



**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. 35/18

Date to Members: 31/08/2018

Member's Deadline: 06/09/2018 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE 31 August 2018

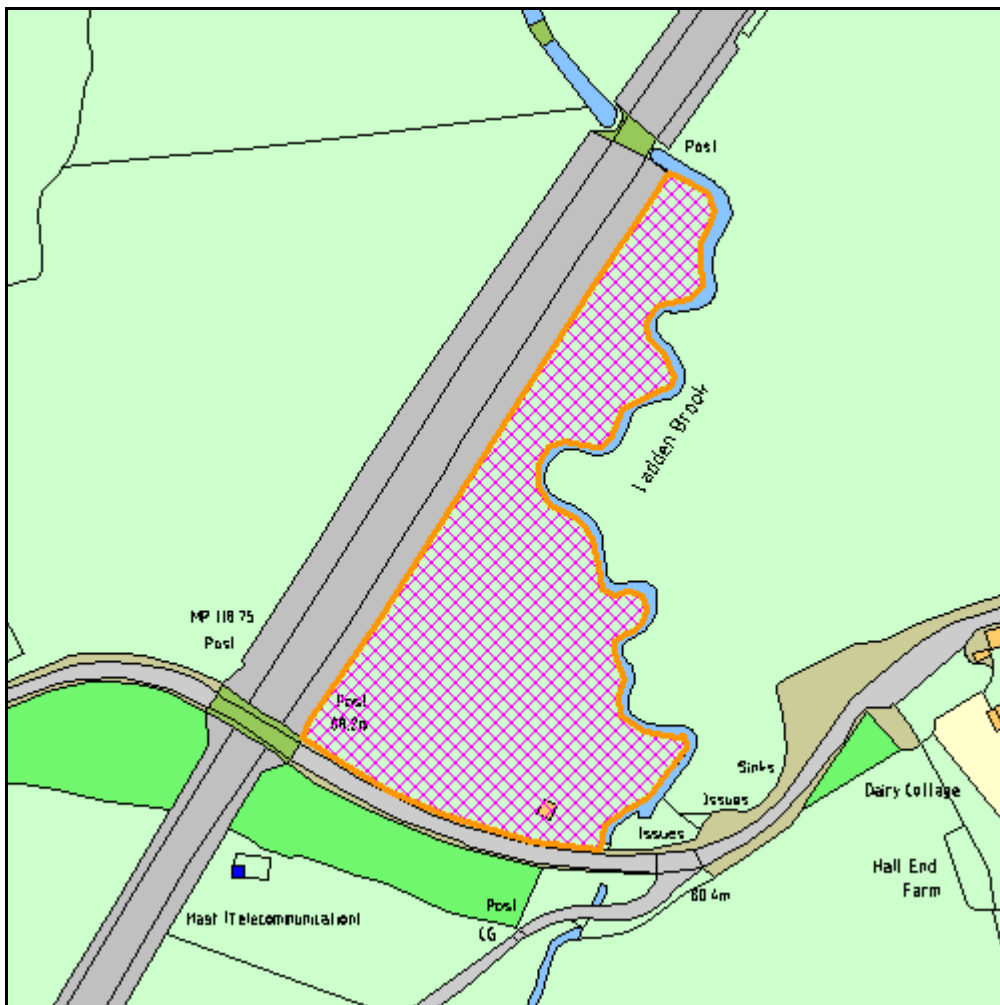
-

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/5782/F	Approve with Conditions	Hall End Lane Wickwar Wotton Under Edge South Gloucestershire GL12 8PD	Ladden Brook	Wickwar Parish Council
2	PK18/0443/F	Approve with Conditions	Colts Green End Badminton Road Chipping Sodbury South Gloucestershire BS37 6LL	Cotswold Edge	Sodbury Town Council
3	PK18/1724/F	Approve with Conditions	36 Brook Road Mangotsfield South Gloucestershire	Rodway	None
4	PK18/2850/F	Approve with Conditions	65 Abbots Road Hanham South Gloucestershire BS15 3NQ	Hanham	Hanham Abbots Parish Council
5	PK18/2860/RVC	Approve with Conditions	Royal British Legion Hall And Youth Centre 79 High Street Marshfield South Gloucestershire	Boyd Valley	Marshfield Parish Council
6	PK18/2885/F	Approve with Conditions	Land On South Corner Of Tower Road North And Crown Way BS30 8XJ	Siston	Siston Parish Council
7	PK18/2931/CLE	Approve with Conditions	159 Memorial Road Hanham South Gloucestershire	Hanham	Hanham Abbots Parish Council
8	PK18/2938/F	Approve with Conditions	1 Cloverlea Road Oldland Common South Gloucestershire BS30 8LE	Oldland	Bitton Parish Council
9	PK18/3160/CLP	Approve with Conditions	83 Stanshawe Crescent Yate South Gloucestershire	Yate Central	Yate Town
10	PK18/3186/CLE	Approve	Half Acre Lodge Tanhouse Lane Yate South Gloucestershire BS37 7QL	Ladden Brook	Wickwar Parish Council
11	PK18/3215/F	Approve with Conditions	22 Sturmer Close Yate South Gloucestershire BS37 5UR	Yate North	Yate Town
12	PK18/3253/F	Approve with Conditions	20 Court Farm Road Longwell Green South Gloucestershire BS30 9AA	Longwell Green	Hanham Abbots Parish Council
13	PK18/3359/TRE	Approve with Conditions	83 High Street Marshfield Chippenham South Gloucestershire SN14 8LT	Boyd Valley	Marshfield Parish Council
14	PT16/1817/HS	Approve with Conditions	Flogas Britain Ltd Severn Road Hallen South Gloucestershire BS10 7SQ	Almondsbury	Almondsbury Parish Council
15	PT18/0729/F	Approve with Conditions	Warburtons Bakery 8010 Western Approach Distribution Park Severn Beach South Gloucestershire BS35 4GG	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
16	PT18/1413/F	Approve with Conditions	Land To The Rear Of 4 - 6 Townsend Lane Almondsbury South Gloucestershire BS32 4DY	Almondsbury	Almondsbury Parish Council
17	PT18/1890/RVC	Approve	Tall Trees Over Lane Almondsbury South Gloucestershire BS32 4DQ	Almondsbury	Almondsbury Parish Council
18	PT18/2072/F	Approve with Conditions	Land Adjacent To Conygre House Conygre Road Filton South Gloucestershire	Filton	Filton Town Council

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
19	PT18/2369/F	Approve with Conditions	Lower Hazel Stables Lower Hazel Rudgey South Gloucestershire BS35 3QP	Severn	Olveston Parish Council
20	PT18/2416/F	Refusal	Willis House 27 Gloucester Road Rudgey South Gloucestershire BS35 3SF	Thornbury South And	Alveston Parish Council
21	PT18/2919/F	Approve with Conditions	16 Harcombe Hill Winterbourne Down South Gloucestershire BS36 1DE	Winterbourne	Winterbourne Parish Council
22	PT18/2994/CLP	Approve with Conditions	56 The Worthys Bradley Stoke South Gloucestershire BS32 8DQ	Bradley Stoke South	Bradley Stoke Town Council
23	PT18/3208/F	Approve with Conditions	13 Brackenbury Drive Stoke Gifford South Gloucestershire BS34 8XD	Stoke Gifford	Stoke Gifford Parish Council
24	PT18/3332/CLP	Approve with Conditions	The Birch House 51B School Road Frampton Cotterell South Gloucestershire BS36 2BU	Frampton Cotterell	Frampton Cotterell Parish
25	PT18/3355/RVC	Approve with Conditions	Unit 6030, Plot 6000 Govier Way Western Approach South Gloucestershire BS35 4GG	Pilning And Severn Beach	Pilning And Severn Beach Parish Council

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PK17/5782/F	Applicant:	Mr Nick Cook
Site:	Hall End Lane Wickwar Wotton Under Edge South Gloucestershire GL12 8PD	Date Reg:	9th January 2018
Proposal:	Change of use from Agricultural Land to Recreational Land (Class D2) as defined in Town and Country (Use Classes) Order 1987 (as amended). Demolish existing stable and erection of replacement store building (retrospective).	Parish:	Wickwar Parish Council
Map Ref:	371160 187122	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	2nd March 2018



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. N.T.S. PK17/5782/F

INTRODUCTION

This application has been referred to the Circulated Schedule as representations have been received which are contrary to the Officers' recommendation.

1. THE PROPOSAL

- 1.1 This re-submission application seeks retrospective planning permission for the change of use from agricultural land to recreational use by a scout group (Class D2) and the erection of a storage building to replace the former stable building (retrospective) at Hall End Lane, Wickwar. The recent site visit revealed that the former stable building has been demolished and the foundation of the new storage building is already in place.
- 1.2 The site itself consists of an existing agricultural field approximately 0.74 hectares in size, bounded by mature trees and vegetation, located off Hall End Lane. The site is also bounded by Ladden Brook along the eastern boundary and the railway line along the western boundary. The existing access will be utilised for the proposed development. The land is located in open countryside within Flood Zone 3. The site is located within a shrunken medieval settlement and within the setting of listed structure / building Hall End Farm. However, it is not subject to any particular land-use designations, such as, Green Belt, AONB or Conservation Areas.
- 1.3 The current proposal incorporates a 'L' shaped timber storage building, which measure approximately 14.2 metres by 9 metres, and 3.1 metres to its ridge.
- 1.4 During the course of the application, the applicant confirmed that the proposed building will be used for storing scout equipment and will not be used as a stable as originally described. The stone footing is in place and the shuttering is erected for the pour of concrete. Further information has been also submitted to address the officers' concerns regarding the flood risk, impact upon the medieval settlement and the general operation management of the site. The applicant has also clarified the following matters:
 - New building will not be storing chemicals, and will be used for storing scouting equipment and tools. The wooden poles for scouting activities are 3-5 metres long hence there is a need for a reasonable side shelter.
 - The building is a wooden shed sat on a concrete base, no foundations have been excavated and it is at least 4-5 metres away from the embankment
 - Flood risk Assessment has been carried out and submitted.
 - The position of the new building is on land owned by the applicant, and Network Rail have verified this. In addition, it is confirmed that the applicant actually owns all the field including the slip way.
 - In most cases, our members are transported to and from the site in three minibuses and for safety reasons, we use a banksman to exit the field and will continue to do so. In other cases, the children have hiked and in one case cycled. In most case, there are no more than 6 vehicles on site. All vans have cameras.
 - The Scout Club is a heavily regulated organisation and all events are logged. If necessary, a report can be sent to the Council for our usage, how

many people and vehicles we have on site as we have to log this for the organisation. Last year, the site was used by the scouts on 21 occasions, 4 of which were overnight camps. On one of those weekends, the cubs did have a 9th birthday party but there were no other parties.

- The use is purely for the summer and as last year may be used a couple of evenings from May through to the end of September, with possibility of some weekend camps / activity days. (we use the field for nature education, skills training, archery and camping)
- The proposed store is about two and a half times the size of the old one. If consent is given, it will actually reduce the traffic, as we would not have to ferry equipment and tools to and from the field as we currently do.
- There would be about 30-40 people in some cases, so maybe 20 small tents or 8 large ones.
- There would be a couple of composting toilets.
- The store could not possibly be used as a Scout hut as it is too small and is not suitable. There is no plan to move our operation from Chipping Sodbury to Hall End.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP14	Safeguarding Rail Schemes and Infrastructure
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP44	Open Space, Sport and Recreation

3. RELEVANT PLANNING HISTORY

- 3.1 PK17/0930/F Change of use from Agricultural Land (Sui Generis) to Recreational Land (Class D2) as defined in Town and Country (Use Classes) Order 1987 (as amended). Withdrawn 03.05.2017

4. CONSULTATION RESPONSES

4.1 Wickwar Parish Council

The Parish Council object the application for the following reasons:

- The Council should question the need for a stable on land that is used and owned by Scouts. It is definitely not a stable
- The land lies in a flood risk zone, therefore a flood risk assessment should be undertaken
- The network rail own part of this land
- Highway safety, the access falls well below the expected standard. Access onto Hall End Lane has a dangerously small amount of visibility splay. There are no plans to show potential improvements.
- The site is being used by the scout movement regardless of previous objections, especially those made by Network Rail. If all the above can be satisfied, where is the evidence?

4.2 Other Consultees

Environment Agency – No comment to make.

Network Rail – No objection in principle to the proposal, on the basis an easement is entered into with the Scouts Group providing Network Rail with access to the roadside slope / embankment for maintenance and repair. Due to the proximity to Network Rail and their infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway, it is suggested that a planning condition should be imposed to secure the following matters:

- a. Fencing - A suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land.
- b. Drainage – Any additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. Soakaways / attenuation ponds / Septic tanks should not be constructed within 20 metres of Network Rail's boundary. Any surface water run-off from the site must drain away from the railway boundary and must NOT drain in the direction of the railway. The Land Drainage Act is to be complied with.
- c. Safety – No works should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. The developer must liaise with the Network Rail's Asset Protection to ensure the continued safe operation of the railway as the close proximity of the proposed site could bring risk to the railway

- and a Basic Asset Protection Agreement with Network Rail may be required.
- d. Site Layout – It is recommended that all buildings be situated at least 2 meters from the boundary fence to allow construction and any future maintenance work to be carried out involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land, the design of the foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.
 - e. Excavations / Earthworks - All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.
 - f. Landscaping - No trees or plants closer than 1.5 metres their mature height to the boundary fence. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.
 - g. Plant, Scaffolding and Cranes - Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

Wessex Water – No objection

The Landscape Officer – No objection subject to conditions seeking native tree planting, hedgerow tree planting, planting / gapping up of native hedgerows, orchard planting, management plans to ensure enhancement of the landscape.

The Arboricultural Officer – advised that an arboricultural report with tree protection details and an arboricultural method statement for the installation of driveway entrance to the site, any coach / car parking pick up/drop off areas.

The Ecology Officer – No objection to the principle of the proposal, but advised that the compost toilets are not located near the watercourse, no run off would enter the stream. It is suggested that the area where the tents are to be pitched can be kept short during the summer months and the rest of the field, particularly the areas adjacent to the water course are managed as a hay meadow.

The Highway Officer – Raised concerns about the access and its visibility of the existing access, however, advised that a planning condition can be imposed to

restrict the D2 of the land for scout group and the use by the scout up 12 weekends each year.

Highway Structures – No objection, advised of the responsibility of the maintenance of highway structures and the required consent if the works affect public highway structures.

The Drainage Engineer – No objection. Additional assessment and information relating to the flood risk has been submitted and reviewed. The submitted details are adequate to address the previous comments. No objection to the proposal subject to planning conditions seeking detailed Flood Emergency Plan and restricting the use of the building as a storage unit only and that the flood resilience measures detailed in the submitted document are fully implemented.

The Listed Building and Conservation Officer – No objection.

Archaeology Officer – No objection

Other Representations

4.3 Local Residents

8 letters of objection have been received and the residents' comments have been summarised as follows:

- The access is on a slope and on a blind bend
- Exiting the field is not easy, even in a tractor where the driver is sat up high and above the hedge line.
- The road is on a major cycling route and cyclists often appear quickly around the bend travelling at similar speeds to motor vehicles
- Last summer, the fields was used for 'parties' which attracted somewhere in the order of 30 cars to the site. I would question whether the road, the blind bend and the difficult access to and from the field is suitable for this sort of use.
- Since the scouts occupied the site last year, there have been several very near misses.
- The new building could increase the use of the site by the scouts and increase vehicle movements to and from the site. The proposed use is not comparable to the previous agricultural use
- Query the need for the size of the building and ask what is to be stored within it. Especially given the location in a flood zone, it is important to understand if any chemicals (including chemical toilets) will be in the building
- Increase traffic in an area which is unsuitable
- Dangerous access / egress to the site, which will see increased use if site becomes recreational as seen last year.
- The access point should be moved and the 60mph speed limit changed to provide safe entry / exit
- A general D2 (including everything from concert area to outdoor cinema), there is not acceptable in this location.
- No FRA has been submitted

- Will the new building be the same footprint as the demolished one?
- How many horses are going to be kept in this stable?
- Why is this a retrospective as nothing has yet been constructed.
- There has not been a barn on the site for many years.
- There has never been a stable on the site. There was for a time a very small wooden field shelter, suitable in size for a donkey, with no solid floor and no foundations.
- No details of the 'original' building have been submitted
- The new building is not to be used as stable
- If the proposed building would be a replacement stable, then they need to apply for the change of use of land for the keeping of horse, there is no extant permission to use the land for this use
- The land is not large enough to accommodate for supporting 4 or 5 horses
- This would lead to a lot of coming and going by people and / or horses, the access is not suitable for this amount of use
- The grassland had been an ancient hay meadow, cropped once per year, free from fertilizer and pesticides. The extensive and repeated mowing has destroyed, valuable habitat would never return if the land was continued to be used for scouting activity or over grazed by livestock.
- Increase noise in a residential area
- conditions to limit noise level, outside lighting, the use of the site between May and September, outside storage, shower facilities, details of drainage, maximum number of people, detailed block plan showing parking spaces to accommodate dropping off and picking up children.
- The applicant stated that there could be up to 40 scouts camping on the site, this could be up to 40 vehicles dropping off and collecting children. Where will the 40 cars park when they are waiting for their children?
- Detailed sight line information must be accompanied bearing in mind that this a classified highway. Access on a blind bend on a hill is simply not safe. I do not accept that the use of the site by up to 40 children (and staff) is comparable to any equine or agricultural use of the land
- Network Rail objected the previous application. The red line of this application appears to include land that is actually within the ownership of Network Rail. Has the correct notice been served on Network Rail? If Network Rail object to cross their land, how will the scouts gain access?? In theory, the site has no immediate access from the highway if network rail do not give access??

60 letters of support have been received, and the comments highlight that the proposed development would be beneficial to the young people. The comments have been summarised as follows:

- The children from the surrounding neighbourhood will benefit from this building
- It will be a smart building better than the original old shed.
- In keeping with the surrounding area
- Fantastic opportune for the Cubs and scouts to experience camping and outdoor activities, away from all the electronic gadgets
- The existing building isn't fit for purpose and is dangerous
- Great cause that needs supports, not opposition
- Does not in any way diminish the landscape

- The new building enhance the site
- The shed will enable safer maintenance to the field and reduce the need for bring trailers etc. onto the site.
- The proposed sheds footprint is extremely modest but the benefits can make are immeasurable.
- No visual impact
- It is not a problem when driving is cautious. There is the option to install a mirror to increase visibility, which would resolve the issues
- Reduce trailer traffic on Hall End Land, decreasing carbon emission.
- Will result in decreased traffic as the equipment will already be on site for the scouts instead of transporting it in for every visit to the site
- This application will provide a vast improvement to the facilities available and prove an asset to the community
- It is certainly not a party venue or indeed one that impacts negatively on the environment.
- The scouts already have the rights for vehicular access to the site.
- Replacing the existing dilapidated structure with a safer one will therefore reduce traffic as there will be less need to transport equipment between Chipping Sodbury and the site.
- There is no issue with the building, and will only help everyone going forward. It is to help store equipment safely and securely.
- Since the scout group have taken ownerships, the scouts group has tided up the field, cut the hedges, planted new where necessary and improved the look from all areas. And it's the kids that have been getting involved along with the hard working leaders.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The proposals seek the change of use of the existing agricultural land for recreational use (Class D2) and would incorporate the erection of timber storage building for keeping scout equipment. The site is currently an agricultural field, left to grass. PSP44 states that proposals for the development expansion or improvement of outdoor sports and recreation (including water related recreation, motorised and noisy sports and golf facilities) outside the existing urban area and the boundaries of settlements, will be acceptable provided that the development would be acceptable in transportation, highway safety and environmental terms, would not unacceptably prejudice residential amenities or any external lighting would give rise to loss of amenity or become a safety hazard. New buildings will only be permitted where the conversion or re-use of existing buildings is not practical and where they are essential for and proportionate to the use of the land for outdoor sport and recreation.

5.2 The main issues to consider are any impacts upon local amenity, natural environment and highways impact. The main policy requirements are referred to in the relevant section above, the main areas for consideration highlighted below:

5.3 Flood Risk and Drainage Issues

The site is situated within Flood Zone 3 in accordance with the Environment Agency Flood Map. The applicant submitted the Flood Risk Assessment

reports and an additional assessment and information relating to the flood risk in and around the vicinity of Hall End Scout field. The Council Drainage Engineer has reviewed these documents and raised no objection to the proposal. It is noted that the land is currently be used by Chipping Sodbury Scout Group for recreation or instruction purposes under Class C Part 5 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) 2015. Under this Class, the Scouts can also place their tents on the land for the purposes of this use.

- 5.4 Paragraph 155 of the NPPF (July 2018) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 163 states when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this application, it can be demonstrated that:
- a) Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) The development is appropriately flood resistant and resilient.
 - c) It incorporates sustainable drainage system, unless there is clear evidence that this would be inappropriate
 - d) Any residual risk can be safely managed, and
 - e) Safe access and escape routes are include where appropriate, as part of an agreed emergency plan.
- 5.5 Firstly, almost the entire application site falls within Flood Zone 3, and only a small southern part of the site is not within the high risk of flooding area. Given the presence of the existing landscaping features and the topography of the site, it would be difficult to relocate the proposed building to the lower flood risk area within the site.
- 5.6 In accordance with the vulnerability classification, the proposed use and the new storage building can be considered to be water-compatible development. Given the nature and the modest scale of the proposal, officers are satisfied that the proposal would be appropriate in this location subject to the following consideration in relating to the site-specific flood-risk assessment.
- 5.7 The applicant submitted Flood Risk Assessment reports and additional assessment and information regarding the flood risk for this particular site. The Council Drainage Engineer has reviewed the submitted details, which detail the expected flood levels at the site and resilience measures to be incorporated into the design of the building. Officers consider that the submitted details are adequate to address the officers concerns subject to planning conditions securing a detailed Flood Emergency Plan, the restricted storage use on the proposed building, and the implementation of the submitted flood resilience measures.

5.8 Transportation

- Paragraph 109 of the NPPF (July 2018) states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It is noted that the residents raised major concerns to the use of the existing access for the proposal.
- 5.9 In terms of sustainability, the site is located outside settlement boundary and is not on a commuter route. The site does not lie within easy walking distance of many dwellinghouses nor is it on a bus route which would serve any of the surrounding villages. Given its rural location, it is likely that the proposed use if allowed would be largely reliant on private car use.
- 5.10 Notwithstanding the rural location of the site, officers accept that traffic generation associated with the Scout use to be numerically small particularly if as the applicant suggests [private] mini bus would be used to take the scouts to the site and back. The applicant has confirmed in writing that the camping on site would be from May through to end of September but also stresses that it would be about a dozen weekend maximum. . Notwithstanding this, there is a concern that the unfettered D2 use (which can include uses such as State-funded school and Nurseries and others under the same use class) has the potential to result in much greater number of traffic movements at this location.
- 5.11 In terms of the visibility, the access to the site is off Hall End Road, which is primarily a single width road with limited passing places. There is no footway at the location and the road is unlit. Site entrance is located inside the road bend where forward visibility for drivers is restricted due to the alignment of the road. The Highway Officer noted that the visibility splays from the site entrance onto the public highway is extremely limited due the existing boundary hedge either side of the entrance. It is also noted that Hall End Road is 'de-restricted' and as such vehicles can travel at 60mph, however, given the road alignment, the actual vehicular speed would be lower than this. Officers also noted that the applicant's suggestion of installing a mirror on the public highway, however, it would not be an acceptable solution from the highway perspective as it would give distorted views of traffic and speeds. The use of Banksman would help with the situation and can be assistant with traffic using this access, however, it would be difficult to enforce this as such requirement would meet the test of planning conditions. Likewise, Officers do not agree in use of the sign suggesting 'Caution Concealed access' signs as it would not comply with current signage regulation and the Council does not support use of such sign.
- 5.12 Whilst it is noted that the existing access to this site is substandard in respect of visibility from the site access onto the public highway, officers are mindful that Class C Part 5 of the Town and Country Planning (General Permitted Development) (England) Order 2015 would allow the use of land by members of a recreational organisation for the purposes of recreation or instruction, and the erection or placing of tents on the land. Given that the proposed building will only be used for storage of scouting equipment on site and the size of the building would be proportionate to the recreational use of the land, officers consider that the impact upon public highway safety would not be severe to warrant a refusal of this application. However, officers are concerned that other

uses under D2 use Class would potentially result in much greater number of traffic movements at this location, therefore, it would be necessary to impose a planning condition restricting the use of this site to safeguard public highway safety given the substandard visibility of the site. In addition, it would be reasonable to impose a condition seeking a detailed travel management plan and a detailed block plan showing the parking and turning spaces for the users of the site, the mode of travels (e.g. minibus, cycles).

