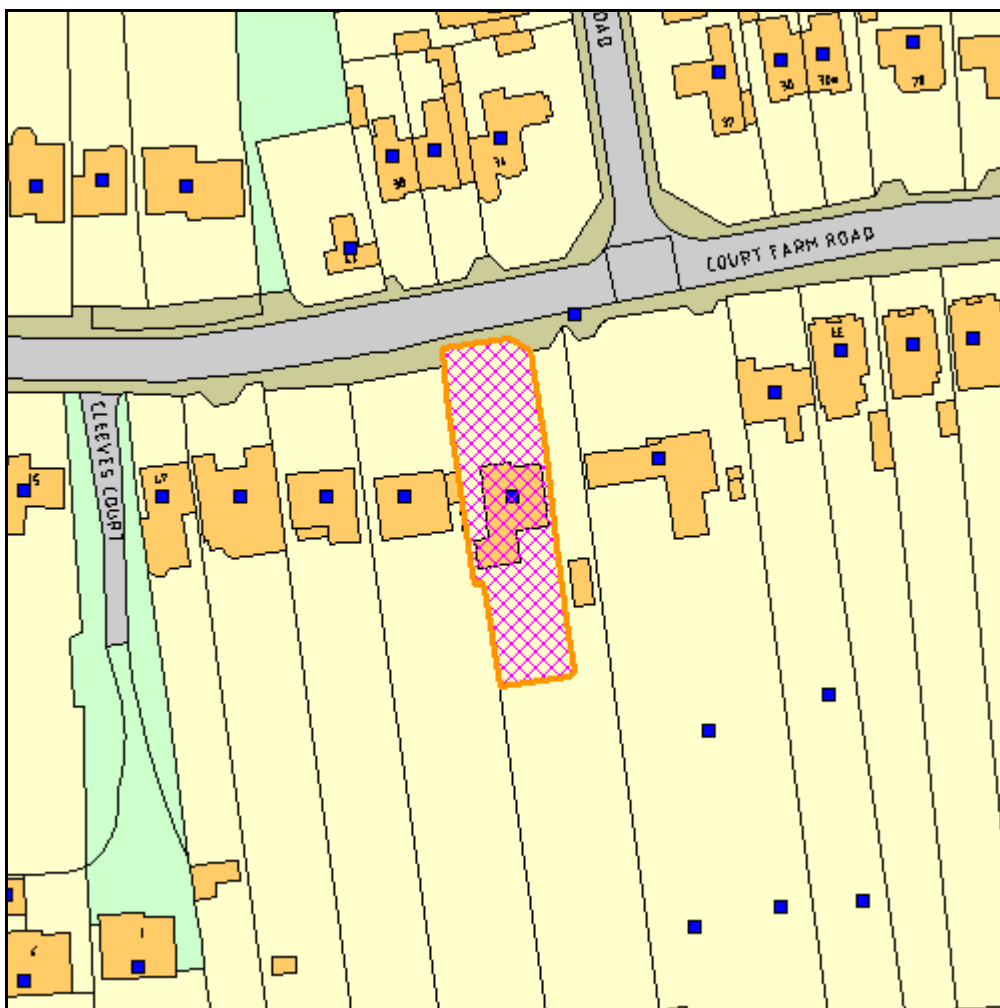
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed single storey rear extension falls 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: Owen Hoare
Tel. No. 01454 864245

CIRCULATED SCHEDULE NO. 17/18 – 27 APRIL 2018

App No.:	PK18/1139/CLP	Applicant:	Mrs Ania Barganska
Site:	39 Court Farm Road Longwell Green Bristol South Gloucestershire BS30 9AD	Date Reg:	14th March 2018
Proposal:	Application for a certificate of lawfulness for the proposed erection of a single storey rear extension and installation of 1no dormer.	Parish:	Hanham Abbots Parish Council
Map Ref:	365709 170596	Ward:	Longwell Green
Application Category:	Certificate of Lawfulness	Target Date:	3rd May 2018



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 100023410, 2008. N.T.S. PK18/1139/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 and the installation of a 1no dormer at 39 Court Farm Road Longwell Green would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK18/1149/F
Pending Consideration
Erection of a single storey side extension to form porch and store and a single storey side extension to form additional living accommodation. Installation of 1no front dormer. Erection of detached garage (garage is amendment to previously approved scheme PK15/4092/F).
- 3.2 PK15/4092/F
Approve with Conditions (03.12.2015)
Creation of new access (Amendment to previously approved scheme PK13/2594/F) Erection of detached double garage.
- 3.3 PK07/1714/O
Refusal (05.07.2007)
Erection of 2no. detached dwellings (Outline) with means of access to be determined. All other matters reserved.
- 3.4 K6706
Refusal of Outline Permission (13.08.1990)
ERECTION OF NEW DWELLING AND GARAGE. CONSTRUCTION OF NEW ACCESS TO HIGHWAY (OUTLINE) (Previous ID: K6706)

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
"No objection."

Other Representations

- 4.2 Local Residents
None received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Location Plan
Drawing No. Barganska-39CourtFarmRd -SLP-00
Received by the Council on 8th March 2018
- Existing Ground Floor Plan
Drawing No. Barganska-39CourtFarmRd –PD-01-D1
Received by the Council on 24th April 2018
- Existing First Floor Plan
Drawing No. Barganska-39CourtFarmRd –PD-02-D1
Received by the Council on 24th April 2018
- Existing Front and Rear Elevations
Drawing No. Barganska-39CourtFarmRd –PD-03-D1
Received by the Council on 24th April 2018
- Existing Side Elevations
Drawing No. Barganska-39CourtFarmRd –PD-04-D1
Received by the Council on 24th April 2018
- Proposed Ground Floor Plan
Drawing No. Barganska-39CourtFarmRd –PD-05-D1
Received by the Council on 24th April 2018
- Proposed First Floor Plan
Drawing No. Barganska-39CourtFarmRd –PD-06-D1
Received by the Council on 24th April 2018
- Proposed Front and Rear Elevations
Drawing No. Barganska-39CourtFarmRd –PD-07-D1
Received by the Council on 24th April 2018
- Proposed Side Elevations
Drawing No. Barganska-39CourtFarmRd –PD-09-D1
Received by the Council on 24th April 2018

6. ANALYSIS OF PROPOSAL

- 6.1 Principle of Development
The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as

such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

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

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

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

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

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

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

The proposed dormer window would not exceed the highest part of the roof.

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

The proposal would not extend beyond the existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway.

- (d) The cubic content of the resulting roof space would, as a result of the works, exceed the cubic content of the original roof space by more than –**

- (i) 40 cubic metres in the case of a terrace house, or
(ii) 50 cubic metres in any other case'**

The property is a detached house and the proposal would result in an additional volume of approximately 30 cubic metres as extrapolated from the submitted plans.

- (e) It would consist of or include –**

- (i) the construction or provision of a verandah, balcony or raised platform, or**

- (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

The proposal includes a Juliet balcony. However, page 30 of the 'permitted development rights for householders Technical Guidance' states "a balcony is understood to be a platform with a rail, balustrade or parapet projecting outside an upper storey of a building. A 'Juliet' balcony, where there is no platform and therefore no external access, would normally be permitted development."

When considering the proposals, the site, its boundaries and its history. The Case Officer is satisfied that a Juliet balcony in this instance is permitted development.

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

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

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

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

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

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

The dormer would be approximately 0.4m from the outside edge of the eaves of the original roof and the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse. The eaves are maintained. As such the proposal meets this criterion.

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

As noted on the revised drawings (received 24th April 2018) the window inserted into the roof slope forming a side elevation of the dwelling house is obscure glazed and non-opening below 1.7m. As such the proposal meets this criterion.

- 6.4 The proposed development also consists of a single storey rear extension. This development would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement, improvement or other alterations of a dwellinghouse subject to the following:

A.1) Development is not permitted by Class A if –

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

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

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

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

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

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

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

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

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

The extension would not extend beyond a wall which forms the principal elevation of the original dwellinghouse.

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

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

The proposal does not extend beyond the rear wall of the original dwelling house by more than 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 proposed rear extension would be single storey.

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

The extension would be within 2 metres of a boundary; however the eaves would not exceed 3 metres.

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

Not applicable.

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

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

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

The proposed rear extension 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.
- d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c);

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

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

- a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar

appearance to those used in the construction of the exterior of the existing dwellinghouse;

The submitted information indicates that the proposal will be finished in materials similar to those used in the exterior finish of the existing dwellinghouse

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

Not applicable.

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

Not applicable.

- 6.5 No. 39 Court Farm Road Longwell Green has no planning history that restricts the erection of a single storey rear extension or the installation of a dormer.

7. RECOMMENDATION

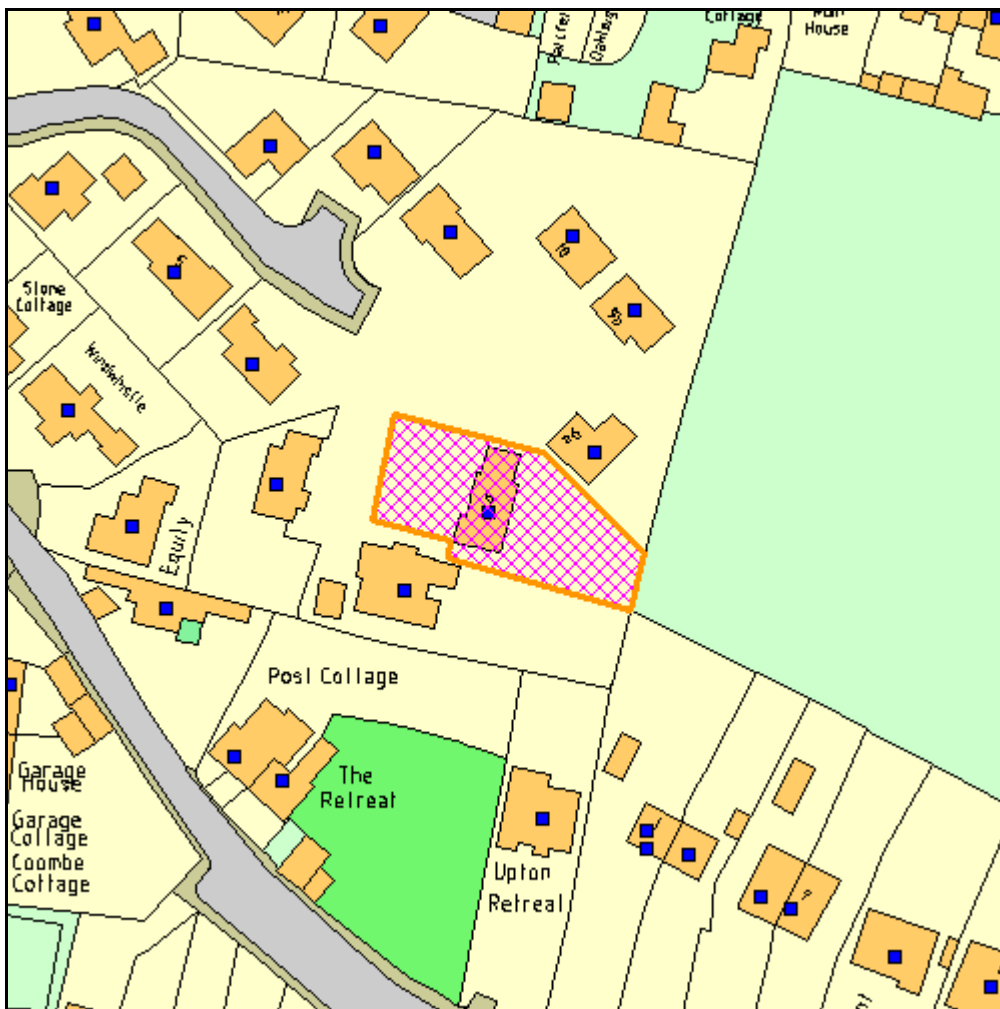
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reasons:

Evidence has been provided to demonstrate that on the balance of probabilities the installation of 1no dormer and the erection of a single storey rear extension falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A and Class B of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: David Ditchett
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 17/18 – 27 APRIL 2018

App No.:	PK18/1235/CLP	Applicant:	Ms Carole Blaken
Site:	9 Hunters Mead Hawkesbury Upton Badminton South Gloucestershire GL9 1BL	Date Reg:	21st March 2018
Proposal:	Erection of a single storey rear extension.	Parish:	Hawkesbury Parish Council
Map Ref:	378153 186827	Ward:	Cotswold Edge
Application Category:	Certificate of Lawfulness	Target Date:	11th May 2018



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 100023410, 2008. **N.T.S.** **PK18/1235/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at 9 Hunters Mead, Hawkesbury Upton would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit; the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (as amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class A

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

3. RELEVANT PLANNING HISTORY

- 3.1 P86/1657
Erection of 15 detached dwellings with garages; construction of associated roads and footpaths; carrying out of landscaping works (in accordance with the revised plans received by the council on 9th July 1986.)
Approved: 7th April 1987

4. CONSULTATION RESPONSES

- 4.1 Hawkesbury Parish Council
No comment received
- 4.2 Councillor
No comment received

Other Representations

- 4.3 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Combined Plan
Received by the Council on 13th March 2018

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015. The application site falls within the Hawkesbury Conservation Area and the Cotswolds Area of Outstanding Natural Beauty and is therefore identified as Article 2(3) land.