5.13 Subject to the above conditions, it is considered that the proposal, on balance, would not cause an unacceptable or severe impact upon the public highway safety.

5.14 Loss of agricultural use, Landscape, Arboricultural Issues

The site is an open field in a rural location, locating the northern side of Hall End Lane. The proposals incorporate a change of use of the land for recreational use and a new storage building for keeping scouting equipment.

5.15 The proposed building would be a single storey 'L' shaped structure, finished with timber cladding. Although the proposed building would not be small in size, it would not result in a significant loss of agricultural land. Regarding the proposed recreational use on the land, given that the land would only be used for outdoor activities for scout group, such as, camping, should the use cease, the land could be easily returned to agriculture as it would remain an open field. Therefore, it is considered that such use would not cause material adverse impact from this perspective.

5.16 The site is well contained by existing vegetation, the railway to the west and a watercourse to the east. The propose timber cladding to the building would be an acceptable material for this rural countryside location. Also, the new building would be a single storey structure, as such, it would not have an intrusive impact upon the existing landscape character. In order to enhance the landscape character of the site in accordance with the planning policies, a planning condition is imposed to secure a detailed landscaping scheme including native tree planting, hedgerow tree planting, planting/gapping up of native hedgerows, orchard planting, management plans.

5.17 The site is surrounded by mature trees and hedgerows. Whilst there is no arboricultural objection to the principle of the proposal, given that any use of vehicles on site will cause compaction of the soil and an on-site parking / turning space will be required for picking-up and dropping off, a planning condition is imposed to seek a detailed arboricultural report with tree protection details and an arboricultural method statement for the installation of driveway entrance to the site and any coach/car parking areas.

5.18 Ecology and Bio-diversity

This application is for change of use from agricultural (permanent pasture) to recreational use by a scout group for summer activities. The available data reveals that the field of permanent pasture is neutral grassland. The field boundaries are hedgerows and trees and riparian habitat, with the Ladden Brook forming a boundary on the east side of the field. Officers are satisfied that the development is unlikely to impact the integrity of these features.

5.19 It is also noted that this field falls within the ground nesting birds breeding territory, although the field has not been grazed for several years, the grassland could still provide suitable breeding habitat. From the ecological perspective, the camping on site would be relatively low impact, therefore the grassland would not be adversely affect the presence of the tents. Given that the nature of camping seasons, the grassland would have ample time to recover when they are not in use. Subject to planning condition seeking a detailed ecological management plan to ensure the majority of the grassland will be appropriately managed as a hay meadow, the location of essential facilities, such as composting toilets, there is no ecological objection to the proposal.

5.20 Archaeological and Impact upon the setting of Historic Assets

There is a considerable archaeological potential to this site as it is the location of a shrunken medieval settlement. The Archaeology Officer initially raised concerns about the potential impact to this archaeology. To address the concerns, the applicant has provided further details regarding the foundation construction method. Also, the Officer has inspected the works that have been undertaken on site. Officers are satisfied that such works are very minor in scale and nature, therefore there is no archaeological objection to the proposal. However, the applicant is advised that this is a very sensitive archaeological site and any works that requires planning permission needs to seek prior planning consent.

5.21 The site is situated within the setting of the listed Hall End Farm. Due to the reasonable separation distance, topography and vegetation screening that inter-visibility, there is no adverse impact from the proposal on the setting of the listed building. Furthermore, the farmhouse is already surrounded by existing agricultural and domestic structures, this proposal would not erode that in a rural context.

5.22 Local Amenity

There will be ongoing activities associated with the proposed use of the scout group in terms of usage and vehicle movements. The nearest residential property to the west would be Popeyes Barn, Hall End Farm and Dairy Cottage are located to the southeast of the site. Given that the site would be located at a distance of approximately 70 metres from these properties, it is considered that the proposed storage building would not cause an unreasonable adverse impact upon the amenity of the nearby residents provided that planning conditions are imposed to restrict no floodlighting or external lighting and no outside storage including temporary structures within the site. Regarding the proposed use, the land can be used for recreational and instruction purposes (including placing tents on land) by any recreational organisations under the permitted development rights. Therefore it would be unreasonable to impose a condition to restrict the noise levels, which can be dealt by other legislation. Subject to a planning condition preventing the land to be used for other purposes within D2 use class, the impact upon the amenity of neighbouring properties would be deemed to be acceptable.

5.23 Impact upon railway

The site is located to the proximity of railway. The applicant has confirmed that the application site falls within their ownership. Network Rail have been consulted and no objection is raised to the principle of the development. Network Railway advised that a number of matters regarding the landscaping and drainage should be considered given the proximity of the railway. Officers have looked into these advice and are satisfied that the planning conditions suggested in the above paragraph would adequately address the issues.

5.24 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 planning 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 the application be granted subject to the following conditions.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. The proposed recreational use and the storage building shall only be used for the purposes of the scouting activities; and for no other purpose (including any other purpose in Class D2; of the Schedule to the Town and Country Planning (Use

Classes) Order 1987 (as amended) (or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

In the interests of visual amenity, to protect the residential amenity of the neighbouring occupiers, and to safeguard public highway safety and to accord with Policy PSP1, PSP2, PSP8, PSP11, PSP19 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and Policy CS1, CS8 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of the National Planning Policy Framework July 2018.

2. Landscaping Scheme

Within three months of this decision, full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved.

Hard landscaping works details shall include details of any means of enclosure including trespass proof fence; areas of hardsurfacing area, the location of composting toilets and details of any all excavations / earthworks, shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details within the first planting season following the first occupation of the proposed building hereby approved.

Soft landscaping works details shall include a scheme of landscaping, an arboricultural report, an arboricultural method statement and a tree protection plan for the installation of driveway entrance to the site, parking/turning/pickup/dropoff area, proposed planting (and times of planting); written specifications (including cultivation and other operations associated with plant and grass establishment; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, and a schedule of landscape and ecological maintenance (including the maintenance of the grassland / hay meadow) for a minimum period of 5 years shall be submitted to the Local Planning Authority for approval. The agreed planting details shall be carried out in the first planting season following the occupation of the proposed building hereby approved.

Reason

In the interests of landscape character of the site and to safeguard the safe operation of the adjacent railway, and to accord with Policy PSP1, PSP2, PSP8, PSP11, PSP14, PSP19 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and Policy CS1, CS8 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of the National Planning Policy Framework July 2018.

3. Flood Risk Mitigation and Flood Emergency Plan

Prior to the commencement of the first use of the proposed development hereby approved, all mitigation measures stated in the submitted 'Additional assessment and information relating to the flood risk in and around the vicinity of Hall End Scout Field' shall be fully implemented.

Within three months of this decision, a detailed flood emergency plan for future users of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and thereafter be retained as such.

Reason

To minimise the effect of any flooding which may occur and to comply with Policy PSP20 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 provisions of the National Planning Policy Framework July 2018.

4. No floodlighting or uplighters

No floodlighting or uplighters shall be installed within the site.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy PSP8 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; the provisions of the National Planning Policy Framework July 2018.

5. No outside storage / shipping containers

Notwithstanding the submitted details, no outside storage of material/goods/waste or plant, shipping containers or any other temporary buildings or structures shall take place within the site.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy PSP1 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of the National Planning Policy Framework July 2018.

6. Parking and Turning Provision

Within three months of this decision, a detailed block plan showing car / coach parking and manoeuvring area shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the proposed storage building hereby approved.

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 PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and Policy CS8 of the South Gloucestershire Local Plan; Core Strategy

(Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

7. Construction Hours

The hours of working on site during the period of construction shall be restricted to Monday - Friday.....7:30am - 6:00pm

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

No working shall take place on Sundays or Public Holidays.

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

Reason

To minimise disturbance to nearby residents and to accord with Policy PSP8 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and the provisions of the National Planning Policy Framework July 2018.

8. Noise Mitigation Strategy

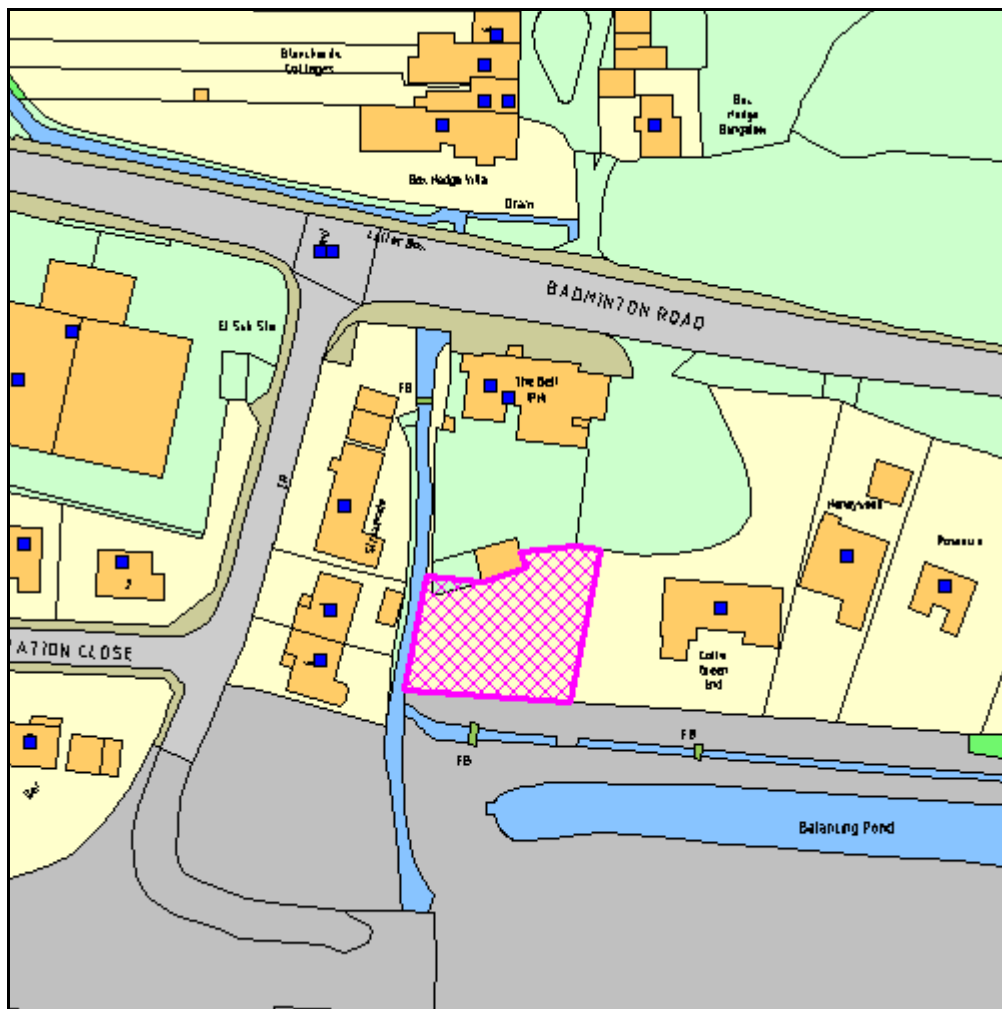
No amplified or other music system or tannoy shall be used within the site.

Reason

In the interest of residential amenity of the neighbouring occupiers and in accordance with Policy PSP8 and PSP44 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the provisions of the National Planning Policy Framework July 2018.

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PK18/0443/F	Applicant:	Mr And Mrs Deane
Site:	Colts Green End Badminton Road Chipping Sodbury Bristol South Gloucestershire BS37 6LL	Date Reg:	15th February 2018
Proposal:	Erection of 1 no. building to form 6 bedroom hotel ancillary to The Bell and associated car parking (Sui-Generis).	Parish:	Sodbury Town Council
Map Ref:	373770 181684	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	10th April 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PK18/0443/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to comments contrary to the findings of this report. Under the current scheme it is required to be referred to circulated schedule as a result.

1. THE PROPOSAL

- 1.1 The proposal seeks permission for the erection of a building to form a 6 bedroom hotel ancillary to The Bell public house with associated parking.
- 1.2 The proposal would provide 6no units for guest accommodation ancillary to The Bell public house. Whilst ancillary to the pub use and reliant on its facilities for catering and reception needs, the proposal forms a separate building, incapable of independent use as a hotel and currently outside the curtilage of the pub, and has therefore been considered to be a sui-generis use class.
- 1.3 The proposal site is situated within the settlement boundary of Chipping Sodbury, adjacent to The Bell Public House. The site is also located within Floodzone 2.
- 1.4 It is noted that a revised site plan was submitted to show the access within the red line that was previously outlined in blue. This was submitted and revised consultation was considered, however on reviewing the file it would not have affected the neighbouring properties consulted and would not have materially changed the scope of consideration; as it formalised the assumed arrangement. The development is being considered as an ancillary use to the public house and not a use in its own right. The reasoning for the red line not including the pub itself is that the site is under separate ownership at this time.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS23 Community Infrastructure
CS24 Open Space Standards

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

PSP1 Local Distinctiveness

PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Sustainable Transport
PSP16	Parking Standards
PSP20	Drainage and Flood Risk
PSP31	Town Centre Uses
PSP34	Public Houses
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Standards

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

3. **RELEVANT PLANNING HISTORY**

There are no recent applications relating to the operation of the public house, the following is connected with the residential use of the host dwelling.

- 3.1 PK17/4286/F – Approval – 17/11/2017 – Erection of first floor side extension, demolition of existing conservatory and erection of single storey rear extension to form additional living accommodation. Erection of detached two storey double garage.
- 3.2 PRE16/1089 – Enquiry – 18/11/2016 – Demolition of existing dwelling and erection of 7no. new dwellings.
- 3.3 PK04/0614/F – Approval – 22/03/2004 – Erection of rear conservatory and alterations to existing roof.
- 3.4 P99/1786 – Approval – 08/06/1999 – Erection of single storey side extension.
- 3.5 P99/1079 – Approval – 12/02/1999 – Erection of single storey side extension.
- 3.6 P97/1751 – Approval – 26/06/1997 - Erection of two storey, side extension to provide double garage, study and utility with 2 bedrooms, shower room and bathroom above and single storey front extension to provide enlarged kitchen and porch.
- 3.7 P89/1507 – Refusal – 11/05/1989 – Erection of two detached houses: alteration of existing vehicular access (outline).

4. **CONSULTATION RESPONSES**

- 4.1 Sodbury Town Council
No Objection

- 4.2 Other Consultees

Environmental Protection

No objection in principle but suggests the attachment of informative notes.

Transport Officer

No objection subject to the inclusion of a number of conditions.

Drainage and Flood Risk

Requested the provision of a Flood Risk Assessment. This was subsequently submitted and no objection was raised to this, however further information is required with regard to rain water runoff.

Highway Structures

No Comments

Other Representations

4.3 Local Residents

Three comments have been received objecting to the proposal. The comments are largely related to the potential residential amenity impact, including noise and loss of privacy. Comments are also concerned with the potential loss of trees and local ecology as well as the impact on the local highway network and sewerage/drainage provision. Additionally concerns are raised with regard to the devaluation of property and that no additional hotels are needed.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS5 directs most new development to the north and east fringes of Bristol and settlements with defined boundaries as these locations are expected to provide the day to day service needs of the potential occupiers. The proposal site is situated within the settlement boundary of Chipping Sodbury where a full range of services are provided. Additionally the proposal will be associated with the adjacent Bell Public house and would provide economic benefit to the locality. While the site is situated within the settlement, the site is on the edge of the settlement and could be considered semi-rural in nature.

5.2 Policy PSP31 directs most new 'town centre uses' (including leisure, pubs and restaurants) towards town and district centres. Edge of centre development proposals may be acceptable where the proposed use would be in proportion to the role and function of the location. In this case the proposal would act as a use ancillary to the function of The Bell public house. PSP34 supports the retention of public houses and development proposals where the proposal would not constitute the loss of, or the viability of a service of particular value to the local community and where the use would not detrimentally affect the vitality of the area and the character of the street scene. In this case the proposal would supplement the income streams of an operating public house which also has letting rooms. Given this economic benefit to the function of a local service and the ancillary nature of the proposal, it is viewed to be appropriately located with regard to PSP31 and consistent with the retention of the community asset (PSP34) and is therefore viewed to be acceptable in principle.

5.3 Proposed Use

Comments have suggested that there is no need for an additional letting rooms in the area. The purpose of this assessment is to consider whether or not the

proposed development fits with the adopted local development framework. Furthermore the economic benefit of the proposal is acknowledged and must weigh in favour of the grant of planning permission.

5.4 Design and Visual Amenity

The proposal seeks to erect 1no two storey structure to house 6no letting rooms to supplement the operation of the public house. The context of the site is generally suburban with properties tending to date from the mid to late-20th century. The proposal would have a relatively traditional form and would be of a similar scale to the surrounding residential development and the pub. On this basis the proposal is seen as in keeping with the character of the area in form and design approach. No objection is raised to the appearance of the structure itself.

5.5 As noted above the property is situated in an area occupied predominately by mid to late 20th century dwellings. These tend to utilise a combination of render and natural or reconstituted stone. The host dwelling is typical of these material choices and has light coloured brick surrounding windows and doors, a small amount of stone to the front porch and render to the remainder of the structure. The proposal would utilise a combination of render with brick window surrounds and coping. Consequently no objection is raised to the proposed material palette.

5.6 Overall, it is considered that the proposal has an acceptable design and would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1 and PSP1 and conforms to the criteria in the adopted Local Plan.

5.7 Residential Amenity

Policy PSP8 of the adopted Local Plan gives the Council's view on residential amenity. Proposals should not unacceptably prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.

5.8 The proposal site is within close proximity to a number of residential uses as well as the public house and a Network Rail site which is currently undertaking essential works to the line. Comments have raised concern over the proposals impact on amenity as a result of loss of privacy and noise. In this case the context of the site should be considered. It must be first made clear that the proposal would have a similar impact as a residential use and it is not expected to create significant noise pollution itself. Additionally the proposal would be adjacent to a public house which is licensed for use as a drinking establishment. Furthermore the existence of the 'Station Yard' to the south is likely to create noise disturbances at times of the day and night. These uses are far more likely to give rise to noise pollution than the use proposed. It is reiterated that the purpose of this application is to consider the development at hand, in which case it is not thought the development itself would give rise to any material change in the residential amenity of its neighbours as a result of noise. Nevertheless it has been seen as appropriate to restrict the hours of

operation during construction so as not to exacerbate the situation locally. On this basis no objection is raised to the noise impact of the proposal.

- 5.9 The development would be in relatively close proximity to neighbours west of the site. The proposal would be around 12 metres from the rear elevation of the nearest property in this direction and reasonable amounts of tree screening is provided. Technical guidance states in order to provide sufficient outlook and prevent an overbearing impact on neighbours 12 metres separation distance is suggested. Given the proposal would be around this distance no objection is raised with regard to this. It is however noted that there is a window serving a bathroom and bedroom on the western elevation of the proposal. Given the proximity of dwellings further to the west and the fact the bedroom window is not the primary outlook, it has been seen as appropriate to apply a condition requiring the windows at first floor to be obscured glazed and non-opening unless the part which opens is in excess of 1.7 metres from the floor in which it is situated.
- 5.10 The proposals would be providing hotel rooms, consequently it is not thought that the units should be provided private amenity space in line with policy PSP43. The building will be provided a reasonable amount of outdoor space and whilst not private, is thought to be sufficient for the use proposed. Additionally it is expected that the pub garden could be used for recreational purposes and consequently no concerns are raised with regard to amenity space.
- 5.11 Overall, it is thought the proposal would provide sufficient outdoor space for the enjoyment of the proposed use and that it is unlikely to have an unacceptable impact on the amenity of the nearest residential uses.
- 5.12 Drainage and Flood Risk
Comments have raised concern that the proposal would overload the sewerage network. The proposal is for 6no rooms within an established residential area and associated with the pub. Consequently it is expected that sufficient sewerage will be provided to the site. Nevertheless it is thought other legislation outside of planning would sufficient control this impact and is therefore not considered relevant to the determination of the application at hand. Additionally the development was not originally supported by a Flood Risk Assessment (FRA) when it falls within flood zone 2. This is a requirement for development in such a location. Policy seeks to direct certain new development away from areas at risk of flooding; where appropriate. The use would fall into the 'more vulnerable' category of development within the flood zone and within flood zone 2; this is considered to be an appropriate type of development within such a location. It is further noted that in this case the proposal is for a use ancillary to the function of the public house, the development would be reliant on the pub for catering and service requirements, consequently it would be impractical for this to be located anywhere but in close proximity to the public house; to do otherwise would have a negative environmental impact and promote unsustainable forms of transport. An FRA was requested and has since been provided, however this has not identified the provision for surface water drainage. The site is not served by a public surface water main,

consequently a condition will be attached to secure Sustainable Urban Drainage Systems (SUDS) prior to commencement.

5.13 Sustainable Transport and Parking Provision

Comments have been received concerned with the transport impact of development and the parking situation locally. These comments seem to relate to the existing uses in the area and not that proposed. The proposal is for 6no letting rooms that have been considered to fall into a sui-generis use class, as they are not thought suitable of operating independently. Consequently it is expected that there would be up to 6no cars requiring a space, additionally the development would result in the loss 2no spaces within the existing car park serving the pub. 8 spaces have been identified within the proposal site, this is viewed to accord with requirements and no objection is raised in this respect. Additionally, due to the sui-generis nature of the development it has been thought appropriate to apply a condition for the provision of 6no covered cycle spaces in line with PSP16. Given the concerns raised with regard to commercial vehicles and parking on Station Close it has also been seen as appropriate to apply a condition requiring the submission of a construction management plan to prevent the development exacerbating the local situation during this period. A number of other conditions will be applied to secure the parking requirements of the development.

5.14 Arboriculture

The site is bounded to the west by a number of trees that are viewed to add value to the character of the area, while also providing an amount of screening to neighbouring properties. Some of these trees are due to be retained however given the proximity of development there is potential for construction to impact the health of these trees. An arboricultural report in line with British Standard BS2012:5837 is required to fully assess the impact on the trees and the methodology of how the development can be implemented. A condition will be attached requiring the submission of this information for approval prior to commencement of development.

5.15 Planning Balance

The proposal accords with the principle of development as it would allow provide an economic benefit to the locality and an existing enterprise, creating an additional income stream. The use is not thought to give rise to any harm with regard to the character of the area. Additionally no highway or parking issues have been raised that are not suitably addressed by the suggested conditions above. Positive weight has been attached to the economic use of the site. No harms have been identified and therefore the assessment leans in favour of permitting development.