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

A.1) Development is not permitted by Class A if –

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

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

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

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

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

The height of the rear extension would be 4 metres. This will not exceed the height of the roof of the existing dwellinghouse.

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

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

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

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

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

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

The host property is detached and the proposal would extend beyond the rear wall of the original dwelling by 3 metres and have a height of 4 metres.

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

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

Not applicable.

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

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

The extension would be single storey.

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

The extension would be within 2 metres of a boundary; however the eaves would not exceed 3 metres.

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

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

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

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

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

The development would not include any of the above.

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

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

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

The application site does fall on article 2(3) land. However, the proposal would not include cladding on the exterior of the dwellinghouse, it would not extend beyond a wall forming the side elevation, it would be single storey and would not exceed the limits set out in paragraphs (b) and (c)

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

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

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

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

Not applicable.

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

Not applicable.

- 6.4 9 Hunters Mead, Hawkesbury Upton has no planning history that restricts the erection of a single storey rear extension. Nor are there any physical attributes regarding parking, access or amenity space that would prevent this development.

7. RECOMMENDATION

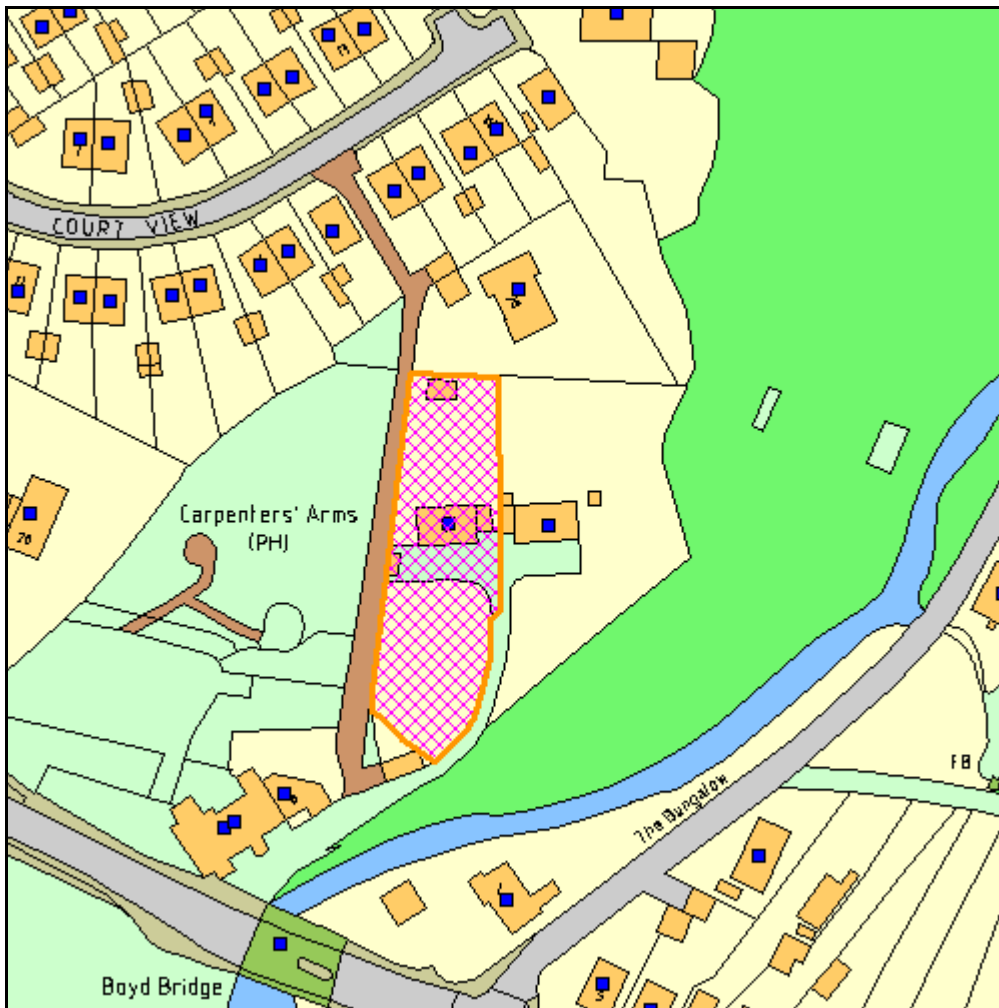
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

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

Contact Officer: James Reynolds
Tel. No. 01454 864712

CIRCULATED SCHEDULE NO. 17/18 – 27 APRIL 2018

App No.:	PK18/1347/CLP	Applicant:	Mr & Mrs Hillyard
Site:	Bienvenue 6 Church Road Wick South Gloucestershire BS30 5QL	Date Reg:	23rd March 2018
Proposal:	Erection of a single storey side and rear extension.	Parish:	Wick And Abson Parish Council
Map Ref:	370228 172910	Ward:	Boyd Valley
Application Category:	Certificate of Lawfulness	Target Date:	14th May 2018



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey side and rear extension at Bienvenue, 6 Church Road, Wick would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit; the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (as amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class A

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK18/0394/CLP
Certificate of Lawfulness for the installation of a rear dormer to form additional living accommodation and the installation of 3no front elevation rooflights.
Approved: 16/03/18

4. CONSULTATION RESPONSES

- 4.1 Wick and Abson Parish Council
No comment received
- 4.2 Councillor
No comment received

Other Representations

- 4.3 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Location Plan
Block Plan
Plans & Elevations as Proposed
Received by the Council on 19th March 2018

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

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

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

A.1) Development is not permitted by Class A if –

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

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

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

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

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

The height of the rear extension would 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 be 3 metres and the eaves of the existing dwellinghouse are 2.6 metres in height. Therefore, the height of the eaves of the part of the dwellinghouse enlarged would 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 would not extend beyond a wall which forms the principal elevation; or fronts a highway and forms a side elevation, of the original dwellinghouse.

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

The host property is detached and the proposal would extend beyond the rear wall of the original dwelling by 1.8 metres and would not exceed 4 metres in height at the rear.

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

Not applicable.

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

The extension would be single storey.

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

The extension would be within 2 metres of a boundary and the eaves would exceed 3 metres.

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

The extension would extend beyond a wall forming a side elevation of the original dwellinghouse and would be 4.8 metres in height.

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

The total enlargement exceeds the limits set out in sub-paragraph (j)(i).

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

The development would not include any of the above.

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

- a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.
- d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c);

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

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

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

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

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

Not applicable.

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

Not applicable.

6.4 Bienvenue, 6 Church Road, Wick has no planning history that restricts the erection of a single storey side and rear extension.

7. RECOMMENDATION

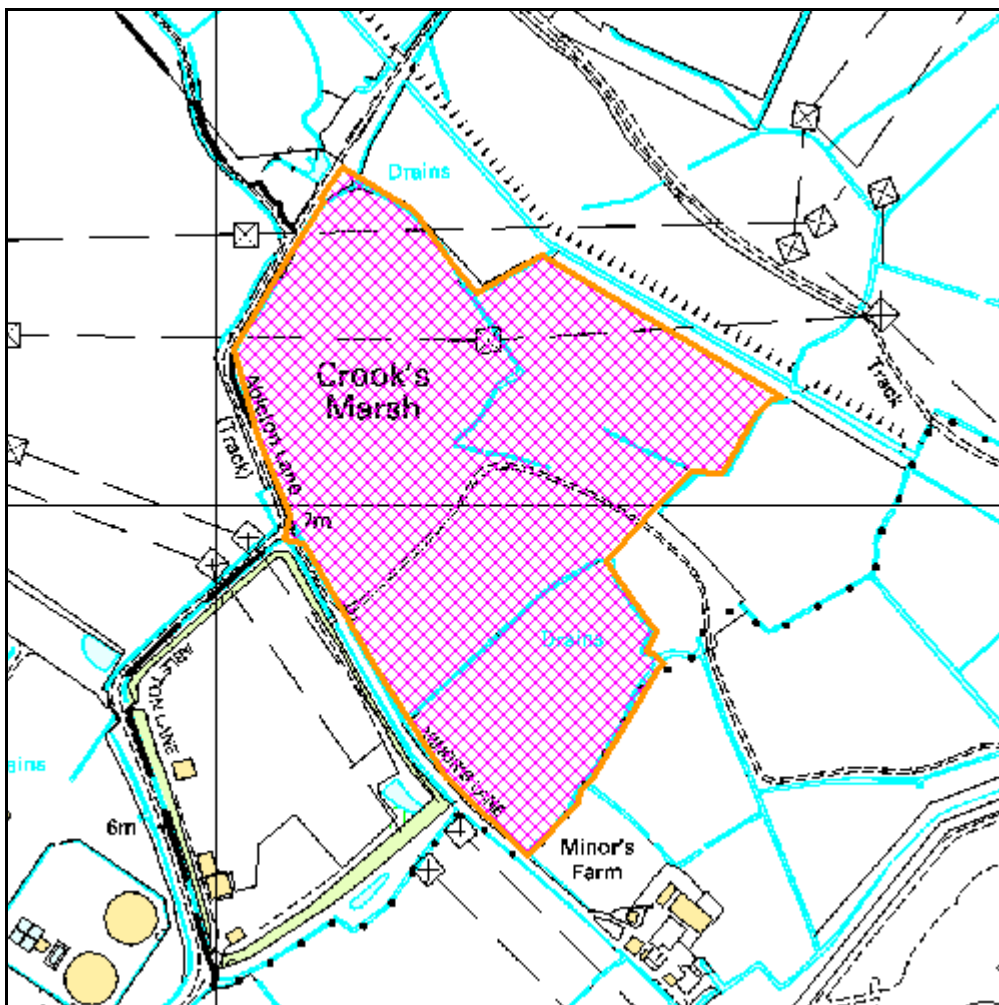
7.1 That a certificate of Lawfulness for Proposed Development is **Refused** for the following reason:

The evidence provided has been insufficient on the balance of probabilities to demonstrate that the proposed single storey side and rear extension falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. This is because there is evidence to suggest that the proposal is contrary to paragraphs (d), (i) and (j)-(i) of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. (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; (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; (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.