5.16 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 development plan set out above, and to all the relevant material considerations set out in the report.”

7. **RECOMMENDATION**

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

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. The development hereby permitted shall be used solely for guest accommodation ancillary to The Bell Public House only and shall not be used as a residential dwelling(s).

Reason

To protect the amenities of the occupiers, and to accord with Policy PSP8 of the South Gloucestershire Policies Sites and Places DPD (2017); and the provisions of the National Planning Policy Framework.

3. 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 the tracking of mud off-site from vehicles.
- (ii) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
- (iii) Adequate provision for the delivery and storage of materials. Including the use of a banksman for all reversing vehicles.
- (iv) Adequate provision for contractor parking.

Reason:

In the interests highway safety and to accord with Policy PSP11 of the adopted South Gloucestershire Policies, Sites and Places DPD. This is required prior to development as it relates to the construction process and its impact locally.

4. Prior to the relevant part of development a revised site plan to indicate the provision of a dedicated disabled space nearest the entrance of the building hereby permitted (with a minimum width of 3.2 metres) shall be submitted to the Local Planning Authority and approved in writing. The Development shall not be brought into use until the car parking layout has been provided in accordance with the approved details.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

5. Development shall not be brought into use until 6 covered and secure cycle parking spaces has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To promote sustainable transport choices and to accord with Policy PSP16 of the Policies Sites and Places DPD (2017).

6. The glazing on the western; elevation serving the first floor bedroom and bathroom shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position unless the part that opens is in excess of 1.7 metres from the floor of the room in which it is situated.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 of the Policies Sites and Places DPD (2017); and the provisions of the National Planning Policy Framework.

7. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts) within the development shall be

submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP20 of the Policies Sites and Places DPD (2017) and the National Planning Policy Framework. This information is required prior to development as it relates to the flood resilience of the development and its impact on local watercourses.

8. The hours of working on site during the period of construction shall be restricted to
Monday - Friday.....7:30am - 6:00pm
Saturday.....8:00am - 1:00pm
No working shall take place on Sundays or Public Holidays.
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 of the Policies Sites and Places DPD (2017); and the provisions of the National Planning Policy Framework.

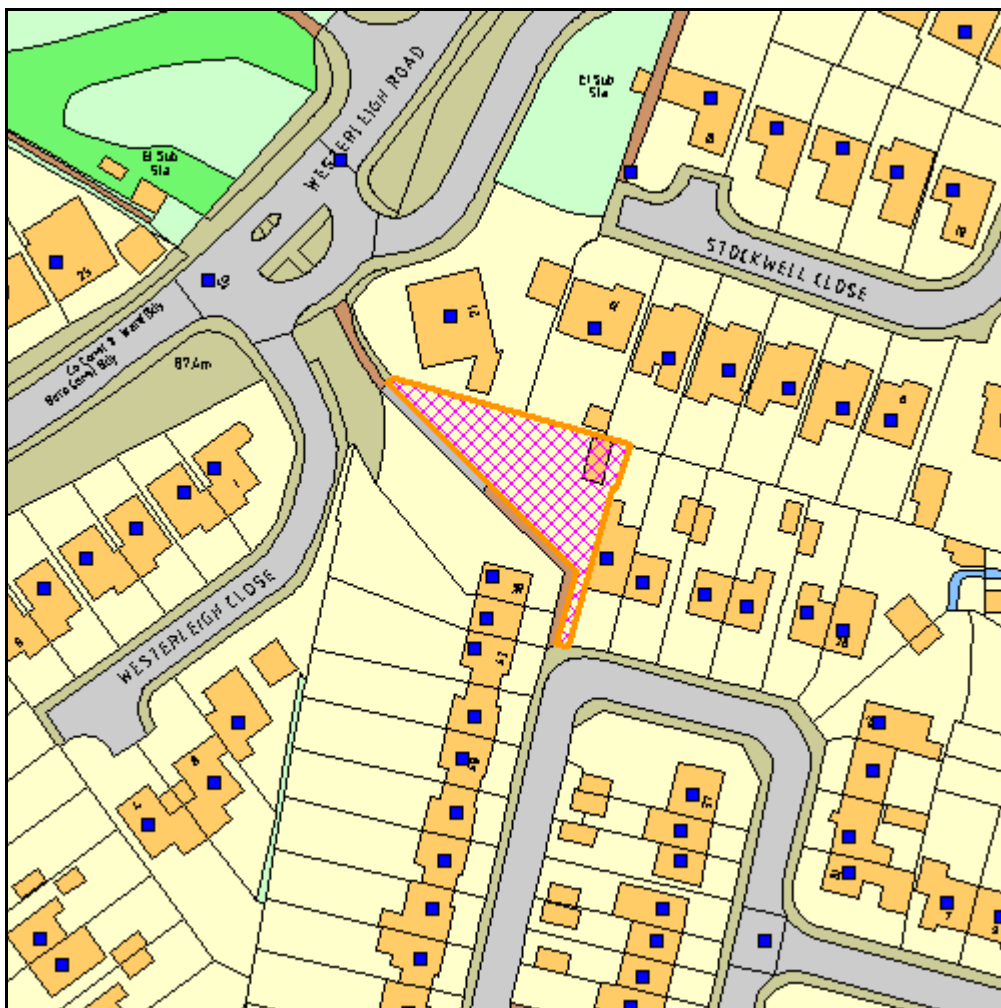
9. Prior to the commencement of development an arboricultural report and protection plan, in line with British Standard BS2012:5837 shall be submitted to the Local Planning Authority for approval. Development shall proceed strictly in accordance with the approved details.

Reason:

In the interests of the long term health of the trees and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1 and PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework. The information is required prior to commencement as it relates to the impact on the character of the area and the construction stage of development.

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PK18/1724/F	Applicant:	Mrs Jill Bundy
Site:	36 Brook Road Mangotsfield Bristol South Gloucestershire BS16 9DY	Date Reg:	16th April 2018
Proposal:	Demolition of existing garage. Erection of 1no. dwelling and associated works. Erection of garden store.	Parish:	None
Map Ref:	365919 177022	Ward:	Rodway
Application Category:	Minor	Target Date:	6th June 2018



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. N.T.S. PK18/1724/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE.

The application has received objections that are contrary to the Officer recommendation. As such, according to the current scheme of delegation must be placed on the circulated schedule for Members.

Additionally, this application was previously on the circulated schedule 33/18. However, during this process the applicant proposed changes to the cycle and garden store. As such the application is being recirculated.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of the existing garage and the erection of 1no. detached dwelling and associated works. Also the erection of a garden store.
- 1.2 The application site forms the curtilage of 36 Brook Road, Mangotsfield. This land is situated on a steep gradient and the rear garden would be in an elevated position to the rear of the property. To the side of the property is a public right of way in the form of a staircase leading up to Westerleigh Road/Stockwell Close.
- 1.3 The site is located within the built up residential area of Mangotsfield within an area occupied predominately by mid-20th Century dwellings. The site is currently in a relatively poor state as fly tipping and rubbish dumping has occurred due to the proximity of the public right of way and its relatively discreet location.
- 1.4 This application is a resubmission of a previously refused application (PK17/3220/F) which was refused due to the resultant likely conflict between the occupiers of the host dwelling and the occupiers of the new dwelling as vehicles would drive past the side elevation of the host dwelling in order to access the parking area for the new dwelling. This application was resubmitted with some alterations addressing this issue, however the Case Officer negotiated a further revised parking area and walled access to the new dwelling that is considered to overcome the previous refusal reason.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4a Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS23 Community Infrastructure
CS24 Open Space Standards

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
PSP38 Development within Existing Residential Curtilages
PSP42 Custom Build Dwellings
PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007
Waste collection: guidance for new developments (Adopted) 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PK17/3220/F
Refusal (03.11.2017)
Demolition of existing garage. Erection of 1no new dwelling with replacement garage and associated works.
- 3.2 PK01/3058/F
Approve with Conditions (05.03.2002)
Erection of single storey rear extension.

4. CONSULTATION RESPONSES

- 4.1 Town/Parish Council
Not applicable.

Lead Local Flood Authority

No objection subject to a public sewer location informative.

Highway Structures

“No comment.”

Sustainable Transport

No objection subject to a condition securing the access and car and cycle parking provision.

Public Rights of Way

“No objection.”

Other Representations

4.2 Local Residents

One objection received relating to the new dwelling exasperating the existing parking issues in the area, and the new dwelling affecting the value of property in the area.

One support comment was also received however this was from the application so is disregarded.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Paragraph 11 of the revised NPPF (July 2018) states that proposals that accord with an up-to-date development plan should be approved without delay. Policy CS5 sets out the locational strategy for development in the district. New development is directed towards existing urban areas and defined settlements. As the site is located within the settlement boundary of Mangotsfield, development is supported in this location. As such, based solely on the location of the site, the principle of the development is acceptable.

5.2 Notwithstanding this, it is recognised that, at present, the local planning authority is unable to demonstrate a five-year supply of deliverable housing land. Paragraph 73 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. However, as the application site falls within the defined settlement boundary on the east fringe of Bristol, the principle of development is acceptable under the provisions of policy CS5. As policy CS5 is not seeking to restrict the supply of housing, it can be afforded full weight in this case.

5.3 Whilst the principle of the proposed development is acceptable under the provisions of policy CS5, the impacts of the development require further assessment to identify any potential harm. The harm identified will then be balanced against the benefits of the proposal. The further areas of assessment are design and visual amenity, residential amenity, and transportation.

5.4 Design and Visual Amenity

The proposal seeks to demolish an existing garage on site and to erect a two storey detached dwelling with a new shared garden store. The proposal site is discreetly located to the side and rear of 36 Brook Road, Mangotsfield. The proposed dwelling will not be fully visible from the streetscene due to this discreet location. The proposed dwelling would be comprised of two portions one slightly taller section with rendered elevations and brick quoins, with a second smaller portion with timber upper elevations and rendered lower elevations linked by a glazed area and entrance.

5.5 The general character of the area is post war housing but there is a proportion of more modern as well as some earlier examples of housing. These all tend to utilise a rendered material but there are brick facades along Brook Road. The

- more modern properties on Brook Road are semi-detached with the earlier inter-war properties being terraced. There are also a significant number of detached properties on Westerleigh Road.
- 5.6 The proposal would be detached, however given its discreet location away from the Streetscene and the fact there are nearby detached properties, the proposal is not considered to result in harm to the general character of the area due to its detached nature. Furthermore, whilst the proposal would be detached it could be considered to have been informed by the scale and form of the nearby terraced inter-war housing and would have quite an attractive and interesting design that has been clearly influenced by traditional 20th century design. Additionally, whilst the proposal would be of 2 storeys, due to the topography of the site, to the rear only a single storey would be visible above ground with the ground floor being largely subterranean. This scale would be similar to that of 36 Brook Road. On this basis the proposal is not considered to have a harmful impact on the area and is seen to have an acceptable standard of design.
- 5.7 Officers note that the site is in a relatively untidy condition and there is evidence of fly tipping apparent on the site. Officers would acknowledge that the redevelopment of the site may help to discourage fly tipping from occurring on it and modest weight is afforded to this benefit.
- 5.8 Overall, it is considered that the proposed detached dwelling would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1 of the Core Strategy, PSP38 of the PSP Plan and the provision of the revised NPPF.
- 5.9 Residential Amenity
Policies PSP8 and PSP38 of the adopted PSP Plan sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; poor amenity space, loss of light; and loss of privacy of neighbouring occupiers.
- 5.10 The proposed dwelling would be two storeys and orientated with north-easterly and south-westerly aspects. There are dwellings situated to the east of the proposal, however these are largely screened by existing extensions to No.36 Brook Road and the dwelling itself. In addition a garden room is proposed along the boundary with No.36 preventing direct overlooking of their private amenity space. Nevertheless given the location of the proposal in relation to the host and surrounding dwellings, it is considered to be situated a sufficient distance from window to window and would not have an unacceptable impact on the amenity of this closest or nearby properties as a result of loss of privacy, overshadowing, overbearing or loss of light.
- 5.11 The proposal would subdivide the existing plot leaving the host property with a similar level of outdoor amenity space to the surrounding properties and the proposed dwelling will be served by a rear garden. While some of this rear

garden would be quite steep this provision is considered sufficient for the size of the property proposed and no objection is raised with regard to this.

5.12 As mentioned, the previous application was refused due to the impact of vehicles driving past the side elevation of the host dwelling which was considered to result in a significant negative impact to the occupiers of the host dwelling as a result of noise and the likely conflict as a result of manoeuvring vehicles and obstruction of either property's access. This parking area will now be located adjacent to the existing driveway for No.36, and vehicular access to the new dwelling will be restricted by a new wall and disabled access gate which will be conditioned. As such the new parking and access arrangements directs traffic away from the side of the host dwelling and within an existing parking area. The intensification of the use of this parking area is not considered to result in a detrimental harm to the amenity of the host, proposed, or surrounding properties. As such the previous refusal reason has been addressed.

5.13 Transport

PSP16 sets the parking requirements for new development. Three bedroom properties require 2 off-street parking spaces each, and two each would be provided. As such the proposal has sufficient parking. Notwithstanding this, a comment was received relating to parking issues in the area. This was noted on a site visit and the Case Officer understands the frustrations of parking issues in residential areas such as this. However, as sufficient parking, that is safe to access will be provided for both dwellings there are no transport objections to the proposal.

5.14 It is acknowledged that the pedestrian access and garden store containing cycle parking would be shared. While the provision of the cycle parking and access will be conditioned, the continuing use of these would be a civil matter to be agreed between the occupiers of the respective dwellings and does not form a reason for refusal in this instance.

5.15 Drainage

Drainage details were submitted with the application and the Drainage Officer raised no objection. Notwithstanding this, the site may be located close to the public sewer system. The attention of the applicant, agent and developer is drawn to the informative on the decision notice.

5.16 Public Right of Way

The development will be contained within the site with no interference with the use of the PROW. However, the attention of the applicant, agent and developer is drawn to the informative on the decision notice relating to the PROW both during the construction phase and beyond.

5.17 Equalities

The Equality Act 2010 protects people from discrimination in the workplace and in wider society. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between people who

share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services. With regards to the above this planning application is considered to have a neutral impact on equality.

5.18 Other Matters

Objecting parties also noted that the proposal may result in a drop in nearby property values. The planning department does not seek to regulate property prices but to control and mediate the impact on the built and natural environment. On this basis the objections are not considered to be related to planning and are therefore not relevant to the determination of this planning application.

5.19 While the changes to the proposed garden and cycle store would result in the structure being some 70% than previously approved. When considering the location of this within the site and in relation to its surroundings, the changes are deemed to be acceptable.

5.20 Planning Balance

If approved, 1no. dwelling in a sustainable location would be created. As such the proposal would make a very small contribution to the supply of housing. Also, this dwelling will not be detrimental to the appearance of the area, the site will benefit from sufficient parking provision and access, and the current poor condition of the land would be improved. On balance therefore, permission should be granted.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: David Ditchett
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. The new dwelling hereby approved shall not be occupied until the access, vehicular parking and cycle store shown on the Proposed Site Layout Plan (Drawing No. 02 Rev D) received by the Council on 23rd August 2018 are provided, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policies PSP8, PSP11, PSP16 and PSP38 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the revised National Planning Policy Framework (July 2018).

3. The new dwelling hereby approved shall not be occupied until the 1.2m high brick wall and 1.2m wide disabled access gate shown on the Proposed Site Layout Plan (Drawing No. 02 Rev D) received by the Council on 23rd August 2018 is provided, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policies PSP8, PSP11, PSP16 and PSP38 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the revised National Planning Policy Framework (July 2018).

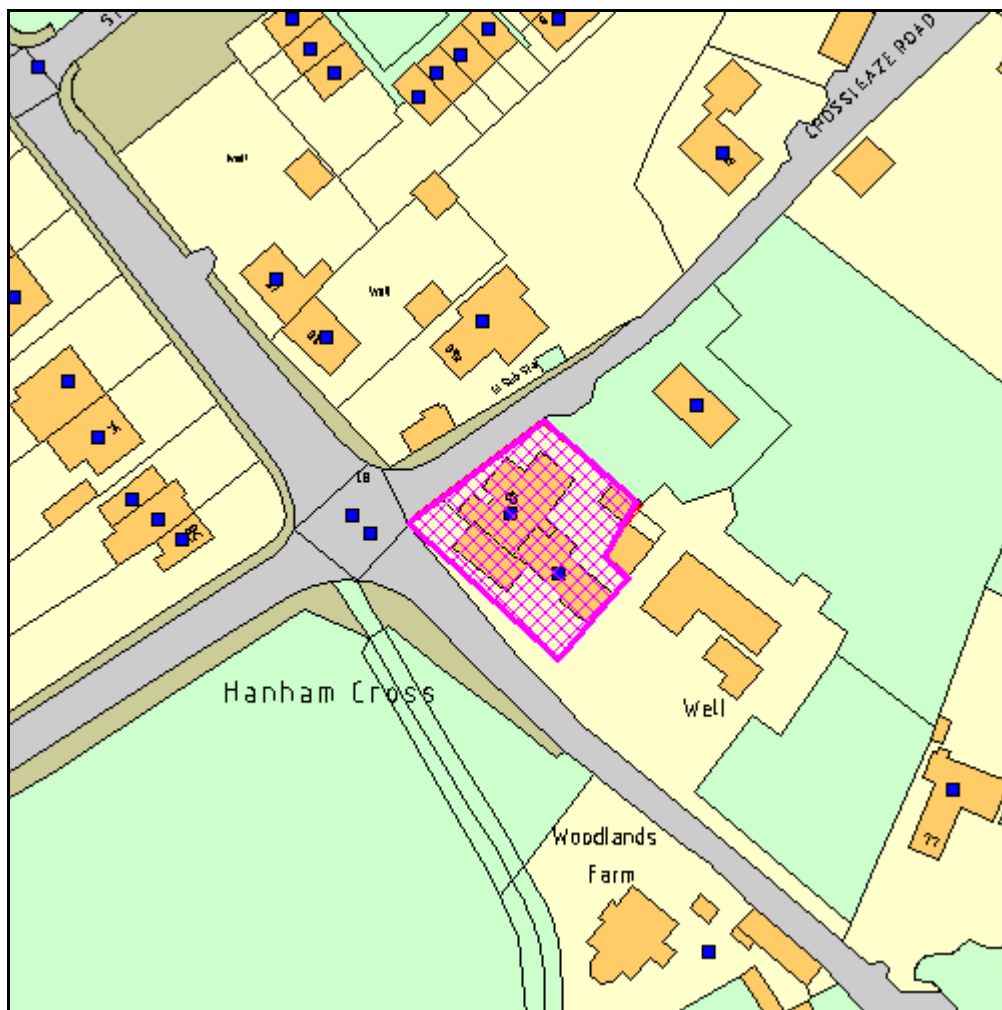
4. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H), or any minor operations as specified in Part 2 (Classes A and B), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policies PSP8, PSP38 and PSP43 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the revised National Planning Policy Framework (July 2018).

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PK18/2850/F	Applicant:	Mr J Hurstthaithe
Site:	65 Abbots Road Hanham South Gloucestershire BS15 3NQ	Date Reg:	27th June 2018
Proposal:	Sub-division of existing dwelling to form 2 no. dwellings and associated works.	Parish:	Hanham Abbots Parish Council
Map Ref:	364286 171000	Ward:	Hanham
Application Category:	Minor	Target Date:	21st August 2018



© South Gloucestershire Council 2007. all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PK18/2850/F

REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule due to an objection received from the parish council which is contrary to the Officers' recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the sub-division of an existing dwelling to form 2no. separate dwellings and associated works. The site relates 65 Abbots Road, Hanham.
- 1.2 The site relates to a large 7 bedroom detached former farmhouse which is located adjacent to the east fringe of Bristol urban area and near to the established area of Hanham. It is located within part of the Bristol/Bath Green Belt.
- 1.3 The wider site surrounding the host dwelling has seen a number of recent permissions (refs. PK15/1693/RVC and PK15/1692/RVC). These were for the removal of conditions to allow two residential annexes to be used as separate dwellings. These have now been implemented, with one towards the south east and one towards the east of the host dwelling.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

2.3 South Gloucestershire Local Plan: Policies, Sites and Places Plan June 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water and Watercourse Management

PSP28	Rural Economy
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Sub-Divisions and Houses in Multiple Occupation.
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Standards

- 2.4 Supplementary Planning Guidance
 Design Checklist SPD (Adopted) 2007
 Residential Parking Standard SPD (Adopted) 2013
 Waste Collection: Guidance for New Developments (Adopted) January 2015
 Green Belt SPD (Adopted 2007)

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK15/1692/RVC Approve with Conditions 06.07.2015
 Removal of condition 2 attached to planning permission PK05/1445/F to allow the residential annexe to be used as a separate dwelling.
- 3.2 PK15/1693/RVC Approve with Conditions 21.07.2015
 Removal of condition 2 attached to planning permission PK08/1705/F to allow ancillary residential annex to be used as a separate residential dwelling.

4. **CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council
 Objection. We would comment that this parish council has objected to previous applications for development on this site, mainly on grounds of overdevelopment and our position has not changed
- 4.2 Lead Local Flood Authority
 No objection.
- 4.3 Highway Structures
 Informatives suggested.
- 4.4 Transport Officer
 No objection.

Other Representations

- 4.5 Local Residents
 No comments received.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development

Five Year Housing Land Supply

- 5.2 This development would involve an increase in dwellings from 1 to 2, and would be outside a settlement boundary or established urban area. The Council cannot demonstrate a five year housing land supply, and in accordance with footnote 7 of paragraph 11 of the NPPF, relevant policies for the supply of housing should not be considered up-to-date.
- 5.3 The effect of this is that policies which generally restrict residential development within the open countryside, are now considered to constitute limited weight in planning assessments. In simple terms, this means the Local Planning Authority can no longer refuse planning applications for residential units based on the sole fact that the development is outside of recognised settlement boundary. Rather, residential development should be assessed in terms of adopted up-to-date development plan policies and paragraph 11 of the NPPF.
- 5.4 Paragraph 11 states that there is 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 the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.

Residential Sub-division

- 5.5 PSP39 sets out that the sub-division of existing residential buildings into smaller units of self-contained residential accommodation will be acceptable. However this is provided that they would:
- 1) *not harm the character and amenity of the area within which they are located; and*
 - 2) *not prejudice the amenity of neighbours; and*
 - 3) *provide adequate amenity space; and*
 - 4) *provide parking in accordance with the Council's parking standards.*

- 5.6 These matters will be assessed in the following assessment.

Green Belt

- 5.7 Development in the Green Belt is one of the protected areas of particular importance as set out in footnote 6 of paragraph 11 of the NPPF. Paragraph 145 of the NPPF sets out that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt.

There are a number of exceptions to this, which are set out within paragraphs 145 and 146 of the NPPF. The most relevant exception to this application is considered to be; *“the re-use of buildings provided that the buildings are of permanent and substantial construction”*. This is on the proviso that the development would preserve the openness of the Green Belt nor would it conflict with the purposes of including land within it.

5.8 It is considered that the building is of permanent and substantial construction, and therefore would meet this exception. Further to this, the footprint of the building would remain the same, and the proposal would not involve any extensions or external alterations. It is acknowledged that the subdivision of gardens would result in some additional impact but this would be minimal. For these reasons the proposal is considered to constitute appropriate development within the Green Belt.

5.9 Design, Visual Amenity and impact on the character of the area

The development would involve internal alterations to split the existing property into 2no. 4-bedroomed properties. It would not involve any external alterations and therefore it would have a neutral impact on the visual amenity of the area. There would be some sub-division of the garden area, but as these are generally separate anyway, it is not considered that additional boundary treatments would be introduced. Accordingly, the development is considered acceptable with regards to these matters.

5.10 Residential Amenity

The development would not introduce any additional windows nor would it extend towards surrounding properties. As such, it is not considered that there would be a detrimental impact on surrounding occupiers.

5.11 In terms of the future occupiers themselves, the living conditions would be appropriate. The private amenity space provided would be 107m² and 80m² respectively. Both properties would be 4 bedrooms and PSP43 sets out that new residential units of this size should be provided with at least 70m² of private amenity space. As such, both would be in excess of these standards.

5.12 Transportation

Plans submitted show that each dwelling would be provided with separate accesses/areas for parking (these are already in existence). The dwellings would both be 4-bedrooms and therefore PSP16 sets out that each should be provided with at least 2 off-street parking spaces. It is considered that adequate vehicular parking is provided for both proposed properties. No objection is therefore raised to these matters.

5.13 Other matters

The parish council have commented that the development is overdevelopment. The proposal would increase the number of households at the site. However, it is considered that the site is capable of the sub-division and would not cause detrimental impacts in terms of residential amenity, design or transportation.

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.

6.3 The recommendation to **grant** planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017, and 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 be **APPROVED** subject to the conditions set out below.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

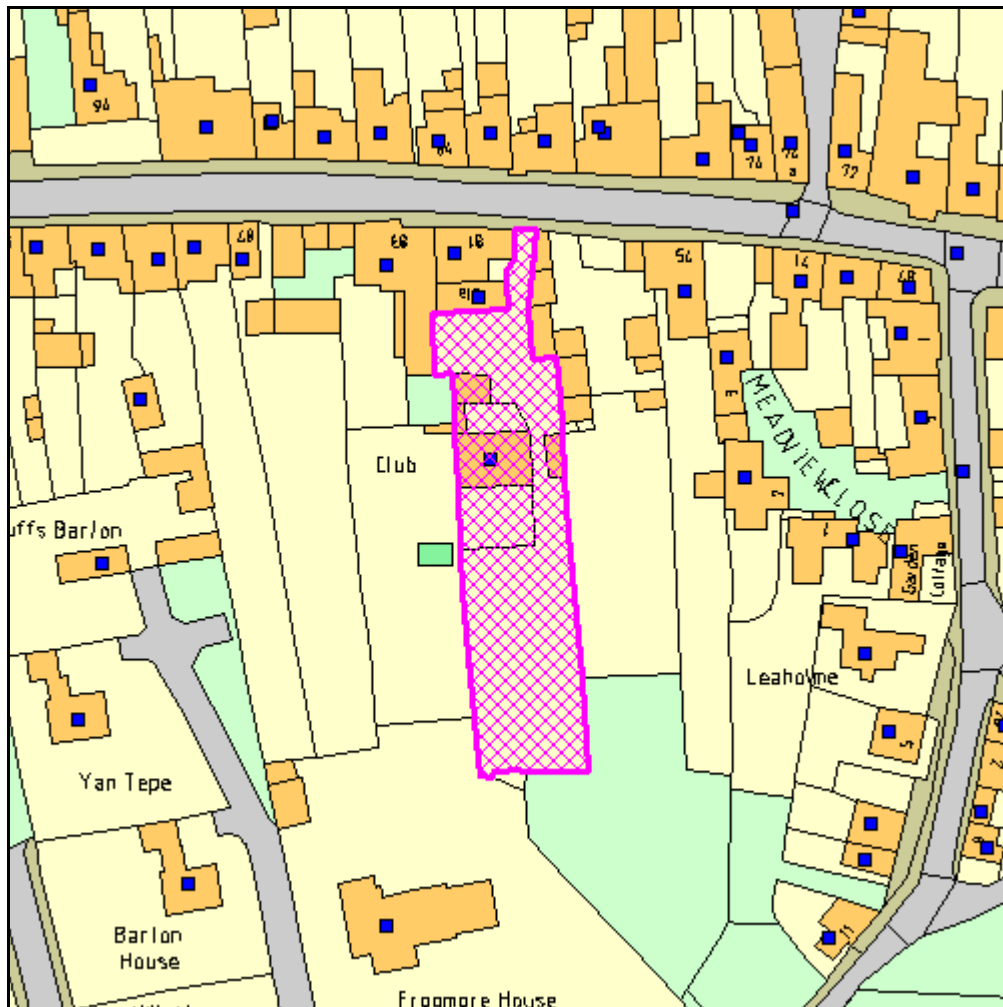
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PK18/2860/RVC	Applicant:	Ms Caren Slade
Site:	Royal British Legion Hall And Youth Centre 79 High Street Marshfield South Gloucestershire SN14 8LT	Date Reg:	20th July 2018
Proposal:	Removal of condition 4 attached to PK17/3294/F and revision of condition 6 attached to PK17/3294/F and condition 3 attached to PK17/3479/LB to reflect altered time frame for works.	Parish:	Marshfield Parish Council
Map Ref:	377771 173703	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	13th September 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule to address the consultation responses to this application.

1. THE PROPOSAL

- 1.1 This application is made under both Section 73 (“s73”) of the Town and Country Planning Act 1990 (as amended) (“the Act 1”) and Section 19 (“s19”) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (“the Act 2”). Applications made under these sections seek to undertake develop land and undertake works without compliance with conditions previously attached to the relevant planning permission and listed building consent.
- 1.2 The applicant is seeking to
- remove condition 4 attached to planning permission PK17/3294/F; and
 - vary condition 6 attached to planning permission PK17/3294/F and condition 3 attached to listed building consent PK17/3479/LB.
- 1.3 At present, these conditions read as –
4. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building and archaeological remains in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the National Planning Policy Framework. This programme is required prior to commencement in view of the assets' listed statuses, its use as a burial ground and given the area is of known archaeological interest.

6 and 3.

Notwithstanding previously submitted details and prior to the commencement of the works a phased programme and detailed schedule and specification of repairs to both the Chapel building, boundary walls and chest tomb shall be submitted and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed details and completed prior to the first occupation of the building.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy

(Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. The programme, schedule and specification are required prior to commencement in view of the assets' listed statuses.

- 1.4 Under this application consent is sought to remove condition 4 because there is no possible harm to archaeological remains and also to vary conditions 6 and 3 from “pre-commencement” to “post occupation” (nominally 1 year).
- 1.5 The application site is Royal British Legion Hall and Youth Centre (aka 79 High Street), Marshfield – it is listed (grade II*) as is the chest tomb (grade II) within its associated burial ground and the adjoining neighbours (grade II). There is also a couple of trees with tree preservation orders on them in the adjacent garden of 83 High Street. All fall though within the Marshfield Conservation Area and the Cotswolds Area of Outstanding Natural Beauty (AONB).

2. POLICY CONTEXT

2.1 National Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)
National Planning Policy Framework (NPPF) .July 2018
Planning Practice Guidance
Managing Significance in Decision-Taking in the Historic Environment (GPA 2)
The Setting of Heritage Assets (GPA 3)
Historic England Advice Notes

2.2 Development Plans

South Gloucestershire Local Plan: Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS23	Community Infrastructure and Cultural Activity
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment

PSP19 Wider Biodiversity
PSP43 Private Amenity Space Standards

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 DOC18/0166
Discharge of Condition 2 (Roof repairs) Condition 3 (Chapel, walls and chest tomb) Condition 4 (Windows repair/alter) Condition 5 (Access door) Condition 6 (Floor, wall, ceiling finishes) Condition 7 (Structural repairs/alter) Condition 8 (Stonework sample) Condition 9 (Large scale details) and Condition 10 (Building record) attached to planning permission PK17/3479/LB Conversion of former British Legion Hall into 1no. residential dwelling (Class C3) with associated works.
- 3.2 DOC18/0165
Discharge of Condition 5 (Roof repairs) Condition 6 (Repairs to Chapel, walls and chest tomb) Condition 7 (Windows) Condition 8 (Access door) Condition 9 (Floor wall and ceiling finishes) Condition 10 (Structural repairs/alter) Condition 11 (Stonework sample) Condition 12 (Large scale details) and Condition 13 (Building recording) attached to planning permission PK17/3294/F Conversion of former British Legion Hall into 1no. residential dwelling (Class C3) with associated works
- 3.3 PK17/3294/F
Conversion of former British Legion Hall into 1no. residential dwelling (Class C3) with associated works.
Approval
06.12.2017
- 3.4 PK17/3479/LB
Conversion of former British Legion Hall into 1no. residential dwelling (Class C3) with associated works.
Approval
06.12.2017

4. **CONSULTATION RESPONSES**

- 4.1 Marshfield Parish Council
No objection
- 4.2 Other Consultees

Sustainable Transport
No objection

Highway Structures

No objection

- attach informative advising applicant to apply for technical approval or that they are responsible for maintenance of boundary walls

Lead Local Flood Authority

No objection

Conservation Officer

No objection

- nominal period considered excessive to under repairs to boundary walls and chest tomb; period of 3 or 6 months more acceptable

Archaeology Officer

No objection

Landscape Officer

No objection

Ecology Officer

No objection

Tree Officer

No comment

Planning Enforcement

No comment

Historic England

No objection

- defer to Council Conservation Officer

Other Representations

4.3 Local Residents

1 comment has been received on this application raising the following matters –

- oppose 12 month time period as work has started, been abandoned and should continue asap to prevent further deterioration of the boundary walls

5. ANALYSIS OF PROPOSAL

5.1 This application seeks consent to remove an archaeological investigation condition and amend repairs conditions to allow more time for their undertaking.

5.2 Principle of Development

Applications made under sections 19 and 73 of the Acts 1 and 2 seek permission/consent for the development of land and to undertake works without

- compliance with conditions subject to which a previous planning permission or listed building consent was granted. With applications made under sections 19 and 73, the Local Planning Authority (LPA) shall consider only the conditions subject to which planning permission or listed building consent was granted; the principle of development is therefore established in both cases.
- 5.3 If the LPA decides that planning permission or listed building consent should be granted subject to conditions differing from those subject to which the previous permission/consent was granted, or that it should be granted unconditionally, the Authority should grant permission/consent accordingly. If the Authority decides that planning permission or listed building consent should be granted subject to the same conditions, then the application should be refused.
- 5.4 An analysis of other conditions attached to the previous permission and consent shall also be undertaken as part of this application against the provisions of paragraph 55 of the NPPF.
- 5.5 Removal of Condition 4 – Archaeological Investigation
Condition 4 requires archaeological investigation of the site. This condition was applied because there was reason, given the burial ground, the site's location in Marshfield and the building's historic importance, to suspect the presence of hidden archaeological material which may be disturbed or even destroyed by the development intended.
- 5.6 What the applicant is asking for though is the full removal of the condition because they are of the view that the works proposed, following details submitted at the discharge of conditions stage, will not harm any archaeological remains.
- 5.7 The Council's Archaeology Officer has had main regard of this matter and is satisfied that there would only be very minimal ground disturbance. In consequence, condition 4 is no longer considered necessary to protect hidden archaeological remains and will therefore be deleted.
- 5.8 Variation of Conditions 6 and 3 – Repairs to Chapel, Walls and Chest Tomb
Both conditions require a programme, schedule and specification of the repairs proposed to the building, boundary walls and chest tomb. These conditions were applied to secure them prior to occupation given they were a benefit of the proposal and because these details were not submitted at the determination stage for consideration and approval.
- 5.9 The applicant however wishes to vary the conditions to allow the repairs to be undertaken within 1 year of occupation.
- 5.10 Like above, the Council's Conservation Officer has had main regard of this issue and through the discharge of conditions process, repair works to both the chest tomb and boundary walls have been agreed. No repairs to the Chapel were proposed though apart from to the roof so any further repairs considered necessary will fall outside of this application and may require listed building consent in their own right.

- 5.11 The Conservation Officer agrees the above switch to post-occupation implementation is possible given the identified repairs to the walls and chest tomb, although clearly required, are not urgent in nature. However, he is of the view that given their limited scale, a period of 3 or 6 months would be more suitable as 1 year seems excessively long to undertake repairs to the limited boundary walls and a chest tomb.
- 5.12 Officers share the Conservation Officer's concern that a 12 month period could be extended or removed indefinitely and by not completing the repairs, an important public benefit which weighed in favour of the proposal would not be secured and these elements would therefore be subject to further deterioration. Officers have also had regard to the comments received in objection to the proposed development.
- 5.13 In these circumstances, a 6 month period seems to be both proportionate and reasonable and achieves an appropriate balance between the need to repair and restore the building and allowing the future occupiers time to source a competent professional to undertake the work. Both conditions will therefore be amended accordingly.
- 5.14 Other Conditions
- 5.15 *Attached to planning permission PK17/3294/F*
Planning permission PK17/3294/F was approved subject to 12 other conditions in addition to conditions 4 and 6. The effect of an application under s73 of Act 1 is to grant a wholly new planning permission. Therefore the conditions attached to the original consent should be replicated on the new permission, reviewed or removed. This section will assess the conditions attached to PK17/3294/F for relevance on this decision.
- 5.16 Condition 1
This condition relates to the implementation of development within 3 years from the date of permission, in line with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended). It is understood the development has not been implemented and as such this condition is required to be carried over.
- 5.17 Condition 2
This condition is a compliance condition in relation to the approved bat survey. It is therefore considered necessary for this condition to be carried over.
- 5.18 Condition 3
This condition reads as follows:
The use hereby permitted shall not commence until enhancement recommendations for bats and birds, which shall include details of one bat tile/slate or box and one sparrow terrace for attachment to the building, have been submitted to and approved in writing by the Local Planning Authority. All works 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.

5.19 The reasoning for imposing this condition remains and it is noted that it has not been discharged. Accordingly, it is recommended that this condition is carried forward to the decision notice of this application.

5.20 Condition 5, 8, 9, 11, 13

These conditions related to the submission and approval of the roof repairs, access door, internal finishes, stonework sample and building recording. It is understood that these were discharged under DOC18/0165. As such, a compliance condition is recommended to ensure that the development is carried out in accordance with all the approved details.

5.21 Condition 7

This condition reads as follows:

Notwithstanding previously submitted details and prior to the commencement of this specific element of works the method of repairing and adapting the windows, for which consent is expressly reserved, shall be submitted and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed details.

Reason

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

5.22 The reasoning for imposing this condition remains and it is noted that it has not been discharged. Accordingly, it is recommended that this condition is carried forward to the decision notice of this application.

5.23 Condition 10

This condition reads as follows:

Notwithstanding previously submitted details and prior to the commencement of works a schedule of structural repairs and alterations, for which consent is expressly reserved, shall be submitted and agreed in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed sample.

Reason

In order that the development serves to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning

Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. This schedule is required prior to commencement in view of the assets' listed statuses.

5.24 The reasoning for imposing this condition remains and it is noted that it has not been discharged. Accordingly, it is recommended that this condition is carried forward to the decision notice of this application.

5.25 Condition 12

This condition reads as follows:

Notwithstanding previously submitted details and prior to the commencement of these works to which these details relate, large scale details of the following items, at a scale of 1:5 shall be submitted and agreed in writing by the local planning authority:

a. All new windows

b. All new doors

c. Eaves

d. vents and flues

e. rooflights

f. staircase (including handrail, treads and risers)

g. all new joinery

h. all new heating systems (details submitted shall demonstrate how this is compatible with the existing fabric).

The works shall be completed strictly in accordance with the agreed sample, which shall be retained on site for consistency.

Reason

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

5.26 It is noted that some parts (a, b, c, d and e) of this condition have been discharged under DOC18/0165. However, the reasoning remains relevant to those parts still pending. It is therefore considered necessary to recommend that the condition is carried forward but revised to parts f, g and h.

5.27 Condition 14

This condition required the development to be carried out in accordance with the plans listed and as such it is considered necessary to be carried over.

5.28 *Attached to listed building consent PK17/3479/LB*

Listed building consent PK17/3479/LB was approved subject to 10 other conditions in addition to condition 3. The effect of an application under s19 of Act 2 is to grant a wholly new listed building consent. Therefore the conditions attached to the original consent should be replicated on the new consent,

reviewed or removed. This section will assess the conditions attached to PK17/3479/LB for relevance on this decision.

5.29 Condition 1

This condition relates to the implementation of the work within 3 years from the date of consent, in line with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). It is understood the work has not begun and as such this condition is required to be carried over.

5.30 Condition 2, 5, 6, 8, 10

These conditions related to the submission and approval of the roof repairs, access door, internal finishes, stonework sample and building recording. It is understood that these were discharged under DOC18/0166. As such, a compliance condition is recommended to ensure that the development is carried out in accordance with all the approved details.

5.31 Condition 4

This condition reads as follows:

Notwithstanding previously submitted details and prior to the commencement of this specific element of works the method of repairing and adapting the windows, for which consent is expressly reserved, shall be submitted and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed details.

Reason

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

5.32 The reasoning for imposing this condition remains and it is noted that it has not been discharged. Accordingly, it is recommended that this condition is carried forward to the decision notice of this application.

5.33 Condition 7

This condition reads as follows:

Notwithstanding previously submitted details and prior to the commencement of works a schedule of structural repairs and alterations, for which consent is expressly reserved, shall be submitted and agreed in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed sample.

Reason

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

Local Plan: Policies, Sites and Places Plan (Adopted) November 2017. This schedule is required prior to commencement in view of the assets' listed statuses.

5.34 The reasoning for imposing this condition remains and it is noted that it has not been discharged. Accordingly, it is recommended that this condition is carried forward to the decision notice of this application.

5.35 Condition 9

This condition reads as follows:

Notwithstanding previously submitted details and prior to the commencement of these works to which these details relate, large scale details of the following items, at a scale of 1:5 shall be submitted and agreed in writing by the local planning authority:

a. All new windows

b. All new doors

c. Eaves

d. vents and flues

e. rooflights

f. staircase (including handrail, treads and risers)

g. all new joinery

h. all new heating systems (details submitted shall demonstrate how this is compatible with the existing fabric).

The works shall be completed strictly in accordance with the agreed sample, which shall be retained on site for consistency.

Reason

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

5.36 It is noted that some parts (a, b, c, d and e) of this condition have been discharged under DOC18/0166. However, the reasoning remains relevant to those parts still pending. It is therefore considered necessary to recommend that the condition is carried forward but revised to parts f, g and h.

5.37 Condition 11

This condition required the development to be carried out in accordance with the plans listed and as such it is considered necessary to be carried over.

5.38 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.

5.39 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.

5.40 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.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 It is recommended to GRANT planning permission subject to the conditions listed below.

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended) and Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. The use hereby permitted shall not commence until the recommendations made in the Preliminary Bat Roost Assessment by Smart Ecology (July 2017) have been implemented in full and thereafter permanently maintained. This includes: avoiding disturbance and/or harm to nesting birds, bats, reptiles and amphibians.

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.

3. The use hereby permitted shall not commence until enhancement recommendations for bats and birds, which shall include details of one bat tile/slate or box and one sparrow terrace for attachment to the building, have been submitted to and approved in writing by the Local Planning Authority. All works 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.

4. The development shall be carried out in accordance with the plans and details submitted as part of DOC18/0165 and DOC18/0166, unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

5. Notwithstanding previously submitted details and prior to the commencement of the works a phased programme and detailed schedule and specification of repairs to both the Chapel building, boundary walls and chest tomb shall be submitted and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed details and completed 6 months post occupation of the building.

Reason

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

6. Notwithstanding previously submitted details and prior to the commencement of this specific element of works the method of repairing and adapting the windows, for which consent is expressly reserved, shall be submitted and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed details.

Reason

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

7. Notwithstanding previously submitted details and prior to the commencement of works a schedule of structural repairs and alterations, for which consent is expressly reserved, shall be submitted and agreed in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed sample.

Reason

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

8. Notwithstanding previously submitted details and prior to the commencement of these works to which these details relate, large scale details of the following items, at a scale of 1:5 shall be submitted and agreed in writing by the local planning authority:
 - a. staircase (including handrail, treads and risers)
 - b. all new joinery
 - c. all new heating systems (details submitted shall demonstrate how this is compatible with the existing fabric).

The works shall be completed strictly in accordance with the agreed sample, which shall be retained on site for consistency.

Reason

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

9. This decision relates only to the plans and details identified below and those submitted as part of planning permission PK17/3294/F and listed building consent PK17/3279/LB:
Received 19.06.2018:
Site Location Plan (154.3.000 Rev A)

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PK18/2885/F	Applicant:	KMW Trading Ltd
Site:	Land On South Corner Of Tower Road North And Crown Way BS30 8XJ	Date Reg:	25th June 2018
Proposal:	Erection of a three storey office building (Class B1(a)), provision of 11no car parking spaces and 18no covered bicycle spaces. Creation of new pedestrian access and associated landscaping.	Parish:	Siston Parish Council
Map Ref:	367103 173299	Ward:	Siston
Application Category:	Minor	Target Date:	16th August 2018



© South Gloucestershire Council 2007. all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following an objection from the Parish Council which is contrary to the officer recommendation detailed within this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a three storey office building, provision of 11 no. car parking spaces and 18 no. cycle spaces and the creation of a new pedestrian access and associated landscaping at land on the corner of Tower Road North and Crown Way, Warmley.
- 1.2 The site is situated within the east Bristol urban fringe area, and is partially within Flood Zones 2 & 3.
- 1.3 Tower Road in Warmley is a safeguarded employment area.
- 1.4 An amended Proposed Site Plan and Flood Risk Statement has been received during the course of the application to address concerns raised by the Environment Agency.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS11	Economic Development Land
CS12	Safeguarded Economic Development Sites
CS29	East Bristol Urban Fringe

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP5	Undesignated Open Spaces
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP19	Wider Biodiversity

PSP20 Flood Risk
PSP21 Environmental Pollution

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/0693/F Approve with conditions 12/05/2008
Erection of building for industrial use (Class B2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated works. (Resubmission of PK07/3689/F).
- 3.2 P98/4860 Approval Full Planning 18/11/1998
Comprehensive mixed use development involving: new estate road, re-cladding of existing building, works to Siston Brook, new cycle link, erection of building for use as health & fitness club (Class D2), erection of 23no. dwellings, change of use of existing boiler room to offices (Class B1) (All full application) Erection of 3no. buildings for use as Class B1, B2 and B8, extension to existing building (Class B1). (Outline Application)

4. CONSULTATION RESPONSES

4.1 Siston Parish Council

Whilst members recognise this new build office development as bringing a major improvement to the street scene, subject to it matching the height, design and materials of the nearby Corum office building, they have grave concerns at the likelihood of this resulting in increased on-road car parking.

Almost all previous concerns about this, when responding to similar such developments on this Tower Road North site, have been met with the explanation that our fears will be proven to be unfounded.

The dramatic increase in all day car parking along this and nearby roads in the Warmley area adds weight to the fact that prospective developers and planners are failing to address real local needs. Previous such Travel Plan predictions for a high level of on-site cycle parking being needed, 18 in this case, instead of providing for more motor vehicle parking, fills local people and their representatives with continuing despair.

Members strongly object to any such low level of on-site parking.

4.2 Other Consultees

Highway Structures

If the application includes a structure that will support the highway or support the land above a highway. No construction is to be carried out without first providing the Highway Structures team with documents in accordance with BD2/12 of the Design Manual for Roads and Bridges that will allow formal

Technical Approval of the proposals to be carried out. The applicant will be required to pay the fees associated with the review of the submission whether they are accepted or rejected.