Contact Officer: James Reynolds
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CIRCULATED SCHEDULE NO. 17/18 – 27 APRIL 2018

App No.:	PT17/5514/F	Applicant:	Trapoc UK Ltd
Site:	Land To The North Of Minors Lane Avonmouth Bristol BS10 7SF	Date Reg:	21st December 2017
Proposal:	Change of Use of land from agricultural to land for storage and distribution (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include erection of perimeter fence and alteration to highway.	Parish:	Almondsbury Parish Council
Map Ref:	354339 181662	Ward:	Almondsbury
Application Category:	Minor	Target Date:	13th February 2018



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INTRODUCTION

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 change of use of land from agricultural to land for storage and distribution (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include erection of a perimeter fence and alteration to the highway.
- 1.2 The site would essentially be an extension of an existing storage and distribution site (Use Class B8) to the south of Minors Lane with development proposed to the north of Minors Lane. The existing site is limited through condition to open storage of insurance claim vehicles. The extension site comprises open fields and is located to the north of Hallen, South Gloucestershire. No new buildings are proposed. The existing operation receives and stores cars for auction resale. The company operates on-line auctions for cars secured from insurance companies. The existing site covers approximately 5.3 hectares. The proposed extension sites is 12.85 hectares. The existing site is surrounded by peripheral security fencing and this would similarly extend around the extension areas to the site. It is not proposed to cover the site with hardstanding but utilise existing/previous materials to aid the drainage of the site, as set out in the drainage assessment. The site is located within the Severnside Safeguarded Employment Area. The site is within South Gloucestershire, however it immediately abuts the administration area of Bristol City Council in which the road network that would be used for access to the site is located. The applicants would continue to use the existing access to the site.
- 1.3 There are public rights of way across the site to which changes would be required. Minors Lane runs between the existing site and the proposed extension to the site. This is roughly surfaced track, which is at present adopted highway and would be required to be formally stopped up if the proposed development was to proceed. Minor's Lane also forms part of South Gloucestershire LC12 Recreational Routes/PSP10 Active Travel Route and to ensure the network is maintained it is proposed to divert the route around the existing site using Footpath ORN/27/10 and Ableton Lane. Footpath ORN72 runs from north to south across the extension site and does not connect with a PROW at its northern end, this would be within operational land and as such need to be extinguished. Further to this a bridle route exists along the part of Minors Lane referred to above, which then, when it meets Ableton Lane heads north east through the application site. This route is not formally dedicated but is recognised on the former South Gloucestershire Local Plan under Policy LC12 (Recreational Routes), now as Active Travel Routes (ATR) under Policy PSP10 of the South Gloucestershire Policies Sites and Places Plan (Adopted) November 2017. This route would also need to be extinguished. To redress, within the boundaries of the north of the application site and also within land in the applicants ownership to the east, it is proposed to set aside an area of land to provide additional new public rights of way/bridleway along the northern edge of the which will be able to link with rights of way, both existing and proposed coming down towards the site from the north, and providing potential

for additional linkages to the adopted Ableton Lane, thereby providing additional PROW network opportunities.

- 1.4 The proposals have been screened under the 2017 EIA regs, whereby it was considered that an EIA was not required. A Flood Risk and Drainage Assessment, Landscape and Visual Impact Assessment, Archaeological Survey, Ecological Assessment and Wintering Bird Survey have been submitted in support of the application

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March
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
CS11 Distribution of Economic Land
CS12 Safeguarded Areas for Economic Development
CS35 Severnside

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP18 Statutory Wildlife Sites
PSP26 Enterprise Areas
PSP27 B8 Storage and Distribution Uses

3. RELEVANT PLANNING HISTORY

- 3.1 PT02/0109/F - Change of use from Sui Generis spoil tip to class B8 Storage including provision of service buildings, security fencing and landscaping. Approved 1/4/2003.
- 3.2 PRE16/1378 - Extension of existing storage and distribution site (Use Class B8) to the south of Minors Lane. Enquiry complete 10/3/17
- 3.3 PT17//006/SCR - Extension of existing storage and distribution site (Use Class B8) to the south of Minors Lane. No EIA required. 20/4/17

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No comments received

4.2 Other Consultees

Sustainable Transportation

Our review of this planning application indicates that it seeks to change of use of land to the north of Minors Lane, Avonmouth from agriculture to storage and distribution (Class B8). This will permit the extension of the adjoining business which specialises in processing crash damaged motor vehicles.

We understand that the extension will act as ancillary to the existing site. Hence, the majority of the traffic movements generated will be directly associated with the expanded storage activities and as there will be direct internal connection, they will use the existing site access to enter and leave the site. Consequently, the applicants have provided information to indicate that the additional traffic movements on the public highway network associated will be very small. Thus they have provided a Transport Assessment in which calculations have been undertaken where the existing sites trip generation has been increased by a pro-rata to represent the new site area. These forecasts have subsequently been employed to successfully demonstrate that the additional traffic movements can be accommodated on the local highway network without creating any significant issues on those roads.

We note that by virtue of its location and use, the applicants suggest that there is little scope for non-car travel to this site. Nevertheless, they intend to provide additional secure parking facilities for 6 cycles as well as 20 cars. However, we remain somewhat concerned about the lack of footways and bus services in the vicinity of this site. Notwithstanding these concerns, given the small scale of the employee travel demand associated with the extension, we do not consider this issue to be severe enough to warrant an objection to these proposals. Furthermore, we note that to gain a connection between the existing site and the extension, the applicants are proposing to extinguish the eastern part of Minors Lane.

We understood from our pre-application discussions, that to facilitate this closure they intended to provide an alternative connection between Ableton Lane and Minors Lane along edge of the existing site. Under those circumstances, we had no highways or transportation objections to these proposals. It is however, unclear whether the applicants still intend to pursue this part of their earlier proposals. Hence, we would wish to have this matter clarified before we can reach a final conclusion about this application. Otherwise, we have no highways or transportation comments about this application.

Officer note:

For technical reasons some of the plans and information was not immediately available on the website. Upon further review it was considered that the details were as was agreed in principle and are therefore acceptable. Minor's Lane forms part of South Gloucestershire LC12 Recreational Routes/PSP10 Active Travel Route and to ensure the network is maintained it is proposed to divert the route around the existing site using Footpath ORN/27/10 and Ableton Lane.

The stopping up of Minors Lane and the redirection of the Active Travel Route, along existing footpath ORN/27/10 is considered to be an acceptable adjustment of the public rights of way network. The closures and diversions should be secured through the appropriate legislation and consents.

As the immediate highways network outside of the site is located within the Bristol City Council administrative area, they have also been consulted.

Public Rights of Way

In exchange for the proposed extinguishment of footpath ORN72 and the part of the adopted highway/recreational route of Minor's Lane that runs between the existing site and the red line site between the end of ORN72 and Ableton Lane the applicants will agree to upgrade footpath ORN27 to either bridleway or adopted highway and provide a 3m minimum corridor between the end of the adopted highway Ableton Lane at its northern end along the northern edge of their whole site to a point south of the existing roundabout at the bottom of the Western Approach warehouse development as a potential new multi user route (MUR) in accordance with PSP10. This is in accordance with discussions and requirements sought.

Ecology

There are no designated sites within the site, although the Severn Estuary SPA, SAC, Ramsar and SSSI lies approximately 850m to the north-west of the site.

The SPA is designated for a number of internationally important populations of wildfowl and the SAC is designated for its internationally important habitats and populations of certain fish species. The site is within typical migration distance for birds and is hydrologically connected to the estuary via the network of rhynes.

Due to the proximity of the site to the European Site, a Habitats Regulations Assessment will be required to ensure that there is no likely significant effect from the development. Necessary surveys and appropriate mitigation are required to complete this.

Upon initial submission of the application and accompanying ecological details, there were considered to be outstanding remaining issues that were required to be addressed, prior to determination. These included additional vantage point surveys relating to birds associated with the Severn Estuary SPA, additional ecological enhancement for habitats within the site, full assessment of the potential bat roost tree and the transect routes, improved levels of compensation, enhancement and consideration of ground nesting birds, and grass snake location mapping.

Further information has been received, including additional over wintering bird surveys. There are no ecological objections to the proposals, subject ecological conditions

Natural England

A habitats regulation assessment has been undertaken. Based on the information provided, Natural England concurs with the Council's conclusion that significant effects on Severn Estuary European site (s) are not likely to occur, alone or in-combination.

Environment Agency

There was an initial objection on grounds of the information provided in the FRA and further information sought. Upon receipt of additional information addressing drainage/flood risk issues the objection is withdrawn, but a condition is recommended to secure a remediation strategy that addresses the potential risks associated with the contamination of the site, plus several informatives.

Economic Development

On review of the application presented it is the view of the Strategic Economic Development Team at South Gloucestershire Council that we support the proposed change of use in this application.

We understand that the site is covered by the existing 57/58 consent, however this application should further ensure that future developments do not encounter any planning issues, which could be detrimental to the growth at the Avonmouth Severnside Enterprise Area (ASEA), a site of significant strategic development for the region.

We understand that the proposal will need to address ecological issues. Given the site's location in the ASEA, any site specific ecological mitigation requirements may be eligible for consideration through the S106 process.

Environmental Protection

Potential for Contamination:

Information submitted in support of this application refers to the existing use of the land as "greenfield/agricultural land". Environment Agency records of historic landfill sites available on the internet however show two records of former landfill sites within the proposed development boundary:

Crooks Marsh Farm Sevalco
Crooks Marsh Farm

Both sites are recorded as accepting inert industrial and commercial wastes. Although the development is a change of use and does not involve the construction of any buildings, surface soils are proposed to be stripped. There is therefore a potential that waste materials could be exposed at the surface and pose a potential risk to human health or controlled waters. A remediation condition is therefore recommended. The scale and nature of any site investigations undertaken should be commensurate with the proposed future

use of the site and may not need to be onerous depending on the outcome of the desk study.

Landscape

Questions are raised regarding the level and nature of information received and mitigation required. In particular

It is not considered that sufficient information has been received, however if it was considered that the scheme was acceptable then a landscaping scheme should be required through condition.

Archaeology

An archaeological survey has been submitted to consider the nature of the proposals with the archaeological potential of the site.

Additional archaeological comments are awaited.

Bristol City Council

Traffic Impact:

It is acknowledged information has been submitted regarding the proposed increase in trips the proposed development would generate on peak hour traffic however no figures have been provided for existing or proposed trips for the whole day. Furthermore no information has been provided as to the composition of the trips. It is unclear as to how many trips from the site are currently or proposed to be made by HGV's and other large vehicle delivery transporters.

Waiting on the adopted highway

An area within the site must be provided in which delivery vehicles can wait until they unload. Currently vehicles wait along Ableton Lane which is unacceptable. With a combined total of 50 new movements during the AM peak and 69 during the PM peak (as per Figure 5 of the submitted transport assessment) this will inevitably lead to a further intensification of waiting on the highway which could compromise the Ableton Lane/ Severn Road junction.

Vehicle Tracking

BCC TDM (Transport Development Management) require vehicle tracking be submitted that demonstrate the ability of two HGV's to pass along Ableton Lane. In addition tracking should be submitted that demonstrates the ability of a vehicle to manoeuvre onto Ableton Lane from Severn Road whilst a HGV is waiting to emerge onto Severn Road. It may be necessary for junction improvements to be undertaken.

Recommendations

TDM have evaluated the proposed development and have come to the conclusion that further revised plans are required before a final recommendation can be made. TDM require the following revised plans:

Trip data must be provided for the existing and proposed trips for the period of a whole day

Data must be provided that outlines how many of the trips to the site will be made by HGV's or other large delivery vehicles

Plans must demonstrate sufficient waiting area within the sites curtilage

Vehicle tracking be submitted that demonstrate the ability of two HGV's to pass along Ableton Lane

Vehicle tracking must be submitted that demonstrates the ability of a HGV to manoeuvre onto Ableton Lane from Severn Road whilst a HGV is waiting to emerge onto Severn Road

Additional information was sought on this basis, subsequently provided, and reconsulted to Bristol City Council. Their further response was as follows:

Trip Generation:

TDM deem the submitted trip rates to be acceptable. On the assumption that this will increase as a result of the expanded storage area by 2.5 times, then the forecast of daily HGV movements will be 33 per day. On this basis, the total daily weekday trips associated with the expanded site area could be in the order of 538 movements, assuming an uplift of 15% of non HGV vehicle trips and an increase of 20 HGV trips per day.

Waiting on the Ableton Lane.

In order to avoid a queue of HGV's and other delivery vehicles waiting on Ableton Lane, sufficient area for these vehicles to is provided within the site boundary immediately to the north of the main site entrance.

In addition to this Copart have confirmed that they do not permit HGVs to wait on Ableton Lane.