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

Economic Development

Supports the scheme - Economic Development Team believes that this development would create sustainable development in a safeguarded employment area in close proximity to a priority neighbourhood.

Lead Local Flood Authority

No objection subject to a SUDS condition and informatives.

Sustainable Transport

No objection subject to condition ensuring parking is implemented.

Ecology

No objection subject to condition ensuring recommendations within Ecological appraisal are complied with.

Environment Agency

No objection to revised Flood Risk Statement and Proposed Site Plan subject to conditions.

Tree Officer

No objection subject to conditions.

Environmental Protection

There is information to suggest historic use of land within 250m of the site as filled ground may have caused contamination which could give rise to unacceptable risks to the proposed development. In order to ensure that the site is suitable for its proposed use and in accordance with The National Planning Policy Framework, the following conditions are recommended for inclusion on any permission granted.

Other Representations

- 4.3 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 of the Core Strategy seeks to ensure that proposals are of a high standard in design. The Core Strategy identifies Tower Road in Warmley as a safeguarded employment area, where alternatives to B Use Classes are not encouraged unless a set of criteria can be met. The development thus supports policies CS11 and CS12 of the Core Strategy, which states that the council

should seek to maintain and enhance the local economy and increase employment opportunities, particularly those within a safeguarded area. The total proposed floorspace in the application is 399sqm of B1(a) floor space, and will create up to 30 full time jobs, therefore increasing employment opportunities within a sustainable urban location in the East Bristol fringe. The development is acceptable in principle.

5.2 Flood Risk

Siston Brook runs through the red line site boundary, with some of the situated within flood zone 2 and flood zone 3. No development is proposed within flood zone 3, however some of the proposed vehicular parking will be located within flood zone 2. The proposed office building is located within flood zone 1 which is at a low risk of flooding.

5.3 Officers consider that the sequential test has been passed, as the office building, which is 'less vulnerable' development in terms of flood risk, has been located within flood zone 1 within the site. Some of the parking areas proposed are located within flood zone 2, however this is acceptable subject to a Site Specific Flood Risk Assessment being submitted to support the application. The exception test is not required for less vulnerable development within flood zone 1 and 2. No development is proposed on the parts of the site situated within flood zone 3a.

5.4 Following consultation with the Environment Agency, the Flood Risk Statement was amended to include further information, and they withdrew their previous objection. A condition on the decision notice will ensure that the finished floor levels are set no lower than 42.65mAOD and the flood proofing measures within the statement are implemented.

5.5 Design and Visual Amenity

The site is situated on a corner plot between Tower Road North and Crown Way in Warmley, and is surrounded by industrial units and other offices, the closest of which is the Corum office development to the north. There is also a school nearby and residential development on the opposite side of Tower Road North. The development proposed is a three storey office building with a hipped roof, proposed to match the height, design and building materials of the Corum building to the north, creating a gateway entrance to Crown Way. Like the Corum building, the materials are proposed to be predominantly buff coloured brick with details in a darker brick, and with the top floor to be cladded in grey metal panelling. Overall the design is considered to accord with policy CS1 of the Core Strategy.

5.6 Landscaping and Vegetation

In order to facilitate the development, it is proposed to remove 8 no. trees, 7 of which are low quality or defective, and replacement trees will be planted to mitigate this loss. The Council's Tree officer has no objection to the development subject to the recommendations within the tree protection plan and method statement being implemented.

5.7 It is proposed to have some soft landscaped areas with ground cover planting around the perimeter of the car parking spaces, beyond the bike park and

against the building itself. No works are proposed to the bridge across the Syston Brook which leads to six of the parking spaces.

5.8 Ecology

An Extended Phase One Habitat Survey has been carried out and forms part of this application. This identified that most of the ecological value is restricted to the Syston Brook and its banks. This area will not be disturbed as part of the development except during the formation of an outfall for the surface water off the roof which will be limited to a 1.5m width of the bank at the south end. The recommendations within the survey will be conditioned to ensure they are adhered to.

5.9 Contamination

The site used to form part of the entrance to a factory and use of the land within 250 metres of the site as filled ground may also have caused contamination, which could give rise to unacceptable risks. A condition requiring further investigation will ensure a desk based study takes place, as well as any necessary on site works and mitigations in order to comply with policy PSP21.

5.10 Residential Amenity

The closest residential properties to the site are to the south-west along Tower Road. They are a significant distance from the site and will not be affected, nor will the site generate any significant noise pollution over and above the extant situation.

5.11 Sustainability and Parking

The site is considered to be a sustainable location, with a network of well-maintained and well-lit footways, a range of cycle parking opportunities and bus stops within 200m with services towards Patchway, Keynsham, Cadbury Heath and the City Centre. Furthermore, traffic generated from the development will have a small impact on the wider highway network and will not adversely impact on highway safety.

5.12 The proposed vehicular access to the development will utilise the existing access off of Crown Way, which is a cul-de-sac serving other commercial units. There is sufficient turning space within the site for vehicles to access and egress in a forward gear safely.

5.13 The Parish Council have objected to the scheme, stating that the amount of vehicles parking all day in the Warmley area indicates that developers and planners are not securing enough parking for this kind of development. The Parish Council also indicated that cycle parking requirements are often overestimated, when many of these workers drive instead, putting a strain on on-street parking in the area. Whilst these comments are noted, the scheme falls to be assessed against the parking standards within PSP16. There are no vehicular parking standards in PSP16 which relate to offices. However, the policy does require cycle parking. The development provides some dedicated vehicular parking and cycle parking and therefore meets the requirements of the policy.

5.14 The Parish Council have concerns about parking provision in the wider area, officers consider that, given the accessibility to this site by alternative means of travelling including walking, cycling and public transport, the development would not result in a severe impact on highway safety. It would therefore be unreasonable to refuse the development on insufficient parking, particularly given there is no specific policy requirement against which this could be justified.

5.15 Subject to a condition stating that the building shall not be occupied until the parking (for cars and cycles) shown on the plan is implemented, there is no transportation objection.

5.16 Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is **GRANTED** subject to the conditions on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 864735

CONDITIONS

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

Reason

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

2. Prior to the commencement of development, an assessment of the risks posed by contamination shall be carried out and submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175 Investigation of potentially contaminated sites and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

Where following the risk assessment referred to above, land affected by contamination is found which could pose unacceptable risks, no development shall take place until detailed site investigations of the areas affected have been carried out. The investigation shall include surveys/sampling and/or monitoring, to identify the extent, scale and nature of contamination. A report shall be submitted for the written approval of the Local Planning Authority and include a conceptual model of the potential risks to human health; property/buildings and service pipes; adjoining land; ground waters and surface waters; and ecological systems.

Where unacceptable risks are identified, the report submitted shall include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the preferred remediation option(s). The programme of the works to be undertaken should be described in detail and the methodology that will be applied to verify the works have been satisfactorily completed.

The approved remediation scheme shall be carried out before the development (or relevant phase of development) is occupied. A report providing details of the verification demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

Any contamination found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found additional remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason

In order to mitigate any risk of contamination within the development, in order to prevent risk to property or public health, in accordance with policy PSP16 of the

Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework. This information is required prior to commencement in order to prevent risks from contamination during the construction period.

3. 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 in writing by the Local Planning Authority.

Reason

To ensure adequate drainage and prevent flooding and pollution, to comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework. This information is required prior to commencement due to the physical nature of flood water.

4. The development hereby approved shall be carried out only in accordance with the approved Flood Risk Assessment (John Blake Architect dated 13th July 2018) and in accordance with the following mitigation measures:
 - Finished floor levels must be set no lower than 42.65 metres Above Ordnance Datum as identified in page 1 of the FRA
 - Flood proofing measures detailed on page 2 of the FRA

Reason

To reduce the risk and impact of flooding to the proposed development in accordance with policy PSP21 of the Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

5. Prior to first occupation of the development, the car/cycle parking spaces on the plans hereby approved shall be implemented and thereafter kept free of obstruction and for parking purposes only.

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 policy PSP16 of the Policies Sites and Places Plan (Adopted) November 2017.

6. The development shall proceed in strict accordance with the Recommendations made in Chapter 8 of the Extended Phase 1 Habitat Survey Report (Quinn, April 2018).

Reason

In order to prevent harm to protected species, in accordance with policy PSP19 of the Policies Sites and Places Plan (Adopted) November 2017.

7. Development shall proceed in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan contained within the report by Alltree Services Ltd dated May 2018 and received on 20th June 2018.

Reason

To prevent damage to trees proposed to be retained and to ensure replacement planting is carried out, in accordance with policy PSP3 of the Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

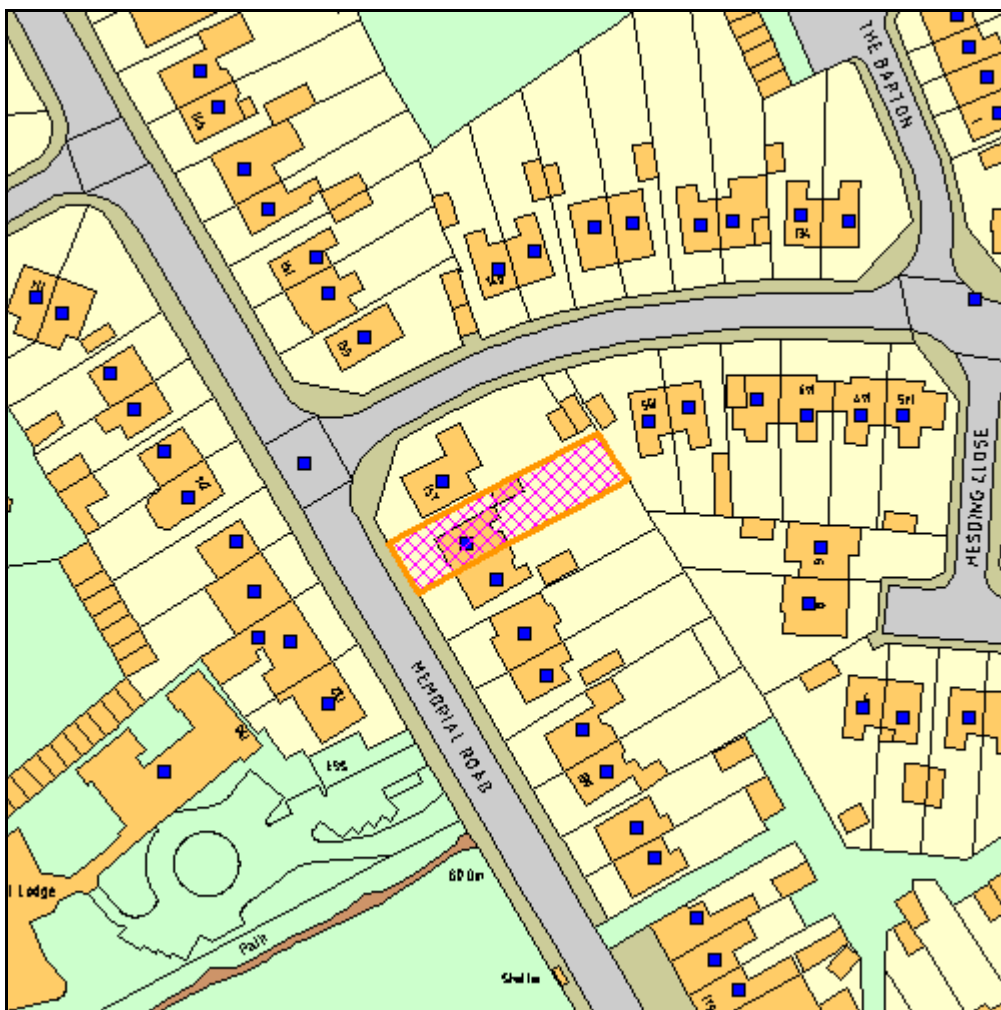
8. Prior to the first occupation of the development a scheme of landscaping, which shall include: details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments; areas of hardsurfacing; and, a scheme of maintenance for a period of 5 years following the completion of the planting scheme, shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. Any tree, shrub, or plant contained within the above scheme that dies or becomes damaged or diseased within a period of 5 years of planting shall be replaced in the next available planting season.

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. 35/18 – 31 AUGUST 2018

App No.:	PK18/2931/CLE	Applicant:	Mr And Mrs Piper
Site:	159 Memorial Road Hanham Bristol South Gloucestershire BS15 3LH	Date Reg:	6th July 2018
Proposal:	Installation of side and rear dormers to facilitate loft conversion.	Parish:	Hanham Abbots Parish Council
Map Ref:	363939 171443	Ward:	Hanham
Application Category:		Target Date:	31st August 2018



© South Gloucestershire Council 2007. all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PK18/2931/CLE

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application is for a Certificate of Lawfulness, and as such, under the Council's current scheme of delegation, is to be determined under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the existing side and rear dormers at 159 Memorial Road, Hanham. The application therefore seeks to demonstrate that the existing dormer windows are lawful.
- 1.2 The application site relates to a two storey, semi-detached property which is located within the settlement boundary.
- 1.3 There is no enforcement investigation on this property, and the applicants would like a formal confirmation that the completed works constitute permitted development.

2. POLICY CONTEXT

- 2.1 National Guidance
 - i. Town and Country Planning Act 1990: 191;
 - ii. Town and Country Planning (General Permitted Development) (England) Order 2015- Schedule 2, Part 1, Class B
 - iii. National Planning Practice Guidance

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
No comment
- 4.2 Councillor
No comment received
- 4.3 Planning Enforcement
No comment received

Other Representations

- 4.4 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

5.1 In support of the application:

- Plans- Elevations, Floor Plans and Section (Existing and Proposed).

6. SUMMARY OF CONTRARY EVIDENCE

6.1 The Local Planning Authority has no contrary evidence to submit. Evaluation is based on the existing structures erected on the site.

7. EVALUATION

7.1 The application for a Certificate of Lawfulness is not a planning application and is a formal way of establishing whether or not the existing development constitutes permitted development. 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 balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

7.2 In this instance, the key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B of the GDPO (2015). The property has permitted development rights, as such they are intact and exercisable.

7.3 The development consists of side and rear dormer windows. This development would fall within Schedule 2, Part 1, Class B, which allows for the enlargement of a dwelling consisting of an addition or alteration to its roof, provided it meets the criteria.

7.4 Assessment of Evidence

The property is an existing semi-detached dwelling house. The proposed dormers do not exceed the height of the highest part of the roof and do not front a highway. The cubic content of the resulting roof space would not exceed 50 cubic metres. The proposal does not include a verandah, balcony or raised platform, nor does it impact the existing chimney. The site is not located on article 2(3) land. The dormers are 0.3 metres from the original eaves. The additions have been constructed in materials of a similar appearance to those used in the construction of the existing dwelling and the side elevation window is obscure glazed and non-opening.

7.5 In conclusion, the proposal is considered to comply with the criteria set out in Schedule 2, Part 1, Class B. The development is considered to constitute permitted development and as such, is lawful development within the terms of

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

8. RECOMMENDATION

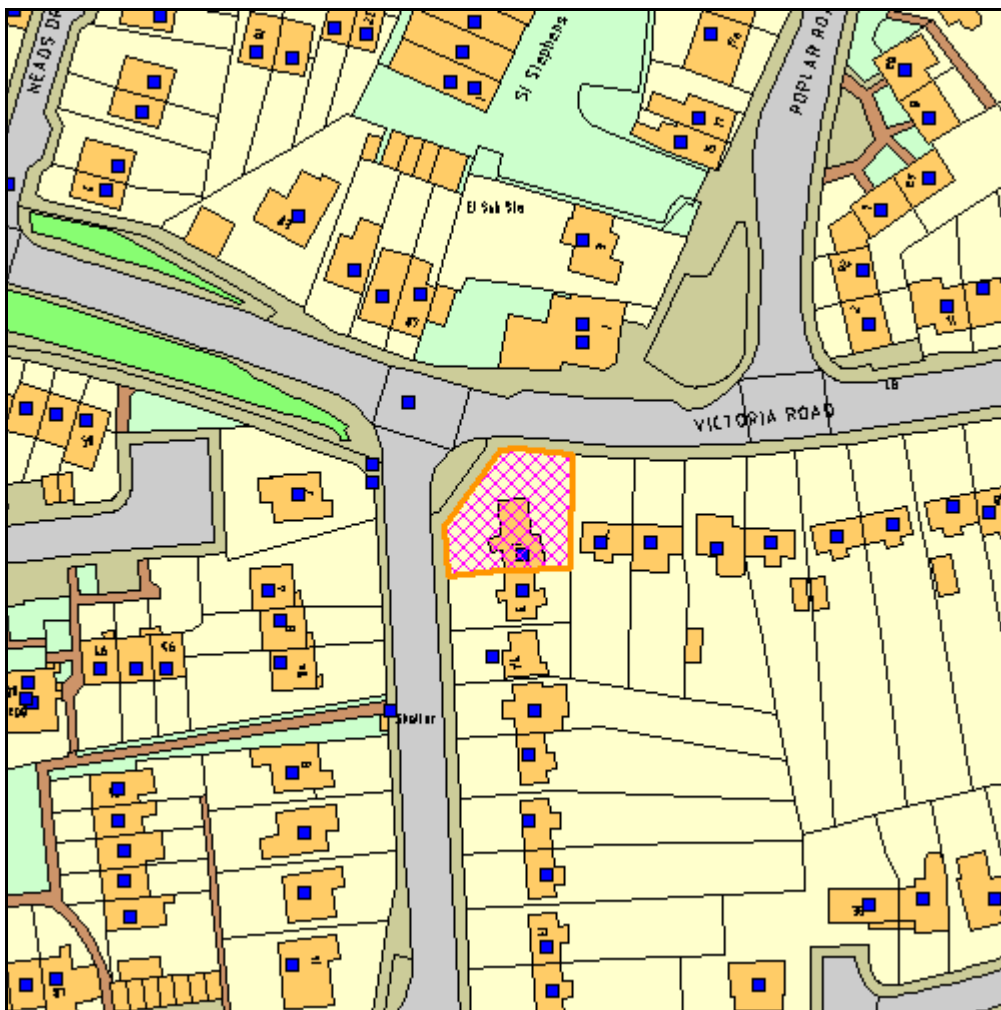
8.1 That the Certificate of Existing Lawful Use be **APPROVED** for the following reason:

Contact Officer: James Reynolds
Tel. No. 01454 864712

Evidence has been provided to demonstrate that on the balance of probabilities the existing side and rear dormers fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PK18/2938/F	Applicant:	Mr And Mrs Sheppard
Site:	1 Cloverlea Road Oldland Common Bristol South Gloucestershire BS30 8LE	Date Reg:	26th June 2018
Proposal:	Erection of a first floor side extension to form additional living accommodation.	Parish:	Bitton Parish Council
Map Ref:	367409 172364	Ward:	Oldland Common
Application Category:	Householder	Target Date:	17th August 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PK18/2938/F

CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following comments received from the local parish council contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a first floor side extension to form additional living accommodation at 1 Cloverlea Road, Oldland Common.
- 1.2 The application site relates to a two storey, semi-detached property which is located within a residential area of Oldland Common.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP11 Transport

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/3335/F – Approved - 28.11.2012
Erection of first floor side extension to facilitate conversion of existing dwelling to form 3no. flats with new parking area, bin storage and associated works
- 3.2 PK07/1340/F – Approved - 19.06.2007
Single storey rear extension and second storey side extension to form additional living accommodation.

- 3.3 K3008 – Approved - 05.12.1979
ERECTION OF SINGLE STOREY SIDE EXTENSION (Previous ID: K3008)

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

No objections. Councillors would prefer that the timber cladding proposed for the extension is dropped in favour of a finish to match the existing building.

Sustainable Transport

The proposed development will provide one additional bedroom to the first floor making a total of three if permitted. The plans submitted show that two parking spaces are available to the frontage of the site. This level of parking complies with the Council's residential parking standards for the size of the proposed dwelling. On that basis there is no transportation objection raised.

Other Representations

4.2 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design and Visual Amenity

The application seeks full planning permission for the erection of a first floor side extension to form additional living accommodation

- 5.3 The proposed first floor extension will sit atop the existing single storey element and measure approximately 3.5 metres wide, have a maximum height of 7.5 metres and a depth of 5.1 metres. The proposal will introduce 1no window to the principal elevation and 1no window to the rear elevation. The proposal will introduce cedar cladding to the new first floor element.

- 5.4 The proposal will feature a hipped roof design with both the ridge and eaves height set to match the existing dwelling. The case officer considers the proposal to be in keeping with the domestic character of the building and believes it will be a modest addition to the dwellinghouse.

5.5 Residential Amenity

Policy PSP38 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

5.6 The concerns raised regarding the introduction of timber cladding have been taken in to account. However, the case officer believes this material will improve the aesthetics of the existing built form. Furthermore, this material can be seen within the immediate vicinity.

5.7 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Due to the location of the extension, it is not considered that its erection would materially harm the residential amenity at any of the adjoining properties. Due to levels of separation, it is not deemed that the proposed extension would impact upon the residential amenity enjoyed at properties nearby.

5.8 The proposal will occupy additional floor space, however sufficient private amenity space will remain following development and there is no objection with regard to this.

5.9 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with Policy PSP38 of the PSP Plan (November 2017).

5.9 Sustainable Transport and Parking Provision

The proposal will include additional bedrooms, however would not require the provision of any further parking spaces. The existing hardstanding provides space for 2 vehicles and is therefore in accordance with the provisions of the Residential Parking Standards SPD. The proposal would not be considered have a negative impact on highway safety or the provision of off-street parking facilities.

5.10 Equalities

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

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Westley Little
Tel. No. 01454 862217

CONDITIONS

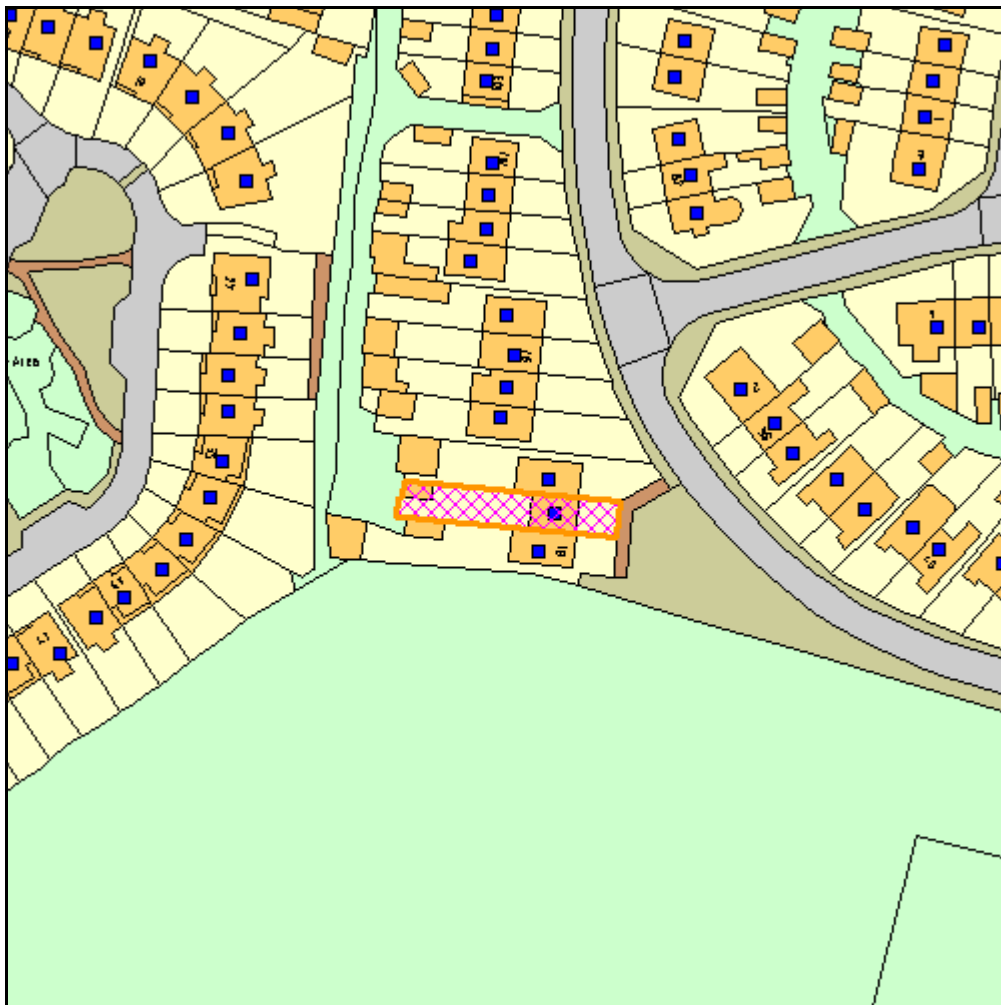
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 35/18 -31 AUGUST 2018

App No.:	PK18/3160/CLP	Applicant:	Mr Brooks
Site:	83 Stanshawe Crescent Yate Bristol South Gloucestershire BS37 4EE	Date Reg:	11th July 2018
Proposal:	Erection of single storey rear extension.	Parish:	Yate Town Council
Map Ref:	371078 182185	Ward:	Yate Central
Application Category:		Target Date:	4th September 2018



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PK18/3160/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.

The application is being re-circulated with the inclusion of a Class G assessment and the recommendation amended for approval.

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 83 Stanshawe Crescent, Yate 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 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No comment received.

- 4.2 Councillor
No objection

Other Representations

- 4.3 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Received by the Council on 10nd July 2018:
Site Location and Proposed Block Plan
Existing Floor Plan
Proposed Floor Plan
Existing Elevations
Proposed Elevations

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

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

- 6.3 The proposed development consists of the 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 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 dwelling is a terraced property and the proposal would extend beyond the rear wall of the original dwelling by 3 metres and have a height of 3.6 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 the boundary but would have an eaves height of 2.4 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 include the installation of a soil and vent pipe. However this will be further assessed under Part 1, Class G.

- 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 to match 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 The proposal includes a soil and vent pipe. The proposed soil and vent pipe would fall within Schedule 2, Part 1, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse, provided it meets the criteria set out below;

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

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

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

- (b) The height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or**

The height of the soil and vent pipe would not exceed the highest part of the roof.

- (c) In the case of a dwellinghouse on article 2(3) land, the chimney, flue, or soil and vent pipe would be installed on a wall or roof slope which –**

- (i) fronts a highway**
(ii) forms either the principal elevation or a side elevation of the dwellinghouse.

The dwellinghouse is not on article 2(3) land

7. RECOMMENDATION

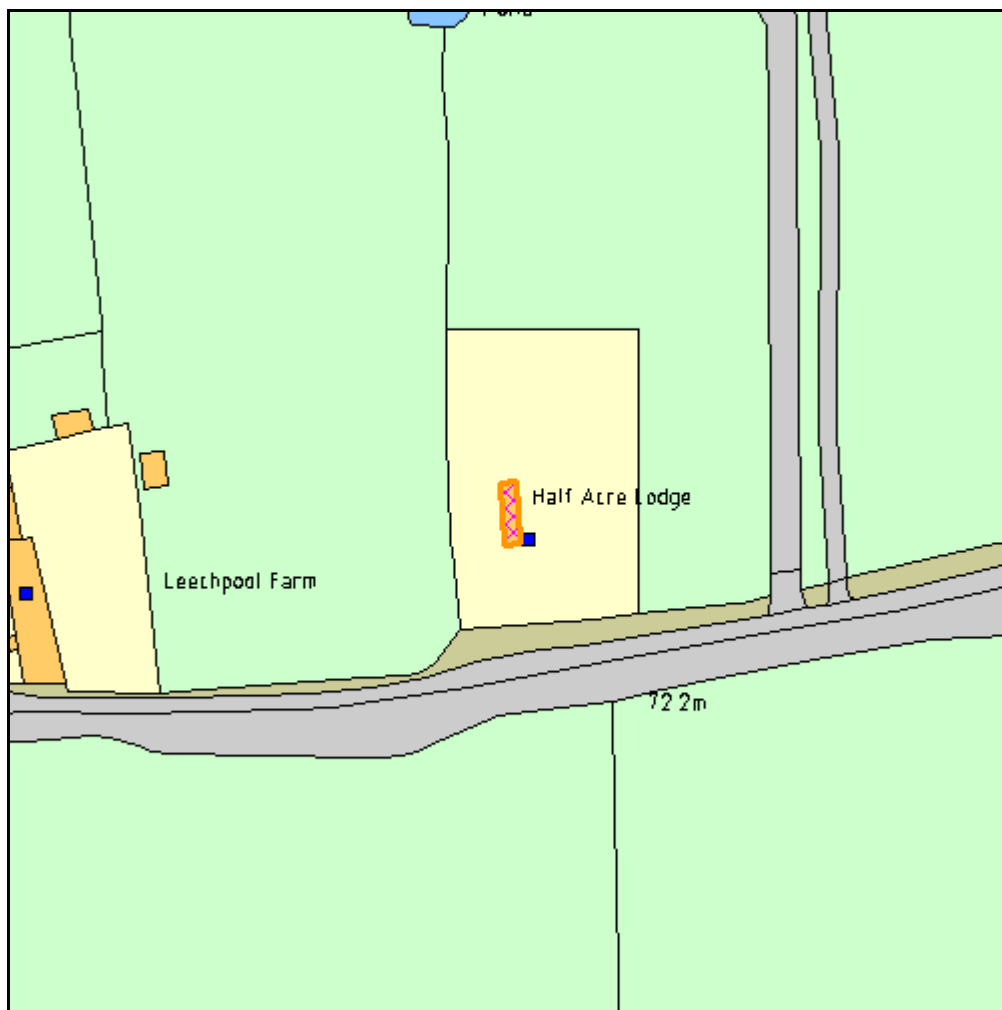
- 7.1 That a certificate of Lawfulness for Proposed Development is **APPROVED** for the following reason:

Contact Officer: James Reynolds
Tel. No. 01454 864712

Evidence has been provided to demonstrate that on the balance of probabilities the development falls within permitted development for the curtilage of the dwellinghouse under Schedule 2, Part 1, Class A and Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (As Amended).

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PK18/3186/CLE	Applicant:	Mr Scott Janes
Site:	Half Acre Lodge Tanhouse Lane Yate South Gloucestershire BS37 7QL	Date Reg:	18th July 2018
Proposal:	Continued use as C3 (Residential).	Parish:	Wickwar Parish Council
Map Ref:	370866 185206	Ward:	Ladden Brook
Application Category:		Target Date:	10th September 2018



© South Gloucestershire Council 2007. all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PK18/3186/CLE**

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 of the land and structure on site as a residential unit (C3) 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 structure on site was originally a mobile home, however the wheels have been removed and the structure has been grounded to a concrete slab on site.
- 1.4 The red line boundary surrounds only the structure subject to this application, with no curtilage included.

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)

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

- 3.1 PK03/3604/F Approve with conditions 13/02/2004
Creation of vehicular access and associated works.

4. CONSULTATION RESPONSES

- 4.1 Wickwar Parish Council
No comment received.

4.2 Other Consultees

Councillor

No comment received.

Other Representations

4.3 Local Residents

No comment 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.

5.3 The basis of the argument for lawfulness is based on the assertion that the dwelling unit (class C3) was created over 4 years prior to the application being made, and has been in continuous use since. This is based on a matter of fact and degree relating to how the structure has been used, and whether it would be reasonably classed as a separate planning unit. On that basis the current new unit would be immune from any planning enforcement action.

5.4 The supporting evidence submitted to the Local Planning Authority consists of:

- A bank statement from January 2013
- A letter from a courier dated September 2014
- Bank statements for the 2014/2015 and 2015/2016 financial years
- Correspondence from the Council regarding elections dated January and March 2015
- Poll cards from May 2016 and June 2016
- Retail finance statement dated September 2016
- Bank statement from the years 2016/2017 and 2017/2018
- Retail finance statement from July 2017
- Retail finance statement from September 2017
- Letter from Argos dated 12th January 2018
- Retail finance statement April 2018

- Phone bill from April 2018 (phone bill is addressed to a friend of the applicant)
- Statutory Declaration from Mr Scott Graydon Robert Janes (the applicant)
- Council tax statements from April 2013 to 2018

5.5 No contrary evidence has been received.

5.6 Assessment

The applicant seeks to prove that the structure outlined in red has been used as a permanent residential dwelling of a period of not less than 4 years. The statutory declaration from the applicant states that he purchased the site in March 2007, and item A shows a letter from the contractors who removed the wheels from the mobile home and attached it to a concrete slab, and the installation of electrics and a septic tank.

5.7 Item C within the statutory declaration demonstrates that the Council began recording the property for Council tax purposes in April 2013, and Council Tax has been paid since then until the present, with copies of the bills submitted for evidence. Copies of other letters have also been submitted from 2012 until 2018, including retail finance statements, bank statements, delivery notes, voting correspondence, from the Council etc, and officers consider that the continuous nature of these statements and letters addressed to the applicant at the site address do indicate that the structure has been used as a permanent residential unit.

5.8 More recently, the site has also been occupied by a Mr Wesleigh, a friend of the applicant, and a mobile phone bill addressed to Mr Wesleigh at the site has been enclosed as part of the application to demonstrate this. The Statutory Declaration indicates that Mr Wesleigh does not live at any other address.

5.9 The property has all the facilities for day to day living and the evidence submitted by the applicant demonstrates that he has been a resident at the property for over four years, with a friend occupying the site as his primary address in recent months. No contrary evidence has been received and so, on the balance of probability, officers consider that sufficient evidence has been submitted to precisely and unambiguously demonstrate that the structure has been within a continuous residential use for four years prior to the submission of this application.

5.10 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. **RECOMMENDATION**

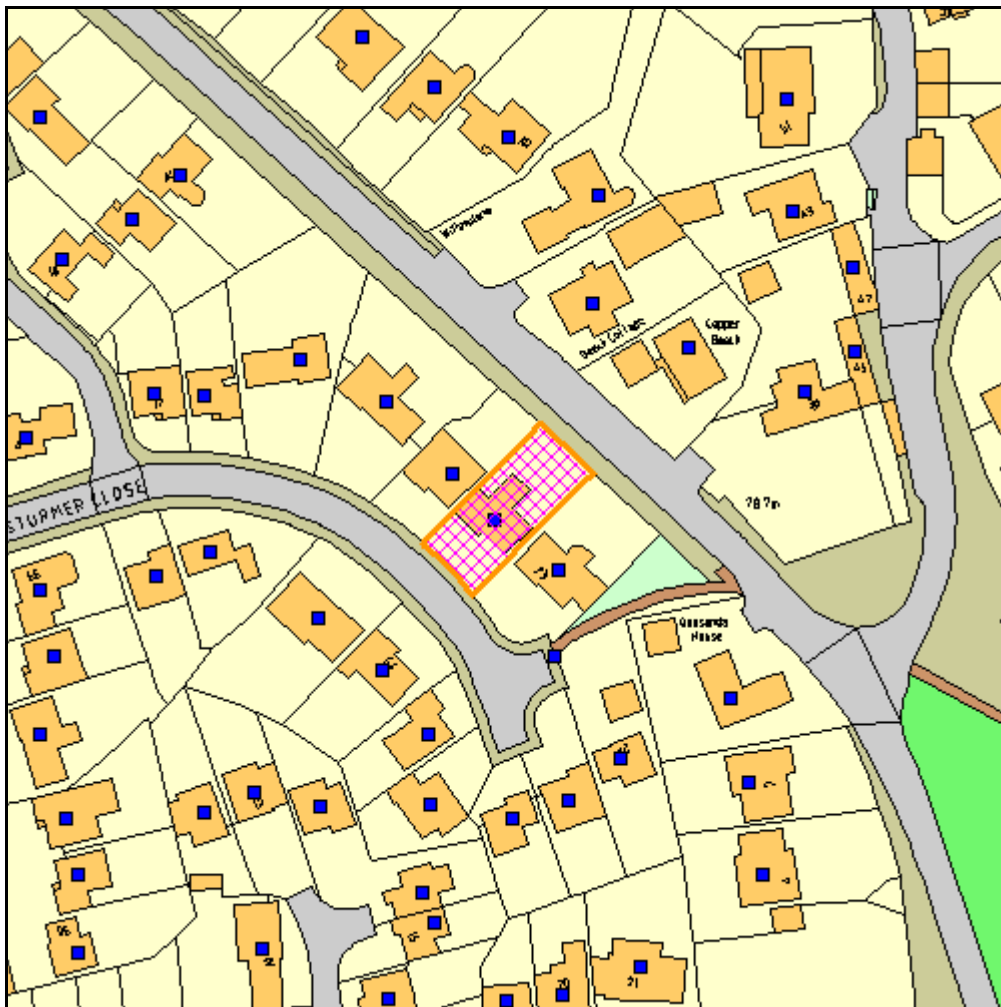
7.1 That a certificate of Lawfulness for Proposed Development is **approved**.

Contact Officer: Trudy Gallagher
Tel. No. 01454 864735

Sufficient evidence has been submitted to precisely and unambiguously demonstrate that, on the balance of probability, the structure has been within a continuous residential use as a single dwelling (Class C3) for four years prior to the submission of this application.

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PK18/3215/F	Applicant:	Mr Rob Scott
Site:	22 Sturmer Close Yate Bristol South Gloucestershire BS37 5UR	Date Reg:	16th July 2018
Proposal:	Demolition of existing conservatory and erection of a single storey rear and side extension to form additional living accommodation.	Parish:	Yate Town Council
Map Ref:	371297 183578	Ward:	Yate North
Application Category:	Householder	Target Date:	6th September 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PK18/3215/F

CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following comments received contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a single storey side and rear extension to form additional living accommodation at 22 Sturmer Close, Yate.
- 1.2 The application site relates to a two storey, detached property which is located within a residential area of Yate.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP11 Transport

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Standards

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/0081/F – Approved - 13.02.2006
Erection of rear conservatory
- 3.2 P84/0100/4 – Approved - 12.09.1984
Erection of 43 dwellings and garages and construction of associated roads and footpaths.
- 3.3 N593/4 – Approved - 19.07.1976

Erection of 1,101 terraced, semi-detached and detached dwellings and garages; erection of 1 small supermarket and six shops with flats above; construction of associated estate roads, footpaths and parking spaces; provision of open spaces, a primary school, social services facilities and community facilities, on approximately 125 acres.

- 3.4 N593/1 – Approved - 19.07.1976
Residential and ancillary development on approximately 125 acres (Outline).

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No Comments Received

Other Representations

- 4.2 Local Residents
This application received a total of 1 objection that raised two points. These are outlined below.
- We are concerned about potential loss of light to our dining room.
 - We would like confirmation that the proposal will not infringe the 45 degree rule.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.
- 5.2 Design and Visual Amenity
The application seeks full planning permission for the erection of single storey side and rear extension to form additional living accommodation.
- 5.3 The proposed single storey side and rear extension will form an “L” shaped wraparound to the existing dwelling. The single storey extension extend 2.2metres from the existing side elevation, have a depth of approximately 5.1 metres and a maximum height of 3.5 metres. The rear element will extend 3.3metres from the existing rear wall and have a maximum height of 3.5 metres. The existing conservatory will be demolished to facilitate the proposal.
- 5.4 The proposal will introduce a hipped roof and use materials that match the existing dwelling. The case officer considers the proposal to be in keeping with

the domestic character of the building and will be a modest addition to the rear and side elevations.

5.5 Residential Amenity

Policy PSP38 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

5.6 The concerns raised regarding the proposed development potentially overshadowing the neighbouring property have been taken in to account. With regard to increased overbearing and loss of outlook from neighbouring windows, it is not considered that the proposed single storey extension would have any unacceptable impacts. When applying the 45 degree rule from the north-east facing windows at the immediate neighbour to the north-west, the proposed extension would not obscure outlook.

5.7 A neighbouring occupier commented on the loss of sunlight which would occur as a result of the proposal. Having looked at the path of the sun, it is not considered that the extension would have a material impact on the amount of sunlight offered to the neighbouring property. Furthermore, the proposal is single storey structure with a hipped roof that runs away from the neighbouring property and has an eaves height of just 2.3 metres. It is worth considering that the applicant could extend their property to the rear by 3 metres and have a maximum height of 4 metres without the need for planning permission or any form of prior approval.

5.8 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Due to the location of the extensions, it is not considered that its erection would materially harm the residential amenity at any of the adjoining properties. Due to levels of separation, it is not deemed that the proposed extensions would impact upon the residential amenity enjoyed at properties nearby.

5.9 The proposal will occupy additional floor space, however sufficient private amenity space will remain following development.

5.10 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with Policy PSP38 of the PSP Plan (November 2017).

5.11 Sustainable Transport and Parking Provision

The proposed development does not affect bedroom numbers, access or current parking provision. Therefore, there are no objections on highways grounds.

5.12 Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Westley Little
Tel. No. 01454 862217

CONDITIONS

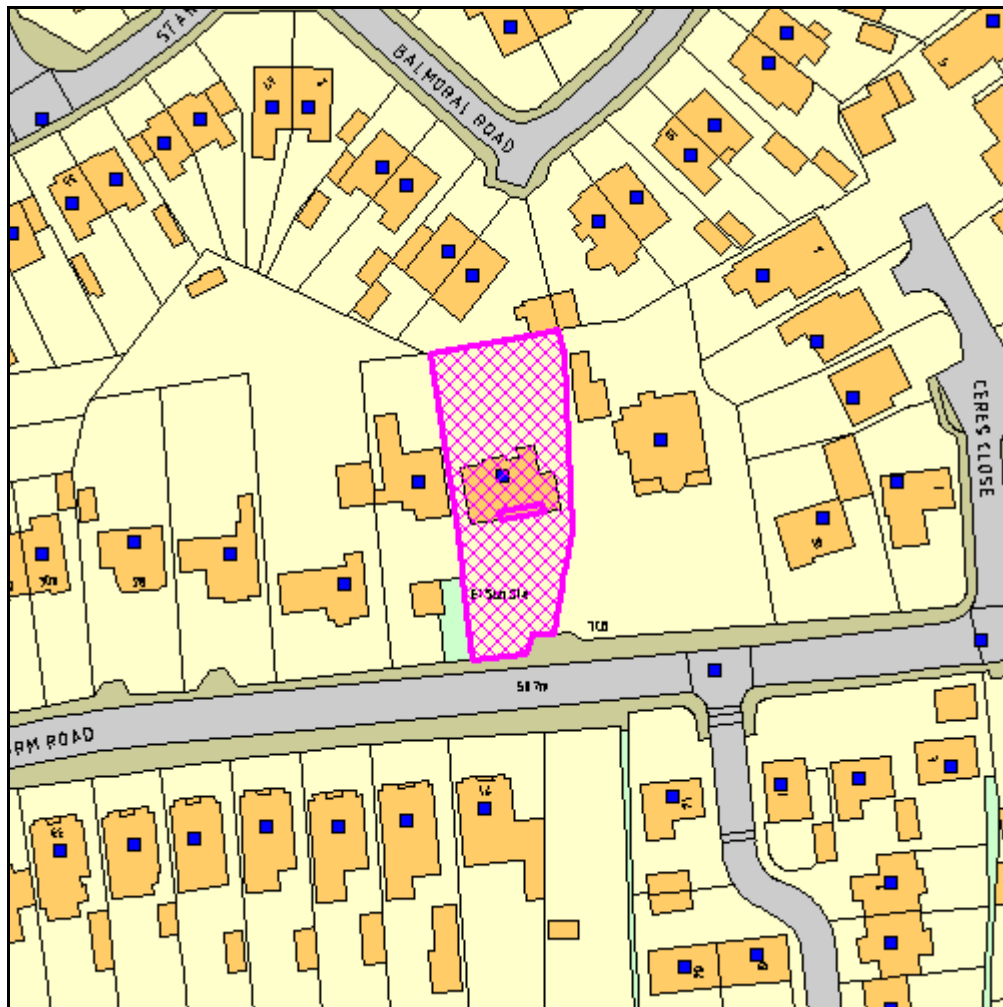
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PK18/3253/F	Applicant:	Mr And Mrs Box
Site:	20 Court Farm Road Longwell Green Bristol South Gloucestershire BS30 9AA	Date Reg:	16th July 2018
Proposal:	Demolition of existing dwelling and erection of 1no dwelling and detached garage with associated works.	Parish:	Hanham Abbots Parish Council
Map Ref:	365836 170682	Ward:	Longwell Green
Application Category:	Minor	Target Date:	7th September 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PK18/3253/F

CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of an existing dwelling and the erection of a replacement dwelling and detached garage and associated works.
- 1.2 The application site relates to 20 Court Farm Road, Longwell Green and is therefore within an established settlement boundary. The existing property is an extended single storey dwelling on the north side of Court Farm Road. The proposed dwelling would be two-storey with a proposed double garage in front.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
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
CS25	Communities of the North Fringe of Bristol
CS29	Communities of the East Fringe of Bristol

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
PSP17	Heritage Assets and the Historic Environment
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.
South Gloucestershire Design Checklist (Adopted) 2007)
South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013
Affordable Housing SPD (Adopted) Sept.2008.

3. RELEVANT PLANNING HISTORY

3.1 There is no planning history for this site

4. CONSULTATION RESPONSES

4.1 Hanham Abbots Parish Council
No comment

Internal Consultees

4.2 Sustainable Transport
No objection

4.3 Environmental Protection
No objection subject to a condition

Other Representations

4.4 Local Residents

Two letters of objection have been received by the LPA. The points raised are summarised as follows:

- Building to rear of site is not a garage but a house. Notified Council of this several years ago. If this is replaced, concerned proposed double garage would be used for same purpose as how can it be accessed
- Significantly reduce the amount of light entering our windows directly adjacent to the property on both floors
- Completely block our current view from the upstairs window
- Result in our back garden, that is not currently overlooked, being overlooked with direct views also in to our kitchen / dining room which we feel is an unacceptable invasion of our privacy
- Dust, dirt and disturbance. Hours of work to be restricted
- Electricity cables from the substation run along the boundary and the impact of this should be investigated further

5. ANALYSIS OF PROPOSAL

5.1 The applicant is for the replacement of a single storey dwelling with a two-storey house plus a separate detached garage.

5.2 Principle of Development
The application stands to be assessed against the above listed policies and all material considerations. The site is located within the established settlement of Longwell Green and within the existing residential curtilage of the host property.

The principle of development is therefore acceptable. However and notwithstanding this fact, the proposal must still respond positively to the immediate site and character of the area, must not adversely affect residential amenity of the host dwelling or neighbouring properties and not negatively impact on highway safety or parking standards. This is discussed in more detail below.

5.3 5 year housing supply

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. It is acknowledged that South Gloucestershire Council cannot demonstrate a five year housing land supply but in this instance the replacement of one new dwelling with another would mean no change to the existing situation. On this basis it would attract neutral weight. However, given this development would be the replacement of a single storey dwelling with a two-storey one, any harm identified such as to the character of the area, to residential amenity or highway safety resulting from the development would still need to be fully assessed and to ensure the changes are not harmful. Policy CS1 and PSP8 are not directly related to the supply of housing and therefore attract full weight.