It has been confirmed the company has a specific one-way holding process for loading and unloading HGVs within the site's boundary as part of their delivery management plan. TDM recommend the delivery management plan be submitted and subsequently conditioned.

Vehicle tracking demonstrated two HGV's can pass albeit tightly.

BCC TDM requested vehicle tracking be submitted that demonstrates the ability of a HGV to manoeuvre onto Ableton Lane from Severn Road whilst a HGV is waiting to emerge onto Severn Road. This could not be achieved given the junctions current form.

Whilst TDM notes there is a minimal increase in trip rates, given the proposal and the magnitude of the increase this will likely lead to an increase in productivity in the future. To this extent TDM require junction widening of the Ableton Lane/ Severn Road junction to be undertaken to future proof this section of the highway network. The applicant would be required to enter a s278 agreement with BCC highways.

Recommendations

As stated above there is currently an inability for a HGV to manoeuvre onto Ableton Lane from Severn Road whilst a HGV is waiting to emerge onto Severn Road. To this extent it must be confirmed the applicant will enter into a s278 agreement to undertake junction widening.

Health and Safety Executive

No new buildings or development are proposed and the use would be a continuation of the existing adjacent use of car storage. In accordance with the guidance on the HSE Land Use Planning web page and decision matrix the recommendation is - don't advise against development.

Other Representations

4.3 Local Residents

A comment has been received from a Bristol City Council Councillor as follows: This development would impact heavily on the roads (particularly Severn Road) in my ward (Avonmouth & Lawrence Weston). There would be a need for S106 monies to improve Severn Road so as to cope.

- Further comments have been made from a local resident (and former Councillor) within South Gloucestershire, summarised as follows:

- With the site bordering, and the road access using Bristol City Council highways, highways consultation should be made with them.

- The site is accessed from a substandard highway and there is a case for financial contribution towards its upgrade

- The planning history provided could imply that the land is brownfield, it was excavated for brick making and then landfilled for restoration to agricultural use and should therefore be considered green field and dealt with as such

- The application suggest that traffic generated by the extension would not be significant but given the proposed expansion of the business this is questioned

- The proposed upgrade to PROW ORN27 is welcomed, as is the proposed extinguishment of parts of the path in the vicinity of the site, its ongoing maintenance should be considered

- Ableton Lane has fallen out of use and blocked off, but is a tarmac road and potential access to other potential development sites to the north and west

- Every development in the area should make provision for habitat protection and creation and a landscape plan is vital and should be conditioned, including planting on the bridleway and provision of barn owl nesting boxes

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is located within a Safeguarded Employment Area and Enterprise Area. Policy CS12 Safeguards the area for economic development within the B use classes. Other development not within Use Class B would need to demonstrate that it would be acceptable and not prejudice the context of the economic development allocation. Policy CS35 states that land at Severnside will be safeguarded and developed for distribution and other extensive employment uses, including energy generation, broadly in line with the extant planning permissions dating from 1957 and 1958 in the area. The Council will seek to provide a strategic development approach which will help to deliver development while mitigating site constraints, including flood risk, coastal protection, biodiversity, archaeology and transportation.

- 5.2 The principle of industrial, distribution and employment use is therefore established at the site, particularly B1, B2 and B8, and it is considered that the proposals fall within these categories and are therefore acceptable in principle. No new buildings are proposed. Any new proposals would however need to address site specific development management policy and criteria. Amongst the key issues that will be need to be fully addressed and/or mitigated are discussed in more detail below.
- 5.3 Ecology
Ecological Assessment of the site and wintering bird surveys, due to the sites proximity to the Severn Estuary, have been undertaken and submitted. This has subsequently been added to upon request from the Council's Ecological Officer as part of the ongoing consideration of the application. Additional mitigation and enhancement has also been provided for within the site. This included additional vantage point surveys relating to birds associated with the Severn Estuary SPA, additional ecological enhancement for habitats within the site, full assessment of the potential bat roost tree and the transect routes, improved levels of compensation, enhancement and consideration of ground nesting birds, and grass snake location mapping. Conditions are recommended to secure additional improvements, and on the basis of their inclusion there are no ecological objections to the proposals. Similarly Natural England have reviewed the Habitats Regulations Assessment and consider the proposals acceptable in this respect.
- 5.4 Transportation
The details of closures and diversions referred to above have been considered and are acceptable in principle. There are no objections to the stopping up of Minors Lane and the diversion of the active travel route along existing ORN27. A condition is recommended to secure the implementation of the additional new routes. It should be noted that footpath extinguishment and the stopping up of Minor's Lane are subject to separate applications/orders and are not automatically granted as part of any planning permission. The highways network immediately to the south of the site lies within Bristol City Council's administrative area, who were consulted accordingly. The highways comments from Bristol City Council are noted, whereby issues were raised on the basis of lack of trip generation information, potential for waiting on the adopted highway and vehicle tracking were raised. On this basis further detail and information was sought from the applicants in order to address the points raised. This was subsequently received and reconsulted to BCC.
- 5.5 BCC deemed the submitted trip rates to be acceptable and further to this it has been confirmed the company has a specific one-way holding process for loading and unloading HGVs within the site's boundary. In terms of vehicle tracking it was demonstrated two HGV's can pass albeit it was considered, tightly. Requested vehicle tracking that was required to demonstrate the ability of a HGV to manoeuvre onto Ableton Lane from Severn Road whilst a HGV is waiting to emerge onto Severn Road. This , it was considered, could not be achieved given the junctions current form. Whilst it was therefore noted that there would be a minimal increase in trip rates, given the proposal and the magnitude of the increase this was considered likely lead to an increase in productivity in the future. In this respect a junction widening of

the Ableton Lane/ Severn Road junction to be undertaken to future proof this section of the highway network was recommended, under a s278 agreement with BCC.

- 5.6 Notwithstanding the above considerations, the context of the site, the nature of issue raised, and the reasonableness of the measures sought must also be taken into consideration. This has been viewed in conjunction with South Gloucestershire Highways Officers. The site is an existing vehicle storage facility, the principle of which is established, currently utilising the access points with its vehicles. There is sufficient space within the enclosed yard area for sufficient holding space for vehicles entering the site. There is also considered to be width for two way passing along the road. The level of additional vehicle movements likely from the proposed extension is not considered to be significant in context with the site and location. Taking into account the existing and established use of the site, the level of additional vehicle movements associated with the actual application itself, the and the nature and severity of the potential issue raised it is not considered that the works proposed are reasonable, proportionate or justified in this instance.

5.7 Public Rights of Way

In exchange for the proposed extinguishment of footpath ORN72 and the part of the adopted highway Minor's Lane that runs between the existing site and the red line site between the end of ORN72 and Ableton Lane the footpath ORN27 will be upgraded to either bridleway or adopted highway, as part of the ATR, in addition a 3m minimum corridor of land will be provided between the end of the adopted highway Ableton Lane at its northern end along the northern edge of their whole site to a point south of the existing roundabout at the bottom of the Western Approach warehouse development, to enable continuation of the active travel route (ATR) and provide additional access and links as part of a new multi user route. This will ensure satisfactory continuation of the active travel route and will then enable linkage with public rights of way and recreational routes that are being routed north of the site. This is considered acceptable and in accordance with the requirements of the Council's PROW officer. A condition is recommended to secure and retain its provision. The closures and diversions would need to be formally secured through the appropriate stopping up and diversion legislation and consents. The PROW dedication process will formally secure use and retention of the additional routes provided.

5.8 Landscape

It is of note that the site is located within the Severnside permission areas and is within the designated safeguarded area for economic development. A Landscape and Visual Impact Assessment has been undertaken. The site is within an existing and developing industrial and employment area. No new buildings are proposed under the terms of the scheme and peripheral vegetation is to be retained. The landscape comments are noted and on this basis a landscape scheme recommended to address the retention of peripheral vegetation and provide additional planting, including on the bunded peripheral areas, to further aid landscape softening and integration of the site. Bio-diversity and enhancement of the site has also been addressed in the ecological considerations. On this basis, taking into account the context of the

site, and the nature of the surroundings, existing uses, permissions and policy designations for the site, and the landscape details provided, it is considered that the proposals are acceptable in landscape terms.

5.9 Contamination/Drainage

Following initial EA concerns over the Flood Risk and Drainage Assessment, further information was subsequently submitted. These details were considered acceptable. No new buildings or significant landscape changes are proposed. Conditions are recommended in accordance with EA considerations, and EPO advice, addressing contamination issues associated with previous and uses and the proposed use of the site, including risk assessment, site investigation, remediation and containment and disposal of contaminated run off and pollution prevention. Informatives are recommended further advising the operators of the flood risk and contamination considerations.

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 1) That authority be delegated to the Director of Environment and Community Services, to grant planning permission, subject to the conditions set out below and upon further consultation with the Council's Archaeologist to confirm:

- i) there are no archaeological objections to the proposals
- ii) any required additional archaeological conditions and mitigation measures are incorporated into the decision notice

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

2. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the LPA:
 1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk, arising from the development, to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required due to the development and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason

To prevent pollution, contamination and flooding, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. Some elements of this condition require investigations to be undertaken prior to commencement of development in order to properly assess the likely risk of ground contamination, and to allow appropriate mitigation to be made in the event it is found.

3. 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 LPA) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.

Reason

To prevent pollution, contamination and flooding, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

4. No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the LPA. The scheme should include details of the following:

1. Site security
2. Fuel oil storage, bunding, delivery and use.
3. How both minor and major spillage will be dealt with.
4. Containment of silt/soil contaminated run-off.
5. Disposal of contaminated drainage, including water pumped from excavations.
6. Site induction for workforce highlighting pollution prevention and awareness.

The scheme shall thereafter be implemented in accordance with the approved details.

Reason

To prevent pollution, contamination and flooding, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

This is a pre-commencement condition in order to ensure that issues that may affect pollution, contamination and flooding are addressed within the site at an early stage.

5. Prior to the commencement of the development hereby approved a scheme providing details of a minimum 3m wide corridor for public rights of way, showing precise location and boundaries for implementation shall be submitted to the Local Planning Authority for written approval and thereafter retained as such. The details shall follow those illustrated in Fig 6 of the proposed Public Right of Way Network Plan as revised and received on 3 April 2018 i.e. from the northern end of the adopted highway, Ableton Lane (which runs to the west of the site), to run along the northern boundary of the whole site, to a point south of the existing southern Central Park roundabout in the Western Approach warehouse and distribution park.

Reason:

To provide a new non motorised multi user route/public right of way and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and Policy PSP10 of South Gloucestershire Policies Sites and Places Plan (Adopted) November 2017.

This is a pre-commencement condition to ensure that public rights of way are incorporated within the scheme at an early stage.

6. Prior to commencement of development, a Construction Environmental Management Plan (CEMP), including a detailed method statement for protecting reptiles and pollution prevention measures shall be submitted for approval in writing by the Local Planning Authority and thereafter implemented as approved.

Reason

In the interests of the ecology of the area and in accordance with Policy PSP19 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017.

This is a pre-commencement condition to ensure that ecological requirements are incorporated into the scheme at an early stage.

7. Prior to first operation, a detailed lighting strategy shall be submitted to the Local Planning Authority for approval in writing. It shall include details on the specification, location and orientation of all lighting units within the site and include locations retained as dark corridors for wildlife. Once approved, the plan shall be implemented and maintained thereafter.

Reason:

In the interests of the ecology of the area and in accordance with Policy PSP19 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017.

This is a pre-commencement condition to ensure that ecological requirements are incorporated into the scheme at an early stage.

8. Prior to first operation, the location and specification of bat and bird boxes recommended within the Ecological Assessment (Ecology Solutions, October 2017 and as set out in Plan EC07: Enhancement) shall be submitted to the local planning authority for approval in writing. Once approved, the boxes shall be installed prior to the next available nesting season, and maintained thereafter.

Reason

In the interests of the ecology of the area and in accordance with Policy PSP19 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017.

9. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of those to be retained, together with measures for their protection during the course of the development shall be submitted to the Local Planning Authority, for written approval. Prior to occupation a scheme showing proposed planting and landscaping (and times of planting), including the peripheral bund areas and bund areas proximity to the new public rights of way corridor; shall be submitted to the Local Planning Authority for written approval. Development shall be carried out in accordance with the agreed details.