5.4 Character of the area

This part of Longwell Green has seen a number of changes to its character due to the introduction of new housing and the redevelopment of existing sites. Although it once might have been characterised as a road of mainly single storey dwellings, this is no longer the case. The road does not have a vernacular style of housing or palette of materials and can be said to contain properties of many individual and different styles, scale and massing. The introduction of a two-storey dwelling to replace an existing single storey dwelling would therefore not be at odds with the general street scene, although the specifics of its design must be taken into consideration.

5.5 Design and Visual Impact

The NPPF and local adopted policy under CS1 places great emphasis on the importance of design. Good quality design must ensure it respects both the character of a property and the character of an area in general.

5.6 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

5.7 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 updated NPPF 2018, *Achieving well-designed places* which states:

The creation of high quality buildings and places is fundamental to what the planning and development process should achieve

- 5.8 The proposed new house would achieve an approximate height of 8 metres with eaves to 4.5 metres. Overall the footprint would be around 16.5m x 13m. It would have gables features to the front and the rear and in this way by keeping the eaves height low and angling the roofline away from the neighbours, has attempted to reduce any impact the introduction of a two-storey house would have here. The house would have a modern appearance in terms of the materials used.
- 5.9 By means of its scale, massing and design the proposed new dwelling would not be out of character with other properties along this road and is therefore acceptable.
- 5.10 It is proposed to erect a double garage to the front of the house, adjacent to the road. Although this is not a common feature along this road, other examples of garages in a similar front position can be seen. The flat roofed garage would measure about 6.2 m x 7.2 m with a height of around 3 metres. In terms of design, scale and massing the proposed is considered acceptable.
- 5.11 Residential Amenity
The proposed replacement house would roughly occupy a similar footprint to the existing dwelling. As a proposed 4 bed property, adopted policy requires a minimum of 70 square metres of usable private amenity space and this can be achieved on this good sized plot.
- 5.12 Comments have been received from a local resident expressing concern that the proposed new house would have an adverse impact on existing residential amenity due to overlooking, privacy issues, impact on views and amount of light entering the property. It must be noted that there is no right to a view in planning terms. The loss of view has not been fully described but it is noted that the neighbouring house has windows to the front and rear and to the east side. Views from windows would therefore be over existing residential curtilages, as to be expected in built up areas. With regards to the loss of light resulting from the increase in height from a single storey to a two-storey property, it is noted that existing windows on the side elevation of the neighbouring property do not serve principal rooms and would be at around 2 metres distant from the new dwelling separated by existing fencing in between. It is considered there would be no adverse impact resulting from the new house. Moving on to the issue of impact on privacy from a new dwelling, again although the new dwelling would be two-storey it would be occupied by a single family and there would be no overlooking or impact on privacy over and above what can be expected from houses of a similar size being located side by side. Although there may be changes for the neighbouring dwelling it is considered that these changes would not amount to a harm sufficient to warrant a refusal of the application nor that could be substantiated in an appeal situation.
- 5.13 The proposal is considered to accord with adopted policy and is recommended for approval.

5.14 Transport

The proposal includes the erection of a double garage to the front of the property. It is noted that this garage does not comply with the adopted standards which state a double garage should internally measure 6m x 5.7 m. However, there is sufficient room within the site to accommodate parking spaces for up to 3 cars without including the garage as a parking space. On this basis there is no objection in highway terms to the proposal.

5.15 Environmental Protection

The proposed development is located less than 250m from a site of filled ground. A risk assessment should therefore be undertaken to assess whether the proposed development could be at any risk from ground gases. If an unacceptable risk is identified, gas protection measures should be designed and incorporated to mitigate the risk. An appropriate condition will be attached to the decision notice.

5.16 Other matters

The neighbour to the rear of the application site has raised the issue of the existing building in the rear garden being used for residential purposes. It is noted that this structure does not benefit from planning permission and has been investigated. It is understood that its removal has been previously requested by the Council. Plans indicate that this structure is to be removed as part of this scheme and replaced by an existing, smaller outbuilding which is to be moved into place. A condition will be attached to the decision notice to ensure this larger structure is removed prior to first occupation of the new dwellinghouse. It is considered this condition is necessary to ensure the building is removed in its entirety to make way for the existing shed to be re-located within the garden. This will be in the interests of visual amenity for the site and the character of the area in general.

With regards to the electricity sub-station or cables within the curtilage of the house, this is not a planning matter and therefore cannot form part of this report.

5.17 Impact on Equalities

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

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

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

5.20 Planning balance

The proposal would be the replacement of a single-storey 3 bed dwelling with a two-storey 4 bed dwelling. Sufficient amenity space and on-site parking/turning can be achieved to serve the dwelling. Issues of amenity of closest neighbours have been assessed and although there would be changes for these neighbours, the impact would not be such as to warrant a refusal of the scheme or one that could be upheld in an appeal situation. The proposal is therefore considered acceptable and is recommended for approval.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: 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. Contamination:
 - A) Desk Study - No development shall commence until an assessment of the risks posed from ground gases from the filled ground to the south east of the site has been carried out and submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with current best practice and guidance.
 - B) Intrusive Investigation/Remediation Strategy - Where following the risk assessment referred to in (A), a potential risk from ground gases is identified, no

development shall take place until a ground gas survey has been carried out. A report shall be submitted for the written approval of the local planning authority and include a conceptual model of the potential risks to human health; property/buildings and service pipes. Where unacceptable risks are identified, the report submitted shall include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the preferred remediation option(s). The programme of the works to be undertaken should be described in detail and the methodology that will be applied to verify the works have been satisfactorily completed.

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

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

Reason

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

3. Remove garage to rear:

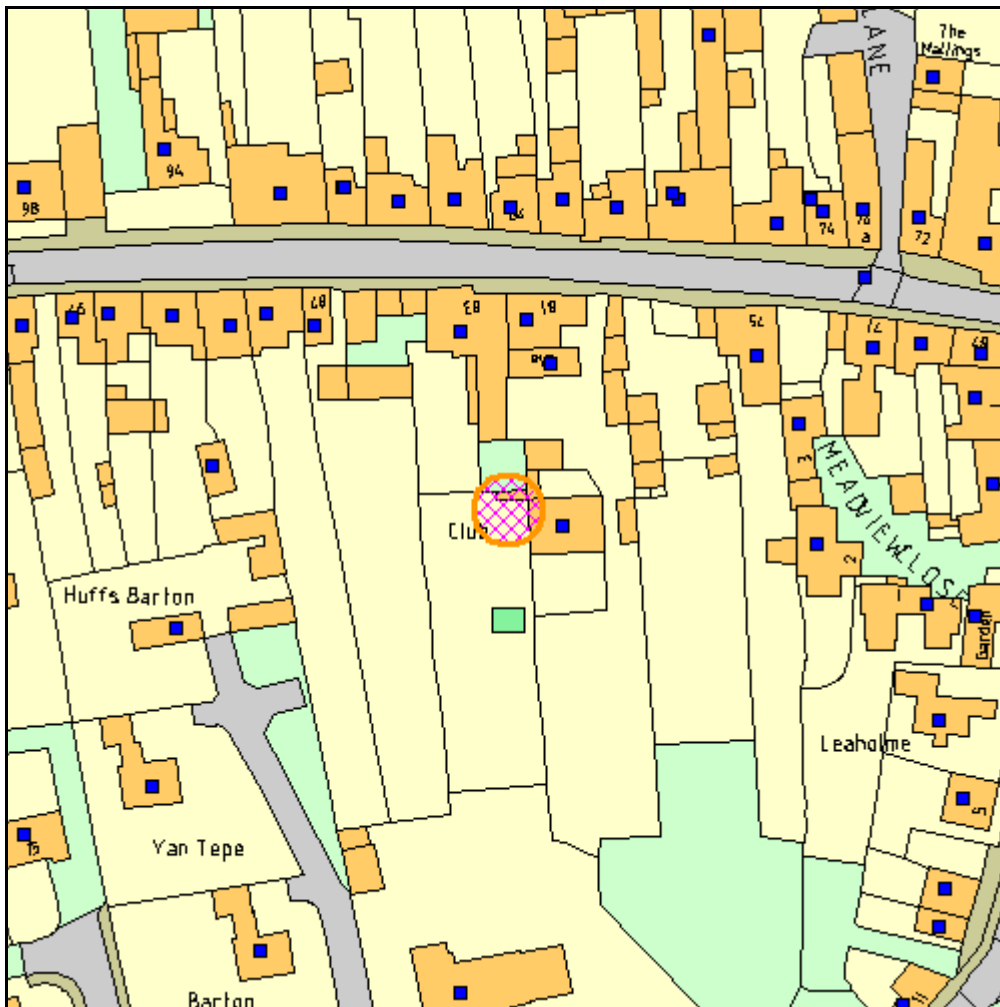
Prior to the first occupation of the new dwelling the existing structure identified as an existing garage on Proposed Site Plan shall be removed.

Reason

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

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PK18/3359/TRE	Applicant:	Ms Caren Slade
Site:	83 High Street Marshfield Chippenham South Gloucestershire SN14 8LT	Date Reg:	20th July 2018
Proposal:	Works to fell 1 no. Lime Tree located in the Marshfield Conservation Area covered by SGTPO 09/05 dated 16/12/2005.	Parish:	Marshfield Parish Council
Map Ref:	377754 173735	Ward:	Boyd Valley
Application Category:		Target Date:	12th September 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008.

N.T.S.

PK18/3359/TRE

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application appears on the circulated schedule due to comments that have been received that are contrary to the officers recommendation.

1. THE PROPOSAL

- 1.1 Works to fell 1 no. Lime Tree located in the Marshfield Conservation Area covered by SGTPO 09/05 dated 16/12/2005.
- 1.2 The tree is within the rear garden of no.83 High Street, Marshfield, Chippenham, South Gloucestershire, SN14 8LT.

2. POLICY CONTEXT

2.1 National Guidance

- i. The Town and Country Planning Act 1990
- ii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3. RELEVANT PLANNING HISTORY

- 3.1 PK17/2505/TRE, Site Address: 83 High Street, Marshfield, Chippenham, South Gloucestershire, SN14 8LT, Decision: COND, Date of Decision: 26-JUL-17, Proposal: Works to 1no. Copper Beech tree to remove 3m from 2no.branches as detailed in photo 3, and remove 3m from 4no. branches which overhang graveyard. Works to 1no. Common Lime to pollard back 4no. branches to previous points, and to prune back to give approx 3m clearance from chapel roof, covered by Tree Preservation Order SGTPO 09/05 dated 16/12/2005, CIL Liable:
- 3.2 PK17/3294/F, Site Address: Royal British Legion Hall And Youth Centre, 79 High Street, Marshfield, South Gloucestershire, SN14 8LT, Decision: COND, Date of Decision: 29-DEC-17, Proposal: Conversion of former British Legion Hall into 1no. residential dwelling (Class C3) with associated works., CIL Liable:
- 3.3 DOC18/0165, Site Address: Royal British Legion Hall And Youth Centre, 79 High Street, Marshfield, South Gloucestershire, SN14 8LT, Decision: DOC, Date of Decision: 13-JUN-18, Proposal: Discharge of Condition 5 (Roof repairs) Condition 6 (Repairs to Chapel, walls and chest tomb) Condition 7 (Windows) Condition 8 (Access door) Condition 9 (Floor wall and ceiling finishes) Condition 10 (Structural repairs/alter) Condition 11 (Stonework sample) Condition 12 (Large scale details) and Condition 13 (Building recording) attached to planning permission PK17/3294/F Conversion of former British Legion Hall into 1no. residential dwelling (Class C3) with associated works, CIL Liable:

4. CONSULTATION RESPONSES

4.1 Marshfield Parish Council objects to this application.

Other Representations

4.2 Local Residents

The neighbour who is also the owner of the tree in question, objects to the proposal. They do not accept the assertions made in the application.

5. ANALYSIS OF PROPOSAL

5.1 Proposed Works

Works to fell 1 no. Lime Tree

5.2 Principle of Development

The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.

5.3 Consideration of Proposal

The tree is a mature Lime tree in reasonable condition, growing within the rear garden of the neighbouring property, no.83 High Street in Marshfield.

5.4 The tree is growing in close proximity to the applicant's property which is currently undergoing conversion/restoration works. The tree is less than 1.5 metres from the former Chapel at ground level and closer (0.6m) at the roofline.

5.5 An Arboricultural Consultant was commissioned by the applicant to undertake an inspection of the tree and to provide a report on its condition, potential risk of harm and recommendations for future management options. The Consultant's recommendation was removal and replacement of the tree.

5.6 The tree's canopy was reduced in 2017 with both planning consent and permission from the tree's owners in response to a request from the applicant. It had been hoped that this would alleviate the problems of detritus dropping onto the roof and into the gutters, causing deterioration to the fabric of the roof. Although this element may have been improved to a small degree, the problem persists and will continue to do so without significant management input. Historical damage to the roof that must be associated with abrasion from the branches of the Lime tree rubbing on tiles is evident.

5.7 During the renovation works to the floor of the chapel tree roots were exposed. The roots were not identified but the proximity of the tree to the building would make it virtually inconceivable that roots from the Lime tree are not impacting on the property.

5.8 Lime trees will produce sucker and epicormic growth (adventitious shoots growing on the main trunk) persistently. The trees close proximity to the Chapel would mean that removal of this growth would be necessary to avoid ongoing foliage/shade – related issues.

5.9 The tree's situation and the impact on the adjacent property now and in the future, make the retention of this tree non-viable in the view of the tree officer. The provision of a replacement tree would be a condition of the permission. It is however further advised that the grant of consent under the Tree Preservation Regulations does not in any way override land ownership rights (it is noted that the adjacent owner upon which the tree stands has objected). An applicant must ensure that all consents are in place before undertaking tree works, including appropriate ownership consent. An informative to this end will be placed on the decision notice.

6. RECOMMENDATION

6.1 That consent is GRANTED subject to the conditions on the decision notice.

Contact Officer: Simon Penfold
Tel. No. 01454 868997

CONDITIONS

1. A replacement tree, the species, size and location of which is to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

Reason

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

2. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

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

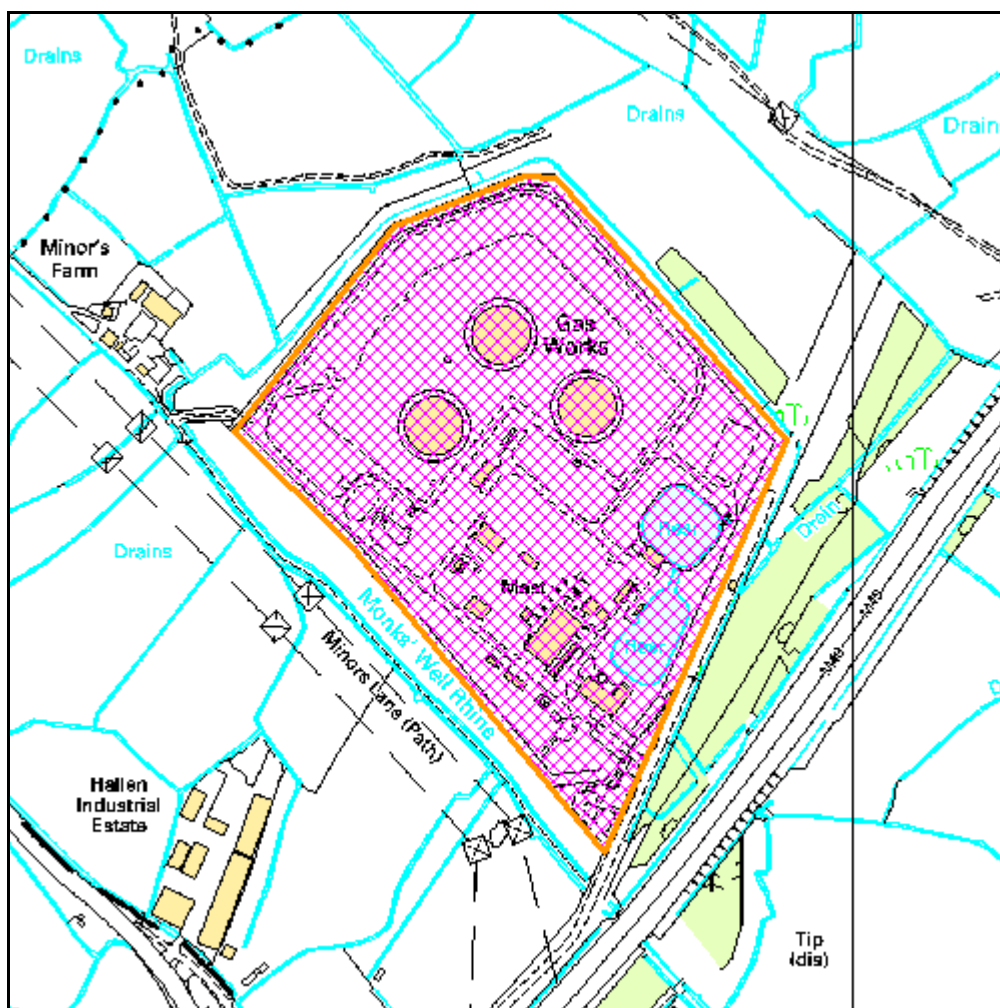
3. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PT16/1817/HS	Applicant:	Flogas Britain Ltd
Site:	Flogas Britain Ltd Severn Road Hallen Bristol South Gloucestershire BS10 7SQ	Date Reg:	22nd April 2016
Proposal:	Application for consent under The Planning (Hazardous Substances) Regulations 2015 for the storage of hazardous substances of up to; 34,564 tonnes of liquefied petroleum gas, and; 44 tonnes of liquefied natural gas	Parish:	Almondsbury Parish Council
Map Ref:	354770 181324	Ward:	Almondsbury
Application Category:		Target Date:	15th June 2016



© South Gloucestershire Council 2007. all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as there is objection to the proposed Hazardous Substances Application whilst the officer recommendation is to approve the application.

1. THE PROPOSAL

- 1.1 This application is submitted under The Planning (Hazardous Substances) Act 1990 and The Planning (Hazardous Substances) Regulations 2015 for Hazardous Substances for the storage of 44 tonnes of Liquid Natural Gas (LNG) and 34,564 tonnes of Liquid Petroleum Gas (LPG) (Propane). It is a specialist type planning application within the remit set out in the legislation. The focus of the assessment is on the risks to the surrounding areas as a result of the storage of materials being proposed. As discussed below, in this instance the site benefits from an extant Hazardous Substances consent. In comparison the proposal would reduce the amount of Liquid Natural Gas (LNG) from 126,000 tonnes to 44 tonnes and would increase the amount of Liquid Petroleum Gas (LPG) (Propane) from 56 tonnes to 34,564 tonnes. The proposal would also reduce the amount of LPG (Butane) consented from 56 tonnes to zero.
- 1.2 It should be noted that the original application received on 21st April 2016 proposed to increase the amount of LPG stored at the site to 80,200 tonnes. This was amended by the applicant to the levels shown in paragraph 1.1 and a revised application was received by the Local Planning Authority on 13th April 2017.
- 1.3 The site is made up of the National Grid Liquid Natural Gas (LNG) storage facility located approximately 1 ½ kilometres to the North of Halen and adjacent to the Northeast bound carriageway of the M48. Access to the site is via an access road from Severn Road, Hallen. The applicant, Flogas Britain Ltd (Flogas), has confirmed that the site currently remains in the control of National Grid and day to day management of the site is undertaken by National Grid. Control of the site would not pass from National Grid to the applicant until Hazardous Substance consent is granted.
- 1.4 The site is within the established employment area associated with the Severn Side Enterprise Area (SEA). The area of the SEA to the North of the site has seen substantial development for employment/economic uses in recent times.
- 1.5 It is noted that there is also a concurrent full planning application for the provision of new equipment on the site so as to facilitate the conversion of the existing facilities for the storage of (predominantly) LPG. The assessment of that planning application is separate to this application and appears elsewhere on this agenda. For the avoidance of doubt, this application does not assess the planning merits of providing the necessary equipment at the site.

2. POLICY CONTEXT**2.1 National Guidance**

National Planning Policy Framework July 2018
National Planning Practice Guidance (Hazardous Substances).

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (adopted) December 2013

CS1 High Quality Design
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS12 Safeguarded Areas for Economic Development
CS35 Severnside

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP21 Environmental Pollution and Impacts
PSP26 Enterprise Areas
PSP27 B8 Storage and Distribution Uses

2.3 Other Material Considerations

Control of Major Accident Hazards Regulations (COMAH) 2015
Seveso III Directive 2012 (European Legislation)
Health and Safety at Work Act 1974

3. RELEVANT PLANNING HISTORY

Hazardous Substance Consent

- 3.1 HSC/DC/3/92 Storage of 56 tonnes of LPG and 126,000 tonnes of LNG

Approved 13th November 1992

Planning Consents and Applications directly associated with the application site

- 3.2 PT17/039/SCR Erection of plant and equipment necessary to secure the conversion of existing Liquid Natural Gas (LNG) liquefaction, storage and distribution of Liquid Petroleum Gas (LPG). Screening Opinion for PT17/5254/F

EIA not required 4th January 2016

- 3.3 PT17/5254/F Erection of plant and equipment necessary to secure the conversion of existing Liquid Natural Gas (LNG) liquefaction, storage and distribution of Liquid Petroleum Gas (LPG).

Undetermined at the time of compiling this report

- 3.4 PT16/028/SCR Erection of plant and equipment necessary to secure the conversion of existing Liquid Natural Gas (LNG) liquefaction, storage and distribution of Liquid Petroleum Gas (LPG) screening opinion for PT16/4789/F
EIA not required 9th September 2016
- 3.5 PT16/4789/F Erection of plant and equipment necessary to secure the conversion of existing Liquid Natural Gas (LNG) liquefaction, storage and distribution of Liquid Petroleum Gas (LPG)
Approved 24th October 2016
- 3.6 P91/0400/3 Construction of carbon dioxide removal plant. Erection of 36 metre high tower, 30 metre high lamp standard and ancillary plant. Construction of temporary cesspool and construction area.
Approved 29th January 1992
- 3.7 P85/0400/2 Erection of single storey extension to form additional office accommodation of approximately 65.5 sq.m. (705 sq.ft.).
Approved 24th April 1985
- 3.8 N1433/4 Erection of switch room building approximately 45 sq. m. (484 sq. ft.) in floor area.
Approved 21st October 1982
- 3.9 N1433/3 Construction of natural gas holding tank and ancillary plant.
Approved 12th June 1980
- 3.10 N1433/2 Erection of fire protection shields.
Approved 2nd August 1979
- 3.11 N1433/1 Installation of 63.8 metres (26 feet) lighting columns at Gas storage installation, for security and road lighting purposes.
Approved 11th March 1976
- 3.12 N1433 Installation of liquefaction plant, one L.N.G. storage tank and associated building. (Amended layout). Installation of 4 floodlighting towers and additional security fencing. Amended landscaping scheme. To be read in conjunction with planning permission Ref. No. SG.3362/J.
Approved 12th June 1975
- Other material historical planning consents relevant to the use of the application site (the '1957 and 1958 consents')*

3.13 SG4244 Outline planning permission for;

- (i) the development of an area of 1,000 acres (outlined in dark purple on the attached plan "B" . and thereon marked "1")-
 - (a) for the construction and operation of factories for the production of chemical and allied products "(including non-ferrous metals) and
 - b) for the development mentioned, in sub-paragraphs (ii) and (iii) hereof.
- (ii) the development within an area of 545 acres (outlined in green on the attached plan "B" and thereon marked "2") consisting of
 - (a) the construction and .operation of offices, warehouses, stores, reservoirs, pump-houses, canteens, clubs, hostels, training establishments, amenity and welfare buildings, sports pavilion and sports and playing fields, and
 - (b) the development mentioned in sub-paragraph (iii) hereof.
- (iii) the development within an area of 1,100 acres (outlined in light purple on the attached plan "B" and thereon marked "3") consisting of the construction and operation of any buildings, structures, erections or engineering works expedient for and ancillary to the construction and operation of the factories mentioned in paragraph (i) above, other than buildings, structures or erections in which actual processes of manufacture are carried on.
- (iv) the change of use of Hook Harm and Severn Harm (coloured in yellow on the attached plan '3' and thereon marked "5") to office and/or residential hostel and club purposes.
- (v) permission to construct accesses to existing public highways (such accesses being outlined in brown on the attached plan "B" and thereon marked respectively 6A, 6B and 6C).