Reason

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

This is a pre-commencement condition to ensure that visual amenity aspects are incorporated within the scheme at an early stage.

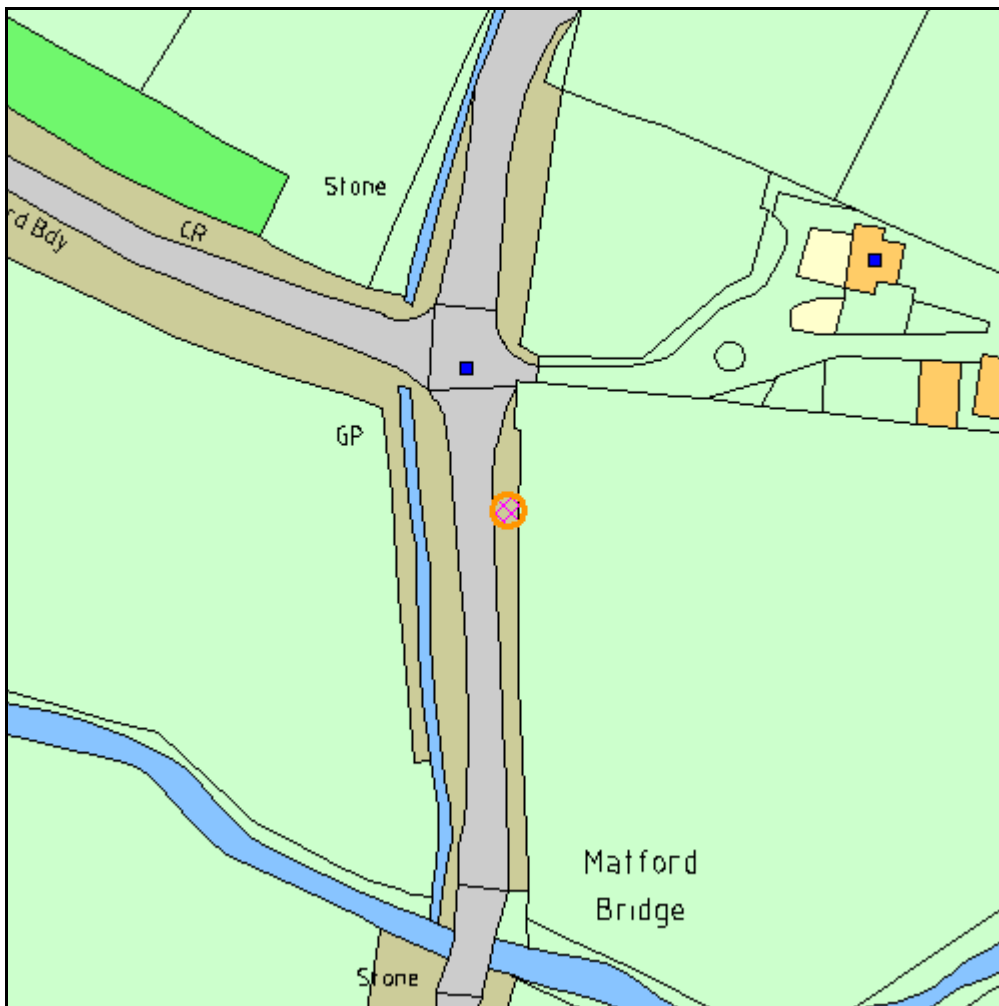
10. The development hereby permitted shall be used as one planning unit with the adjacent B8 use approved under reference PT02/0109/F such that it shall not be subdivided and access to the site shall be solely from the existing access off Ableton Lane, at the southern point of the site. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the site shall be used only for the open storage of vehicles and equipment (Class B8) and ancillary use in accordance with the approved plans and details.

Reason

The highway merits and likely movements arising from the proposal have been assessed on the basis of one planning unit using the existing access point. Any differences in use and access arrangements will need further consideration in terms of highway impact and mitigation. This is to accord with Policies CS8 of the South Gloucestershire Local Plan Core Strategy, Adopted, December 2013 and PSP11 of the South Gloucestershire Policies Sites and Places Plan, Adopted November 2017.

CIRCULATED SCHEDULE NO. 17/18 - 27 APRIL 2018

App No.:	PT18/0620/OHLE	Applicant:	Western Power Distribution
Site:	Overhead Lines Old Gloucester Road Winterbourne South Gloucestershire BS36 1RX	Date Reg:	9th February 2018
Proposal:	Application for consent under Section 37 of the Electricity Act 1989 to relocate WPD pole.	Parish:	Winterbourne Parish Council
Map Ref:	363807 181938	Ward:	Winterbourne
Application Category:		Target Date:	14th March 2018



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REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under the Circulated Schedule procedure as a result.

1. THE PROPOSAL

- 1.1 This application seeks consent under section 37 of the Electricity Act 1989 to relocate a WPD pole.
- 1.2 The Overhead Lines (Exemption) (England and Wales) Regulations 2009 (as amended) provide for exemptions from the requirement of the consent of the Secretary of State for Energy and Climate Change under section 37 of the Electricity Act 1989.
- 1.3 Under Regulation 5(2)b) of the above Regulations, the Local Planning Authority must, within 6 weeks of receiving notice, notify the Secretary of State if it considers that the proposal would be *likely to have a significant adverse effect on the environment*. If the LPA determines the proposal to have a significantly adverse effect on the environment, the LPA will request the full section 37 process.
- 1.4 The works would affect overhead lines located along Old Gloucester Road, Winterbourne. In terms of land designations, the site is located within the Bristol and Bath Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

- i. National Planning Policy Framework March 2012
- ii. The Overhead Lines (Exemption) (England and Wales) Regulations 2009
- iii. Circular 14/90: Electricity Generating Stations and Overhead Lines
- iv. DECC Guidance Note: The Statutory Consents Regime for Overhead Power Line in England and Wales under Section 37 of the Electricity Act 1989, July 2014

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 Adopted January 2006 Saved Policies

- | | |
|------|-----------|
| PSP2 | Landscape |
|------|-----------|

2.3 Supplementary Planning Guidance

- Revised Landscape Character Assessment (Adopted) November 2014

3. RELEVANT PLANNING HISTORY

3.1 None relevant

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council
No objection

4.2 Frampton Cotterell Parish Council
The Parish Council feels there is not enough information to make a decision. The Council requests a copy of the application.

4.3 Wessex Water
No comments received

4.4 National Grid
No comments received

Other Representations

4.5 Local Residents
One comment of objection was received. The main concerns raised are outlined below:

- The information provided with this 'application' comprising solely of a portion of a map, fails completely to convey any information upon which to consider the appropriateness or otherwise of this application and should have been rejected out of hand before being published.
- To apply the misnomer to the information as an application for anything, when no application has been published wastes a lot of time which could have been better spent on other things.
- Please ensure that appropriate is made available before accepting that an 'application' has been submitted.

5. ANALYSIS OF PROPOSAL

5.1 This is a notification submitted to the Local Planning Authority in connection with development under the Electricity Act 1989. It is important to note that the Local Planning Authority are not the decision maker for this type of application; the decision is made by the Secretary of State with the Local Planning Authority acting as a consultee. The LPA will only notify the Secretary of State and request a full section 37 process if it considers that the proposal would be *likely to have a significant adverse effect on the environment*.

5.2 Assessment

The proposal would involve the relocation of a WPD pole from private land to an adopted highway verge. Submitted plans indicate that the pole would only be moved very slightly from its existing position. Provided that the development is carried out in accordance with the habitat regulations and the provisions of statute such as the Wildlife and Countryside Act, the development will have little environmental impact. As such, the Secretary of State will not be notified by the Local Planning Authority.

5.3 Other Matters

The concerns raised by the parish council and local residents regarding a lack of information have been taken in to account. However as has been previously outlined, the LPA act as a consultee on the application and are not the decision maker. The level of detail that has been submitted is considered to be sufficient as to allow for the LPA to assess whether the proposal would have a significant adverse effect on the environment.

6. RECOMMENDATION

6.1 It is recommended that **NO OBJECTION** is raised.

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CIRCULATED SCHEDULE NO. 17/18 – 27 APRIL 2018

App No.:	PT18/0667/CLE	Applicant:	Mr And Mrs R Grey
Site:	Poppies Barn Shepperdine Road Oldbury On Severn Bristol South Gloucestershire BS35 1RL	Date Reg:	15th February 2018
Proposal:	Application for existing use as residential dwelling and for the erection of an extension.	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	361778 194773	Ward:	Severn
Application Category:	Certificate of Lawfulness	Target Date:	11th April 2018



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is for a Certificate of Lawfulness and as such according to the current scheme of delegation it 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 use as an independent dwelling and for the erection of an extension would on the balance of probabilities be lawful development under Section 191 of the Town and Country Planning Act 1990. This is based on the assertion that the proposal would be lawful due to the passage of time.
- 1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.3 The change of use to an independent residential unit with no tie with the commercial use of the site and contrary to condition 3 attached to the decision PT04/3706/F has according to supporting information been in breach of planning control for in excess of 10 years and the extension has been in place for in excess of 4 years. Accordingly the development and the breach of condition 3 could be immune from enforcement action.
- 1.4 Condition 3 sought to keep the dwelling as ancillary to the cold meat processing business taking place on site and read:
“The occupation of the residential barn conversion (as detailed on Drawing Numbers 951/2/H and 879/4/E) shall be limited to a person solely or mainly working in the meat cold store, processing and packaging business hereby approved, or a widow or widower of such a person, and to any resident dependents.”

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)
- 2.2 The submission is not a full planning application this the Adopted Development Plan is not of relevance to the determination of this application; the decision rests on 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 the proposed development is lawful against the provisions of Section 191 to the Town and Country Planning Act.

3. RELEVANT PLANNING HISTORY

PT09/1032/F – Refusal – 22/09/2009 – Change of use from cold meat storage building (Class B8) to form holiday let (Class C3) as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended). Resubmission of PT09/0645/F.

PT09/0645/F – Withdrawn – 22/05/2009 – External alterations to facilitate conversion of agricultural building to form holiday let (Class C1) as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended).

PT04/3706/F – Approval – 29/06/2005 – Construction of new building to provide meat cold store, processing and packaging facilities (Use Class B8). Construction of associated cattle storage buildings. Conversion of existing barn to provide residential accommodation (Use Class C3) associated with meat cold store, processing and packaging business (Use Class B8); Conversion of existing barn to form to form holiday let (Use Class C3). Formation of new access, concrete surfaced yard, and associated works. - **Cond 3. “The occupation of the residential barn conversion (as detailed on Drawing Numbers 951/2/H and 879/4/E) shall be limited to a person solely or mainly working in the meat cold store, processing and packaging business hereby approved, or a widow or widower of such a person, and to any resident dependents.”**

4. CONSULTATION RESPONSES

4.1 Oldbury on Severn Parish Council
No Comments Received

4.2 Other Consultees

Transport Officer

No Comment – Certificate of Lawfulness Application

Other Representations

4.3 Local Residents
No Comments Received

5. ANALYSIS OF PROPOSAL

5.1 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 not consideration of planning merit, the application is based on the facts presented. This 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.

- 5.2 The key issue in this instance is to determine whether the existing use and development on site would accord with the provisions of Section 191 of the Town and Country Planning Act 1990. Statements have been provided by the occupiers of the property along with supporting information.
- 5.3 The basis of the argument for lawfulness is based on the assertion that after 10 years of the continuous breach of condition 3 attached to the permission PT04/3706/F and after 4 years of the operational development to extend the structure the breach in planning control becomes immune from enforcement action.
- 5.4 The declarations provided indicate that the property was first unlawfully occupied and in breach of condition 3 in July 2007 and occupation has been continuous since that time; there has therefore been at least 10 years since the continuous breach of condition 3 attached to the planning approval PT04/3706/F took place. The statements also note that the works to extend the property begun in February 2013 and were completed by December 2013 and have been occupied since that date. On this basis the breaches of control have taken place for in excess of 10 and 4 years respectively and are therefore viewed to be immune from enforcement action.
- 5.5 The use of the land and the extension, on the balance of probabilities, are not considered to require planning permission. This is based on the assertion that they would accord with the provisions of Section 191 of the Town and Country Planning Act and that at least 10 years have passed since the initial breach in planning control and the use of the land; and at least 4 years since the operational development took place.

6. **RECOMMENDATION**

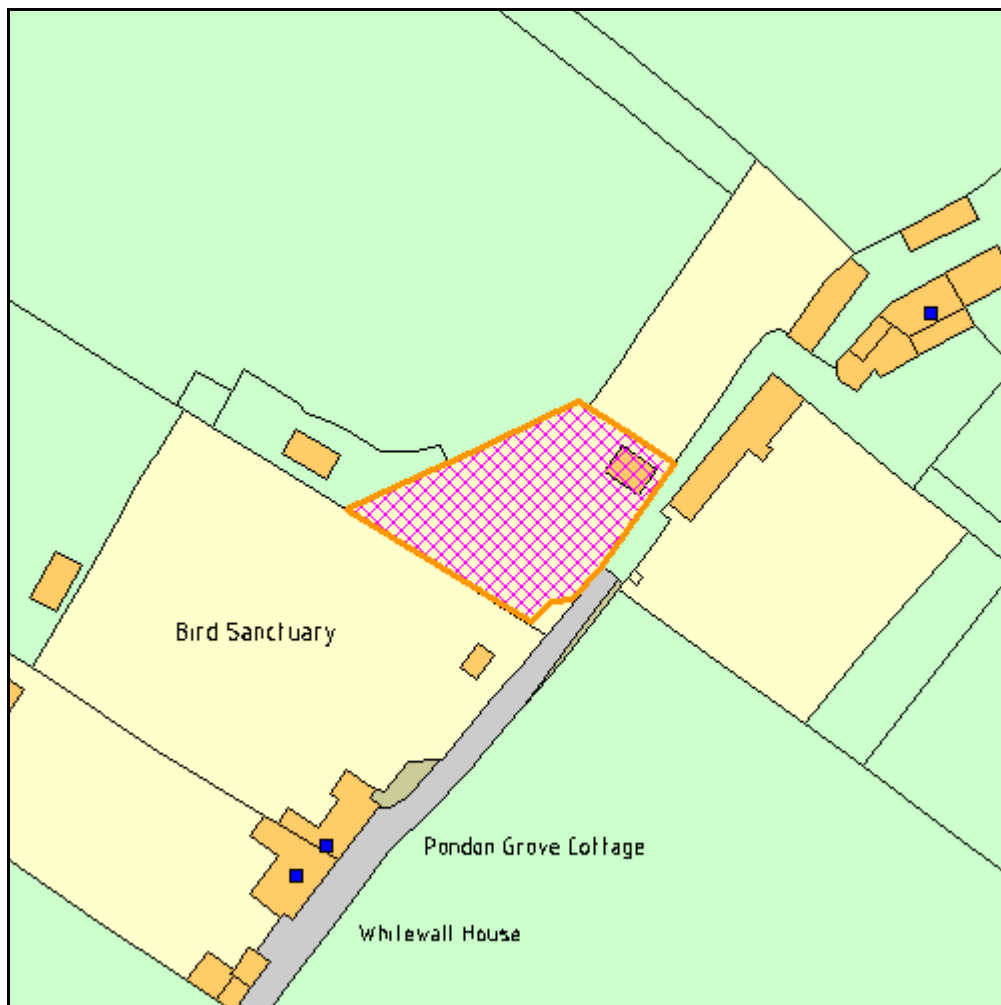
- 6.1 That a certificate of Lawfulness for the existing use of the land in breach of condition 3 and for operational development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities, the use of the building as an independent dwelling; in breach of condition 3 attached to the planning permission PT04/3706/F has continued for at least 10 years prior to the submission of this application. Evidence has also indicated that the operational development to facilitate the extension of the building has been in situ for at least 4 years prior to the submission of this application for a certificate of lawfulness. The above breaches in planning control would therefore be considered to fall within the provisions of Section 191 of the Town and Country Planning Act 1990 (as amended) and would be immune from enforcement action.

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CIRCULATED SCHEDULE NO. 17/18 – 27 APRIL 2018

App No.:	PT18/0822/F	Applicant:	Mr And Mrs Vickers
Site:	Milbury House Whitewall Lane Buckover South Gloucestershire GL12 8DY	Date Reg:	21st February 2018
Proposal:	Erection of 1no dwelling and associated works. (re-submission of PT17/5660/F to include raised decking, balcony and changes to fenestration to amend the previously approved application PT15/3662/F)	Parish:	Thornbury Town Council
Map Ref:	366226 190460	Ward:	Thornbury North
Application Category:	Minor	Target Date:	18th April 2018



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of objection from Thornbury Town Council.

1. THE PROPOSAL

- 1.1 This re-submitted application seeks full planning permission for the installation of a raised decking, balcony to the approved dwelling, which was granted planning permission under PT15/3662/F at Milbury House, Whitewall Lane, Buckover. It is proposed to make some minor changes to the details and location of the fenestration of the approved scheme. Whilst the recent site visit reveals that the planning permission has not been implemented, it is noted that drainage details was approved under DOC15/0318 in December 2016.
- 1.2 The site is located in the small hamlet of Milbury Heath and is not within a defined settlement boundary (i.e. it is within open countryside). The site is not located within the Green Belt. It is noted that a public rights of way running along the frontage of the site, however the proposal would not affect this existing footpath.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

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
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP38	Development Within Existing Residential Curtilage, Including Extensions and New Dwelling.
PSP40	Residential Development in the Countryside

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the environment and heritage
CS15	Distribution of Housing
CS16	Housing Density

CS17 Housing Diversity
CS34 Rural Areas

2.3 Supplementary Planning Guidance
Residential Parking Standard SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 N5062/3 Erection of single storey extension to form sitting room and garage. Approved 03.12.81
- 3.2 P84/1546 Erection of single storey extension to form lounge / diner. Approved 04.06.84
- 3.3 P84/1862 Erection of double garage. Withdrawn 11.07.84
- 3.4 P85/1978 Alterations and erection of a two storey extension to form an entrance hall, lounge and dining room with two bedrooms and a bathroom over. Approved 31.07.85
- 3.5 PT12/2827/NMA Non material amendment to approved planning permission P85/1978 to reduce the footprint of the proposed dwelling and the increase the size of a window in the single storey element. Objection. 11.09.12 as the proposed amendment would significantly reduce the size of the building
- 3.6 PT13/2671/F Erection of 1 no. detached dwelling and detached garage with associated works. Withdrawn 20.09.13
- 3.7 PT15/0492/CLE Certificate of Lawfulness for the existing residential use of Milbury Cottage. Approved 26.5.2015
- 3.8 PT15/3662/F Erection of 1 no. dwelling (amendment to previously approved scheme P85/1978). Approved 30.11.15

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council
Objection. The Town Council reiterates its previous objection, the proposed development is outside the development boundary.

4.2 Other Consultees

Conservation Officer
No objection.

Lead Local Flood Authority

No objection, advised that the preferred method for foul sewage disposal is to contact a public foul sewer. If it is not economically viable by gravity or pumping, a Package Sewage Treatment Plant is required.

Sustainable Transport

No objection.

Highway Structures

No comment.

The Archaeology Officer

No comment.

Other Representations

4.3 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site has been subject to a number of planning applications in the past. As planning permission has been granted for the erection of new dwelling on this particular site (which remains implementable) and this application seeks to make a number of amendment to the approved scheme, therefore there is no in-principle objection to the proposal. It is not considered that there have been significant material changes in the intervening period which would justify revisiting the issue of the principle of development.

5.2 Officers acknowledge the Parish Council's objection regarding the out of town of the proposed dwelling. Policy CS5 of the adopted Core Strategy restricts new development outside settlement boundaries. Nevertheless, it should be noted that a Certificate of Lawfulness for the residential use has been granted for this parcel of land, and Policy PSP38 of the adopted Policies, Sites and Places Plan allows proposals for development within existing residential curtilages, including extensions to existing dwellings and new dwellings provided that the proposal would not prejudice visual and residential amenity, public highway safety, would provide adequate private amenity spaces and adequate off-street parking. As such, there is no objection to the principle of the proposal. Given that the certificate established the residential use of the plot, it is not considered necessary to consider how the lack of a 5 year housing supply would apply to this proposal. The main issue for this planning proposal therefore are the differences between what is currently proposed, and what already has consent.

5.3 Design, Visual Amenity and Historic Perspective

The application site lies to the northern side of Whitewall Lane. There are a number of cottages along the lane. The site is also lies directly to the west of the Grade II listed building.

The approved dwelling is a single storey 'L' shaped building, which is simple in terms of design and it would have a number of dormers on the northwest elevation with a dual pitched roof with gable ends. The proposal is to install a raised decking with balcony, and make changes on the number and locations of

the windows and doors. No change is made in terms of the external materials. It is considered the revised scheme would be acceptable as the proposal would respect the character and appearance of the locality.

From the heritage perspective, it is noted that the massing of the building will remain as originally approved in respect of the scale of the projecting SE wing, which will be the closest part of the building to the adjacent designated heritage asset. Officers consider the proposed changes would not cause any harm to the setting of the adjacent listed building, therefore there is no historic objection to the proposal.

It is therefore considered that the proposal has achieved the highest possible standard of design, therefore, the proposal satisfies Policy CS1 of the adopted Core Strategy and Policy PSP1 and PSP17 of the adopted PSPP.

5.4 Residential Amenity

The nearest residential property to the proposed dwelling would be Pondon Grove Cottage, located to the south west of the proposed dwelling.

The submitted drawings show that there would be a new door on the south west elevation and the position of the small first floor window would be slightly relocated to the centre of the gable. Given the considerable distance from the neighbouring properties, it is considered that the proposed changes would not cause any unreasonable adverse impact on the neighbouring residents, in terms of overlooking and overbearing impact.

The proposal is located within a large plot, and it is considered that sufficient private amenity space would be provided for the new dwelling.

Accordingly, it is considered that the proposal will not have a materially detrimental impact on the neighbouring occupiers, and therefore satisfied Policy PSP43 of the adopted PSPP.

5.5 Drainage

The Drainage Engineer considered the proposal and raised no objection to the proposal Drainage. Subject to a planning condition seeking further details of the foul drainage, there is no drainage objection to the scheme.

5.6 Highway Safety

The proposed changes would not change the number of bedrooms of the approved dwelling or the access and parking arrangement, therefore there is no highway objection to the proposal.

5.7 Permitted Development Rights

Officers have considered whether or not the permitted development rights should be removed from the proposed dwelling given the rural location of the proposed dwelling. Officers consider that the concerns regarding the visual amenity and residential amenity have already been addressed, and it would be unreasonable to restrict general householder development as the legislation does allow householder development in rural areas, and in this case, there is no exceptional reason to justify the removal of permitted development.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the South Gloucestershire Local Plan: 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 be granted subject to the following conditions:

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

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 the development hereby permitted, details of foul drainage method shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reasons

a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.

b. To ensure a satisfactory means of pollution control, in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, and Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

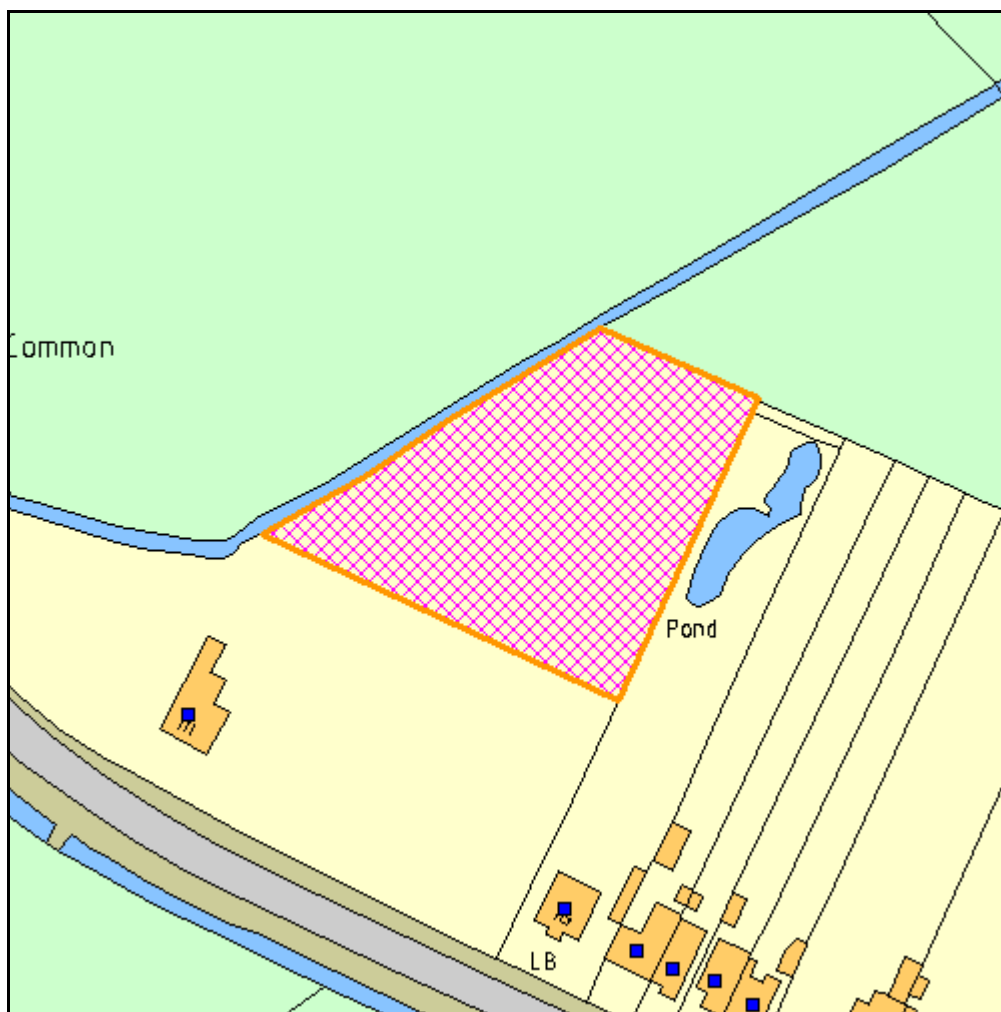
3. A minimum of 2 off street parking spaces (of at least 2.4m x 4.8m) shall be provided on site before the dwelling is first occupied, and shall thereafter be retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 17/18 – 27 APRIL 2018

App No.:	PT18/1022/CLE	Applicant:	Mr Terry Whittingham
Site:	Homeland Cottage 111 Marsh Common Road Pilning Bristol South Gloucestershire BS35 4JU	Date Reg:	9th March 2018
Proposal:	Application for the continued used of land as residential (Use Class C3) (resubmission of PT17/0540/CLE)	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	356285 183522	Ward:	Pilning And Severn Beach
Application Category:	Certificate of Lawfulness	Target Date:	27th April 2018



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 100023410, 2008. **N.T.S.** **PT18/1022/CLE**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule in accordance with the Council's scheme of delegation as it is for a certificate of lawfulness.

1. THE PROPOSAL

- 1.1 This application seeks a certificate of lawfulness for the continued use of land associated with Homeland Cottage, 111 Marsh Common Road, Pilning, as residential (Class C3 as defined in Town and Country Planning (Use Classes) Order 1987). The area of land in question is an area to the north-east of the main dwelling.
- 1.2 The certificate of lawfulness is sought on the basis that the use of the land for residential purposes associated with Homeland Cottage is immune from enforcement action. This is on the basis that the land in question has been used as residential for a period in excess of 10 years, and under 171B(3) of the Town and Country Planning Act 1990 ("the Act"), and in accordance with section 191(2) of the Act, the use is lawful.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

3.1 PT18/1082/CLP

Application for a certificate of lawfulness for the proposed erection of 3no domestic outbuildings.

Pending Consideration

3.2 PT17/0540/CLE

Application for a certificate of lawfulness for existing use of land as residential curtilage (Use Class C3).

Refused: 22.03.2017

Appeal Dismissed: 22.02.2018

3.3 PT16/6094/CLP

Application for certificate of lawfulness for the proposed erection of 3no. domestic outbuildings.

Refused: 10.01.2017

Appeal Dismissed: 22.02.2018

3.4 **PT14/1086/CLP**

Application for certificate of lawfulness for the proposed erection of a detached swimming pool building.

Approved: 02.05.2014

3.5 **PT12/3227/CLE**

Application for Certificate of Lawfulness for existing alterations and extensions to property and garage, not in accordance with planning permission PT06/2521/F dated 6th October 2006.

Approved: 10.05.2013

3.6 **PT06/2521/F**

Partial demolition of existing dwelling to facilitate two storey and single storey extension to form additional living accommodation, including conservatory. Complete demolition of outbuildings to facilitate erection of detached garage and workshop.

Approved: 06.10.2006

3.7 **PT05/2349/F**

Partial demolition of existing dwelling to facilitate two storey and single storey extension to form additional living accommodation, including conservatory. Complete demolition of outbuildings to facilitate erection of detached garage and workshop (Resubmission of planning application PT04/3582/F).

Refused: 27.10.2005

3.8 **PT04/3582/F**

Partial demolition of existing dwelling to facilitate two storey and single storey extension to form kitchen, breakfast room, living room and conservatory with 2 no. bedrooms, 3 no. bathrooms and balcony over. Complete demolition of outbuildings to facilitate erection of detached garage with workshop.

Refused: 17.12.2004

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

4.1 To support this application, the following have been submitted:

- Covering letter
- Statutory declaration of Mr Terry Lee Wittingham

5. **SUMMARY OF MIXED EVIDENCE**

5.1 The Council's own evidence consists of the following:

- Aerial photographs for the following years: 2005, 2006, 2008-2009, 2014-2015

6. **SUMMARY OF CONTRARY EVIDENCE**

6.1 The local planning authority holds no contrary evidence of its own.

7. **OTHER REPRESENTATIONS RECEIVED**

7.1 Pilning and Severn Beach Parish Council
No comment

7.2 Local Residents
None received

8. **EVALUATION**

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

8.2 Breach of Planning Control

No planning permission has been granted for the use of the land as residential. Therefore the use of the land in such a manner would form a breach of planning control. Section 171B of the Act introduces statutory time limits in which enforcement action against breaches of planning control should be taken. If the breach has occurred continuously for the period stated in this section it would become immune from enforcement action.

8.3 In this case, the separation of the land in question from adjoining land by virtue of vegetation and other boundary treatments, the cutting of grass within the area and the construction of a tennis court within the area indicate a domestic use.

8.4 Grant of Certificate of Lawfulness

Certificates of lawfulness for existing uses are covered in section 191 of the Act. Section 191(2) states:

*For the purposes of this Act uses and operations are lawful at any time if -
(a) no enforcement action may then be taken in respect of them (whether
because they did not involve development or require planning permission or
because the time for enforcement action has expired or for any other
reason); [...]*

8.5 Time Limit of Immunity

The applicant is claiming that the use of part of the land for residential purposes has occurred since their purchasing of the property in 2006. This would constitute *any other breach of planning control* and therefore in accordance with section 171B(3) of the Act, the development would become lawful at the end of a period of 10 years beginning with the date of the breach.

8.6 In order for this certificate of lawfulness to be granted it must be demonstrated that, on the balance of probability, the use of the land as garden has occurred continuously for a period exceeding 10 years and that there has been no subsequent change of use.

8.7 Assessment of Lawfulness

A previous Certificate of Lawfulness application relating to the use of the land as residential (application ref. PT17/0540/CLE), was received by the local planning authority on 6th February 2017, and refused by notice on 22nd March 2017. The application was refused for the following reason:

Insufficient evidence has been submitted to precisely or unambiguously demonstrate that, on the balance of probability, the land edged in red on the Site Location Plan (001) has been in residential use for a consistent period of at least ten years.

8.8 The refusal reason was then upheld at appeal, with the Inspector concluding that “because this breach of planning permission took place fewer than ten years before the date of the LDC application, the use of the appeal land as domestic garden has not acquired immunity from enforcement action.”

8.9 In terms of the point at which the change of use took place, the re-turfing of the site and the construction of the tennis court is considered to represent an indicator of the change of the use of the land to residential. On the basis of the evidence to hand, it is confirmed by both the Inspector within their report and the local planning authority within their statement of case that these works were carried out somewhere between April 2007 and January 2008.

8.10 The application currently under review was received by the Local Planning Authority on 3rd March 2018. As such and based on previous findings, it is considered that a period of 10 years passed between the change of the use of the land and the submission of the application. It should also be noted that the use is not in contravention of any Enforcement Notice which is in force.

8.11 Assessment Findings

It has been found that a breach of planning control occurred at some point between April 2007 and January 2008. The local planning authority is not in possession of any counter evidence, and there is not evidence of any further change of use of the site.

8.12 Paragraph 17c-006-20140306 of the National Planning Policy Guidance states:

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

8.13 On the balance of probabilities, the land included within this application has been used as the extended garden of the property known as Homeland Cottage for a period of more than 10 years. It is therefore considered that the use of the land for residential purposes would be immune from enforcement action by virtue of section 171B(3) of the Act and under section 191(2) a certificate of lawfulness should be granted.

8.14 Residential Curtilage

As part of the submission, the applicant has made reference to the use of the land as residential curtilage. However this application relates to the unlawful change of the use of the land (the planning unit) to residential (Use Class C3). The 'planning unit' and the 'residential curtilage' of the property may not necessarily cover the same area, and 'residential curtilage' is not classed as a land use. As such, whilst a certificate of lawfulness should be granted for the continued use of the land as residential, it should not be construed as implying that the whole application site forms the residential curtilage of the property.

9. RECOMMENDATION

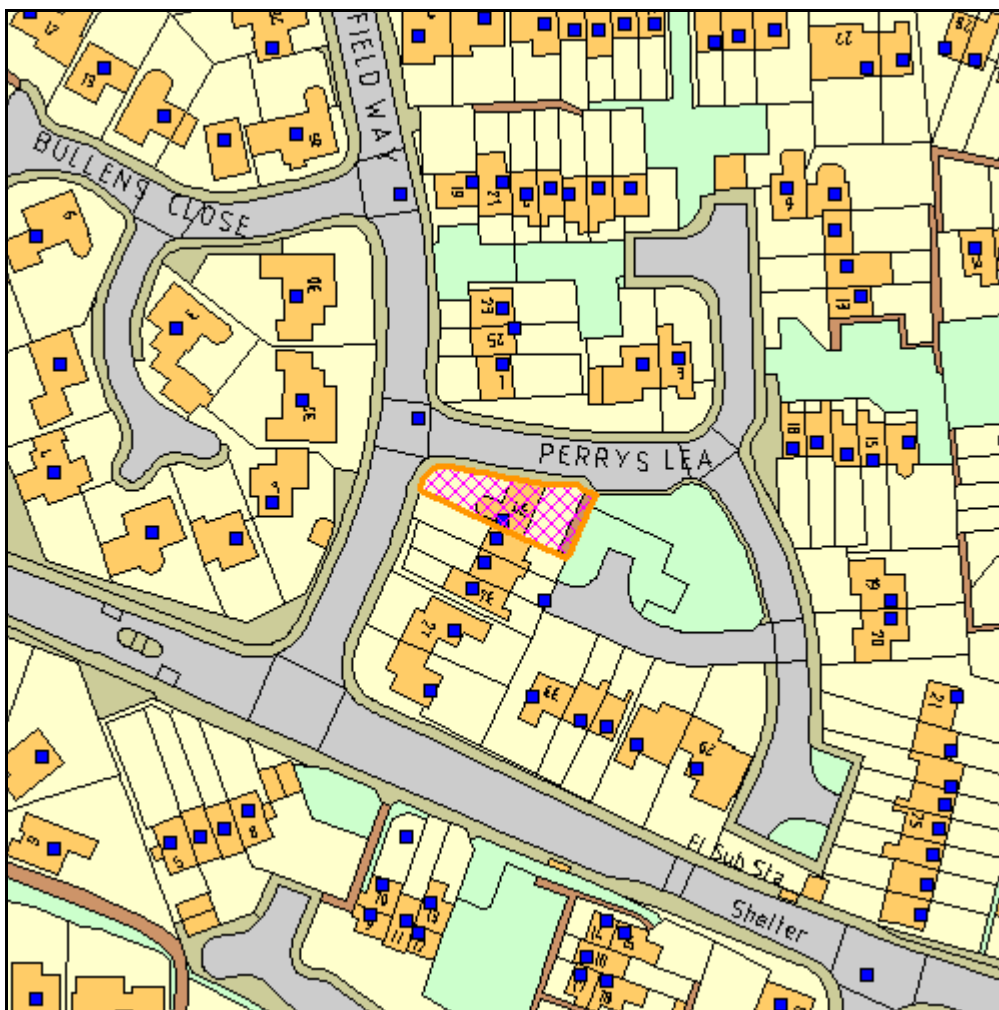
9.1 It is recommended that a Certificate of Lawfulness is GRANTED for the reason listed below.

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CIRCULATED SCHEDULE NO. 17/18 – 27 APRIL 2018

App No.:	PT18/1064/F	Applicant:	Mr And Mrs Whittaker
Site:	37 Perrys Lea Bradley Stoke Bristol South Gloucestershire BS32 0EE	Date Reg:	8th March 2018
Proposal:	Erection of two storey rear extension to form additional living accommodation. Erection of front porch. Installation of first floor side window.	Parish:	Bradley Stoke Town Council
Map Ref:	361935 182782	Ward:	Bradley Stoke North
Application Category:	Householder	Target Date:	3rd May 2018



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a two storey rear extension, a front porch and a first-floor side window at 37 Perrys Lea, Bradley Stoke.
- 1.2 The property site relates to an end of terrace dwelling that is located within the settlement boundary and built up residential area of Bradley Stoke

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

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

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

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

3. RELEVANT PLANNING HISTORY

- | | | | |
|------|--|------------------|------------|
| 3.1. | PRE17/0410
Front extension | Pre-App Complete | 21.04.2017 |
| 3.2 | P98/1647
Erection of single storey side extension | Approved | 02.10.1998 |
| 3.3 | P94/1657
Erection of rear conservatory | Approved | 05.06.1994 |

4. **CONSULTATION RESPONSES**

4.1 Bradley Stoke Town Council

Bradley Stoke Town Council objects to this planning application on grounds of overdevelopment of the site and proposals out of keeping with the streetscene.

Sustainable Transport

Additional information is needed

Archaeology Officer

No comment

Other Representations

4.2 Local Residents

None received.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Design and Visual Amenity

The host dwelling is located to the end of a terrace, with brick elevations and a hipped tile roof.

5.3 The host dwelling is set at the end of a terrace. To the front is a shared parking area. It is noted that the Town Council object due to overdevelopment.

5.4 *Front Porch*

The dwelling itself is set back from its neighbours. The proposed porch would infill a small area between the principal elevation of the dwelling itself and the front of the house it is attached to. The porch would be of a similar style to the existing porches attached to the front of the other houses in the terrace. The addition would not be considered to have a significant negative impact on the visual amenity of the surrounding area.

5.5 *Two-Storey Rear Extension*

The eaves of the two storey rear extension would match the host dwelling; and the ridge line would be set below the host. The extension would be located to the western side of the property. Due to the open nature of the development the dwelling it set in, it would be visible from public areas surrounding the site; however, the proposed extension appears suitably subordinate, respecting both the host and surrounding properties. Therefore the proposal is considered to accord with policies CS1 of the Core Strategy and PSP38 of the PSP Plan.

- 5.6 *Proposed Side Window*
The proposed side window would be a casement window to match the existing windows on the property; it would be considered acceptable in design terms.
- 5.7 Residential Amenity
Policies PSP8 and PSP38 of the PSP Plan sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.8 *Front Porch*
The front porch would sit directly next to the built form of No. 36 Perrys Lea, and would not extend past the front elevation of the neighbouring dwelling. As such, there would be no overlooking, overbearing or overshadowing impacts.
- 5.9 *Two-Storey Rear Extension*
The two-storey extension would measure around 2.9m in depth. Although it would involve the encroachment of a two-storey element towards the boundary of the site, it is not considered that the proposal would appear overbearing or such that it would prejudice existing levels of outlook or light afforded to neighbouring occupiers. Therefore, the development is deemed to comply with policies PSP8 and PSP38 of the PSP Plan.
- 5.10 *First Storey Side Window*
The first storey side window would face out onto Perry's Lea. Due to the position of the dwelling and the open nature of the estate, the window would also be facing the rear garden of 1 Perrys Lea; however, the rear garden of No. 1 is located around 15m from the proposed window, and a tall boundary wall surrounds the garden. While there would be some overlooking into the rear garden of No. 1, it would not be considered to be materially significant when considering the current overlooking of the garden by other nearby dwellings. Therefore, it is not considered that a refusal would be necessary In relation to the proposed window.
- 5.11 Following the development, adequate outdoor amenity space would remain.
- 5.12 Highways
There would be two extra bedrooms as a result of development, making the house a four bedroom dwelling. 1x parking space would remain to the front of the dwelling, and the dwelling has semi-private parking provided within the parking area to the front. Therefore, it is considered that ample parking exists, and that the addition of two bedrooms would not cause an increase in danger to road users near the site.
- 5.13 Equalities
The Equality Act 2010 protects people from discrimination in the workplace and in wider society. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between people who share a protected characteristic and those who do not. The general equality

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CONDITIONS

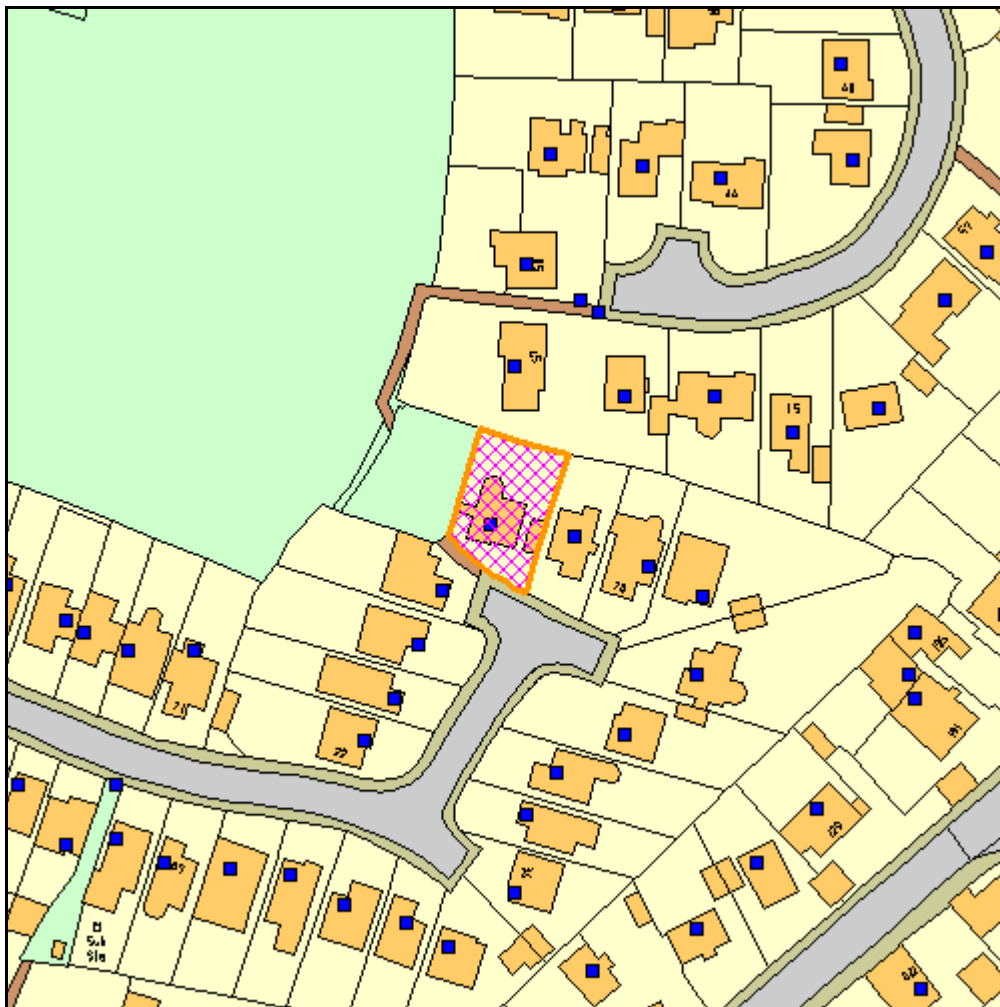
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 17/18 – 27 APRIL 2018

App No.:	PT18/1265/CLP	Applicant:	Mr and Mrs Stonehouse
Site:	26 Beaufort Crescent Stoke Gifford Bristol South Gloucestershire BS34 8QX	Date Reg:	19th March 2018
Proposal:	Erection of a single storey rear extension.	Parish:	Stoke Gifford Parish Council
Map Ref:	362433 179904	Ward:	Stoke Gifford
Application Category:	Certificate of Lawfulness	Target Date:	9th May 2018



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at 26 Beaufort Crescent, Stoke Gifford would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order (As Amended) 1995.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (As Amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class A.

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

3. RELEVANT PLANNING HISTORY

- 3.1 N1214/4AP – Approved - 24.04.1980
Erection of 36 detached houses, 9 pairs of semi-detached houses and 3 bungalows, with garages and associated estate road and footpaths (details following Outline) (in accordance with revised plans received by the Council on the 14th April 1980). To be read in conjunction with planning permission Ref. No. N.1214/4.
- 3.2 N1214/4 – Approved - 24.01.1980
Residential development on approximately 5.25 acres of land. Construction of new vehicle and pedestrian access (as amended by letter and plan received by the Council on 10th October, 1979). (Outline).

Permitted development rights have been removed under condition e:

'Notwithstanding the provisions of Classes I and II of schedule 1 to the Town and Country Planning General Development Order 1977 no wall, fence, gate or structure of any kind other than those indicated on an

detailed plans which may be approved pursuant to condition (a) above, shall be erected without the prior written consent of the council.

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council
No objection.

4.2 Other Consultees

Councillor
No comment received.

Public rights of way
No objection

Open Spaces Society
No comments received

Other Representations

4.3 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Block and Site Location Plan
Existing GF Plan
Received by Local Planning Authority 14 March 2018

Existing Elevations
Existing FF Plan
Site Location Plan
Proposed Elevations
Proposed GF Plan
Proposed Rear Elevation
Received by Local Planning Authority 20 March 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 a application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

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

6.3 The proposed development consists of a rear extension. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, of the Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for the enlargement, improvement or other alteration of a dwellinghouse,

6.4 Consideration of Proposal

This property does not benefit from the necessary permitted development rights afforded to householders. This is because the rights were restricted under the following application:

N1214/4 – Approved - 24.01.1980

Residential development on approximately 5.25 acres of land. Construction of new vehicle and pedestrian access (as amended by letter and plan received by the Council on 10th October, 1979). (Outline).

Permitted development rights have been removed under condition e:

'Notwithstanding the provisions of Classes I and II of schedule 1 to the Town and Country Planning General Development Order 1977 no wall, fence, gate or structure of any kind other than those indicated on an detailed plans which may be approved pursuant to condition (a) above, shall be erected without the prior written consent of the council.

6.5 Accordingly, planning permission is required in order to implement the proposed development.

7. RECOMMENDATION

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

The properties permitted development rights were restricted under condition e of application ref no. N1214/4 which states that:

'Notwithstanding the provisions of Classes I and II of schedule 1 to the Town and Country Planning General Development Order 1977 no wall, fence, gate or structure of any kind other than those indicated on an detailed plans which may be approved pursuant to condition (a) above, shall be erected without the prior written consent of the council.

Contact Officer: Westley Little
Tel. No. 01454 867866