Approved subject to conditions 11th November 1957

3.14 SG4244/A Outline planning permission for;

- (i) The development of an area of 22.55 acres (outlined in dark purple on the submitted plan) and thereon marked "1A"
 - (a) for the construction and operation of factories for the production of chemical and allied products "(including non-ferrous metals) and
 - (b) for the development mentioned, in sub-paragraph (ii) hereof and;
 - (c) for development consisting of the construction and operation of any buildings, structures, erections or engineering works expedient for and ancillary to the construction and operation of the factories mentioned in sub-paragraph (a) above, other than buildings, structures or erections in which actual processes of manufacture are carried on.

- (ii) The development within an area of 41 acres (outlined in blue on submitted plan) and thereon marked "2A", consisting of
 - (a) the construction and operation of offices, warehouses, stores reservoirs, pump houses, canteens, clubs, hostels, training establishments, amenity and welfare buildings, sports pavilions and sports and playing fields, and
 - (b) the development mentioned in sub-paragraphs (i)(c) hereof.

Approved subject to conditions 30th July 1958

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council
Do not raise objection

4.2 Bristol City Council
Do not raise objection

4.3 Health and Safety Executive (HSE)
Concludes that the variation to the deemed consent proposed by this application represents an overall reduction in Hazardous Substances consented public safety risk and therefore HSE would not object should the council be minded to grant the variation to Hazardous Substances Consent (PT16/1817/HS) dated 13 April 2017.

The HSE consultation response is supported by minutes of a special panel meeting held on 25th January 2018 and a detailed paper following that meeting.

The HSE advice is subject to the imposition of 3 conditions provided by them.

4.4 Environment Agency (EA)
No objection in principle.

The EA notes that the site is a top tier site under the Control of Major Accident Hazard Regulations (2015) and will be regulated jointly by the HSE and the EA as the relevant COMAH Competent Authorities. Flogas are required to produce a COMAH Safety Report, which will include a detailed environmental risk assessment. The operator is also required to demonstrate that they are taking all measures necessary to reduce the risk to the environment to a tolerable level.

4.5 Avon Fire and Rescue Service
No comment has been received

4.6 Wales and West Utilities
No objection is raised in principle. Advice is provided for the developer in respect of working practices in the vicinity of Wales and West interests.

4.7 National Grid
No objection is raised in principle. Advice is provided for the developer in respect of working practices in the vicinity of National Grid interests.

The above comments from National Grid and Wales and West Utilities relate to working practices and advise the developer to make contact with each company prior to commencing works on the site. This is aimed at protecting equipment from damage during construction and to ensure that the owners of the equipment are aware of works to be carried out. An informative will be provided on any decision notice drawing the attention of the applicant to this advice.

- 4.8 Highway Authority
Wish to make no comment.

Other Representations

- 4.9 Local Residents
No comments have been received

- 4.10 Adjoining Land Owner/SEA Development Promoter
Raises Objection to the proposed amendments on the following grounds (summary);

The scope of the HSE assessment is questioned.

Concern is raised that the HSE are making a comparative assessment of this application with the extant consent; and, that the HSE assessment relies only on B8 uses whilst the development of the area associated with the SEA can accommodate a wider range of uses consistent with extant planning permission approved in 1957 and 1958. The objector maintains that the HSE advice cannot be lawfully relied upon by South Gloucestershire Council.

Concern is raised that National Grid have now discontinued the use of the site and it is 'denotified' under COMAH regulations. There is no intention to reuse the site for that permitted under the extant consent.

Concern is raised that the continued use of the site in line with the proposed amendments would still pose a risk to health and safety as there would be development within the inner consultation zone.

5. ANALYSIS OF PROPOSAL

- 5.1 The application details the proposal for the storage of 44 tonnes of Liquid Natural Gas (LNG) and 34,564 tonnes of Liquid Petroleum Gas (LPG) (Propane). In this instance the site benefits from an extant Hazardous Substances consent. In comparison this proposal would effectively reduce the amount of Liquid Natural Gas (LNG) from 126,000 tonnes to 44 tonnes and for the increase of Liquid Petroleum Gas (LPG) (Propane) from 56 tonnes to 34,564 tonnes. The proposal would also reduce the amount of LPG (Butane) consented from 56 tonnes to zero.

- 5.2 Background

This application is submitted under the Planning (Hazardous Substances) Act 1990 (PHSA 1990) and the Planning (Hazardous Substances) Regulations 2015 (PHS Regs 2015). Essentially the purpose of this legislation is to allow the assessment of the safety and the associated risks to the surrounding areas. The assessment must have regard to the Development Plan in so far as it is material in considering the land use potential affected by the hazardous substance proposal, and any other material considerations. A hazardous substance consent may be required for the storage of a hazardous substance whether or not an associated planning permission is required.

- 5.3 The National Planning Practice Guidance (NPPG) advises that the purposes of hazardous substances consent is to ensure that necessary measures are taken to prevent major accidents and limit the consequences to people and the environment. Essentially, the planning system is concerned with the 'residual risk' to people in the vicinity and to the environment. In particular paragraph 004 (Hazardous Substances) sets out;

'Separate health and safety law ensures measures are in place for the safe use of hazardous substances. However, even after measures have been taken to prevent major accidents, there will remain the residual risk of an accident which cannot entirely be eliminated. Hazardous substances consent ensures that this residual risk to people in the vicinity or to the environment is taken into account before a hazardous substance is allowed to be present in a controlled quantity. The extent of this risk will depend upon where and how a hazardous substance is present; and the nature of existing and prospective uses of the application site and its surroundings.'

5.4 Role of the Local Planning Authority

In this instance, it is the Local Planning Authority that assumes the role of The Hazardous Substances Authority. The NPPG sets out that the Hazardous Substances Authority has responsibility for deciding whether the risk of storing hazardous substances (the residual risk) is tolerable for the community. As such the decision to allow a proposal for the storage of a particular hazardous substance lies with the Local Planning Authority.

5.5 Role of the Control of Major Accident Hazards (COMAH) Competent Authority

In this instance, the COMAH competent authority is the Health and Safety Executive (HSE) and the Environment Agency (EA) acting jointly. In respect of Hazardous Substances Applications, the COMAH competent authority is a statutory consultee. The NPPG sets out that the role of the Competent Authority is to advise the Hazardous Substance Authority (the LPA) in respect of nature and severity of the risk to persons in the vicinity and the local environment arising from the presence of a hazardous substance. Broadly speaking, the HSE are concerned with the safety of people, whilst the EA are concerned with environmental conditions.

- 5.6 In this instance, the HSE do not object to the granting of the Hazardous Substances Consent by the LPA as submitted. In accordance with the Planning (Hazardous Substances) Regulations 2015, it is the responsibility of the Local Planning Authority (as the Hazardous Substances Authority) to consider the

- residual risk associated with the this proposal; and in doing so must take into account the response of the Health and Safety Executive (HSE).
- 5.7 It is not the case that a Hazardous Substance application must be approved because the HSE do not object. Rather, the comments of the HSE must be considered along-side other material considerations, albeit with significant weight.
- 5.8 Conversely, in the event that the LPA are minded to approve a Hazardous Substance application against the advice of the HSE, it is obliged to give notice (a minimum of three weeks) of this intention to the HSE prior to issuing a decision. This is to allow the HSE to exercise its right to refer the application to the Secretary of State for consideration.
- 5.9 On-site/Operational Safety
It is important to note at this stage that the PHSA 1990 and the PHS Regs 2015 do not consider the 'operational safety requirements' of the equipment used to store the hazardous substances. The PHSA 1990 and the PHS Regs consider the relationship of the presence of hazardous substances with the surrounding land uses in the context of the risk to people or to the environment in the vicinity (the 'residual risk').
- 5.10 However, the HSE is responsible for implementing the Control of Major Accident Hazards Regulations (COMAH) 2015. The operator of the site is obliged to comply with appropriate Health and Safety Legislation which includes COMAH regulations and The Health and Safety at Work Act 1974. This is the appropriate legislation for the application of onsite safety controls for the subject site and operations within it and is the '*Separate health and safety law*' referred to in the Planning Practice Guidance (PPG).
- 5.11 Indeed, section 29 of the PHSA 1990 (PHSA) provides that consent does not affect requirements under health and safety legislation that apply separately. Whilst it lies with the Hazardous Substance Authority (the LPA) to enforce the provisions of the PHSA this would be done in consultation with the appropriate body (in this instance the HSE). Where contravention is found, the implications for this are potentially severe and could result in the revocation of a consent. Accordingly, it is appropriate for the Local Planning Authority to assume that appropriate safety controls are in force (including the COMAH regulations) and will provide a level of protection to the public.
- 5.12 Procedural Matters
The applicant has confirmed that the 'person in control' of the site is currently National Grid PLC and this is consistent with the application forms. All appropriate notifications and certificates required to be made by the applicant under Regulation 6 and 7 of the PHS Regs 2015 have been served.
- 5.13 For the avoidance of doubt, it is not necessary for the applicant to be the 'person in control' of the site. The Planning Practice Guidance sets out that '*unless a condition is imposed limiting use of the consent to a specified person or company, the consent will normally run with the land, rather than being personal to the applicant*'. In this instance, the extant consent is not subject to

- any conditions and is not limited to the original applicant (British Gas, now National Grid).
- 5.14 In this instance the applicant is Flogas who have set out that it is the intention of the company to acquire the whole site from National Grid. This application seeks to alter the amounts of hazardous substances stored at the site from the date of the transfer of ownership to them. Accordingly officers are satisfied that this application represents an application for a new Hazardous Substance consent under section 7 of the PHSA 1990. Section 9 relates to the determination process by the Hazardous Substances Authority (the Local Planning Authority). The Hazardous Substances Authority must have regard to all material considerations and in particular (but without prejudice) to those considerations listed under section 9(2). These matters are addressed in the main body of this report.
- 5.15 For clarity, this application does not seek to remove conditions which apply to the extant consent. Indeed and in any event, there are no conditions attached to the extant Hazardous Substance consent. Accordingly, section 13 of the PHSA 1990 is not engaged.
- 5.16 Similarly, the application does not detail the change in control of *part* of the site. As set out above, control of the whole site would pass from National Grid to Flogas (the applicant). Accordingly section 17 of the PHSA 1990 is not engaged.
- 5.17 Assessment of the Risk
This site is unusual in so much that it is located within the Severnside Enterprise Area (SEA) and land which benefits from the '1957 and 1958 consents' as detailed above. The application site benefits from its own planning permissions dating from 1975. These are detailed in section 3 of this report. The SEA includes (and is predominantly made up of) the land covered by the '1957 and 1958 consents' and is an area allocated for economic uses under policy CS35 of the South Gloucestershire Core Strategy (adopted) December 2013 and PSP26 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017. Substantial development of the area is well underway under the historic consents and as part of the delivery of the SEA.
- 5.18 The nature of the historical planning permissions associated with the land surrounding the application site is such that a wide range of buildings/development associated with employment uses (such as B1, B2 and B8 and ancillary development) have been consented. It is noted that the 1957 and 1958 consents also include provision for other potential uses such as stores, reservoirs, pump-houses, canteens, clubs, hostels, training establishments, amenity and welfare buildings, sports pavilion and sports and playing fields. It is likely that the intention of the historical permission is that the other uses would have been provided as welfare facilities for workers associated with the industrial uses on the land. Nonetheless, there would be little control over the users of such development were it to be implemented. Given the nature of development so far in the area it is somewhat unlikely that these other uses would be provided. Nonetheless, it is possible to develop these uses and as such due regard must be given to that potential.

- 5.19 The historical planning consents lack precision by modern standards. The developer is effectively free to develop a wide range of buildings, subject to conditions, (which are themselves relatively unrestrictive) subject only to the approval of reserved matters. Moreover there are limited controls over the future uses of the land within the historical planning permission areas, so it is possible for changes of use to occur. This results in some uncertainty about what will emerge (types and uses of development) on the land surrounding the application site. This has also influenced the way in which the HSE has assessed the risks and advised the LPA in that respect. This is addressed later in this report.
- 5.20 The relationship of the application site with the SEA development is such that its proximity has become relatively close. The extant Hazardous Consent and relevant COMAH consultation zones are such that some buildings (and therefore human population) associated with the new development are presently within the 'inner zone' or area at highest risk of impact from an accident. This potential conflict has been recognised by both the promoter/developer of the SEA and the HSE.
- 5.21 During the assessment of this application, the Local Planning Authority has received a strong objection on behalf of Severnside Distribution Land Ltd (Delta Properties) who is one of the landowner/developers of the Severnside Enterprise Area (SEA). This objection is presented in both a technical and legal form (including Counsel Opinion).
- 5.22 There are two key areas of concern posed by the objector. The first lies with the way in which the HSE has made its assessment leading to its position that it does not object to the issuing of a Hazardous Substance Consent by the LPA. Essentially, the objector is concerned that the HSE wrongly makes a comparison to the extant consent; and is relying on the potential to continue to operate the site under the extant consent which (in the opinion of the HSE) is a worse scenario than proposal submitted under this application. For the purpose of this report, the extant hazardous substance consent is referred to as the 'fall-back' position.
- 5.23 The second relates to the range of land uses permitted and the population and associated activities which would ultimately be present on land associated with the SEA development. The objector is concerned that the permitted uses are not restricted to B8 but that the assessment carried out by the HSE considers only B8 uses. The objector indicates that the working population of buildings completed or nearing completion could be 2,500 people in addition to the existing working population. The objector also indicates that this figure would increase as the SEA continues to be built out.
- 5.24 *The assessment made and advice provided by the Health and Safety Executive (HSE)*
The HSE have given substantial consideration to the matter of safety in the context of the surrounding land uses; notably in the uncertain context of the historical planning consents of 1957 and 1958. It has also given weight to the fact that there is an extant Hazardous Substances Consent at the site which (in

the opinion of the HSE) has a higher public safety risk than that which is now proposed. This is a 'comparative' assessment or a 'fall back' position.

- 5.25 *Automatic Incompatibility Assessment* - the HSE first set out that it considers that the hazardous substance proposals do not result in any 'automatic incompatibilities' (i.e. more than two residential properties in the inner zone or sensitive development such as hospitals, schools care homes etc.) with the land use surrounding the site. In doing so, it has noted the limitations of the 1957 and 1958 planning permissions; notably that there are no conditions with regards to the working populations associated with B8 uses; and that this gives the HSE confidence that 'automatic incompatibilities' would not likely arise in the future.
- 5.26 The Local Planning Authority has sought clarification in this matter as it acknowledges that the 1957 and 1958 consents, and planning policy relating to the delivery of the Severnside Enterprise Zone do not necessarily restrict uses to B8 alone. Rather, appropriate uses in this area are wider economic uses (i.e. B1, B2 and B8). The HSE has confirmed that its consideration of the 1957 and 1958 consents are consistent with 'workplaces'. The HSE go on to explain that this consideration is reinforced by the fact that South Gloucestershire Core Strategy Policy CS35 is a protective policy controlling and limiting land uses to employment uses. It has also noted the information brought to the attention of the HSE by the objector in respect of land uses emerging on the site.
- 5.27 Examples of 'Workplaces' is given in the HSE Land Use Planning Methodology (Table 1 Development Type: People at Work, Parking) document and includes Offices, factories, warehouses, and haulage depots. Accordingly officers are reasonably satisfied that a broader land use than just B8 uses assessment has been made by the HSE and informed their conclusion that there are no automatic incompatibilities.
- 5.28 *Compatibility (Case Societal Risk Assessment)* - the HSE has explained that a societal risk would normally be conducted having carried out an 'automatic compatibility assessment'. However, it has explained further that owing to the scope of the 1957 and 1958 consent (i.e. that there is limited control over what can be built, how it is used and its overall population) and that there is no further requirement to consult on new development in the area (as part of the normal planning application process) it is not able to arrive at an overall conclusion on societal risk.
- 5.29 *Comparative Assessment* - instead the HSE has looked to the historical position and the extant Hazardous Substances Consent; it has concluded that its advice to the LPA should be made on the basis that the proposed Hazardous Substances Consent represents an overall reduction when compared to the consented risk to public safety.
- 5.30 On above basis, the HSE have advised the LPA that it does not object to the granting of the Hazardous Substance Consent. This conclusion is subject to conditions which are addressed later in this report.
- 5.31 *The position of the Local Planning Authority*

The Local Planning Authority acknowledges that the HSE has not been able to carry out a direct assessment of the risk (compatibility assessments) and is relying upon its assessment of no automatic incompatibilities and a comparative assessment based upon the extant Hazardous Substance Consent. The HSE have provided a full explanation for this approach and have set out that this relates to relative uncertainty about what would ultimately be constructed under the historical (1957 and 1958 planning consents). The Planning Practice Guidance (PPG) sets out that the role of the HSE (as the COMAH competent authority) is to advise the Hazardous Substances Authority on the risks arising from the presence of hazardous substances. It goes on to recognise that the HSE has the expertise to assess those risks. Whilst officers acknowledge the concerns raised by the objector in respect of the approach taken by the HSE in formulating their advice, officers are satisfied that the HSE has provided an appropriately reasoned explanation of its findings and as such applies significant weight to that advice.

- 5.32 It is important to recognise that the key purpose of a Hazardous Substance application is to ensure that necessary measures are taken to prevent major accidents and limit the consequences to people and the environment; and to account for the 'residual risk' to people in the vicinity and to the environment. This aspect is set out in more detail at paragraph 5.2 of this report. In that context it is entirely appropriate for the decision making authority to give significant weight to the advice of the HSE. Nonetheless, in exercising this role, the Local Planning Authority is not obliged to approve the Hazardous Substances application on the basis that the HSE do not object. This is an important point as it is ultimately for the LPA (as the Hazardous Substance Authority) to consider the residual risks, having regard to the advice of the HSE, in addition to other material considerations. Other material considerations include the nature of existing and prospective use of the surrounding land, and in this instance it is clear that Local Development Plan Policies allow for the comprehensive redevelopment of the surrounding area for economic and employment generating uses. Accordingly, the assessment of this application must also take account of the potential and extent for land use conflicts to occur; and the purported intentions of the developer of the land, both from a physical and economic perspective. The Local Planning Authority should not limit its assessment of this application to the assumption that *only* B8 uses will emerge on the surrounding as it is clear that the uses could be wider in scope.
- 5.33 The objector has raised concerns about the physical introduction of a new population of workers into the area. They estimate that development would bring an additional 2500 people into the area in addition to the existing working at the SEA; and with continued development this figure would increase. The LPA see no reason to dispute this, as there is no doubt that the working population will increase significantly as the SEA is developed out. The presence of the proposed LPG facility in that context would result in risk, and it is appropriate to attribute significant weight to this factor in considering this Hazardous Substance Application. However as set out below, this risk should also be considered against the extant hazardous substance consent and in the light of the comments from the Health and Safety Executive.

- 5.34 The objector has also raised economic/commercial matters relating to the implications of the use of the site upon surrounding development associated with the Severnside Enterprise Area; siting the potential loss of investment value and employment generation. Officers also acknowledge that there is the potential to impact on the generation of significant financial returns, including business rates, which could be used to support the local and wider economic and social prosperity of the area. Again, the presence of the LPG facility in the context of the developing economic uses would potentially result in risk to its economic viability. This could relate to potential occupiers being discouraged by the proximity of the proposed LPG storage facility and so affecting the value of the development. This is a commercial matter which relates to the perceived risk to financial investment.
- 5.35 Although this is a factor that relates back to the ‘residual risk’ posed by the proposal to convert the existing site to the storage of LPG, the matter of commercial risk is largely, but not solely a matter for consideration by investors/future occupiers, alongside all the other risks and benefits which flow from considering and making complex investment decisions. The Severnside Development is proceeding despite the presence of the National Grid LNG facilities, and the presence of an extant Hazardous Substance Consent. This pre-dates the new adjacent development, and would therefore have been known to developers and occupiers as they took investment decisions, through visible inspections of sites and their surroundings and due diligence as part of any transactional arrangements. The assessment of this commercial risk is clearly only one of a number of factors, and arguably not the most important, for those taking commercial investment decisions at Severnside. The extent to which the public economic benefit which flows from the development at Severnside is affected by the ‘residual risk’, is a matter of conjecture. No evidence has been found which shows that investment decisions, and the revenue flows arising for public benefit, have been adversely affected by the presence of the existing LNG facility. Accordingly officers attribute moderate weight to this risk factor. Again, this risk should also be considered against the extant hazardous substance consent and in the light of the comments from the Health and Safety Executive.
- 5.36 As a matter of fact, the Hazardous Substances Consent granted in 1992 remains valid in the context of the PHSA 1990. As set out earlier in this report, the extant consent runs with the land and can legitimately be operated by Flogas going forward; or by any other operator (including National Grid). For the avoidance of doubt, there are no circumstances which has made the 1992 Hazardous Substance Consent otherwise void or revoked. The presence of an extant Hazardous Substances Consent is an important material consideration in the assessment of this application for three main reasons. First, it is part of the planning history – it is the basis on which the site has historically operated (despite the 1957 and 1958 permissions) and has been acceptable. Secondly, going forward, it represents a material ‘fall-back’ position. Flogas has stated that “the site is capable of immediate use as an LNG storage facility and could soon (within 6 months) be reinstated as an LNG liquefaction facility with relatively little work”. Officers consider that there is a real possibility that if Flogas’ proposal is not granted consent there will be reversion to the extant consent. Significant weight is attached to that possibility. Thirdly, the HSE

acknowledge the relationship of the Hazardous Substance site with the surrounding uses associated with the SEA development and the risk that it poses to that population. This risk would continue as the development around the SEA development is built out. The HSE consider that the proposed Hazardous Substances Consent would represent an overall reduction in the public safety risk when compared to the extant Hazardous Substance Consent; and as such does not object.

5.37 In more recent correspondence the objector has questioned the validity for the LPA to rely on the potential to 'fall-back' onto the extant Hazardous Substance Consent. In particular, the objector argues that;

- i) The LNG facility operated by National Grid under the extant Hazardous Substance consent has been permanently decommissioned.
- ii) The LNG facility apparatus has reached the end of its technical life prior to being decommissioned.
- iii) The applicant has not sought to implement the extant LNG use.
- iv) The removal of grid infrastructure demonstrates that there is no realistic prospect' of continuing the LNG operations.

5.38 The Local Planning Authority is aware that the existing facilities are being disconnected from the National Grid Infrastructure and that this work is due to be completed in the Autumn of 2018. The LPA also notes that National Grid do not intend to recommission the LNG operations at the site and this appears to relate to commercial need and funding.

5.39 However, it does not follow that the site cannot be reinstated to LNG use by another operator simply because National Grid has removed infrastructure and decommissioned the site for its own purposes. In this instance, the applicant (Flogas) has indicated that it could reinstate the site for LNG in accordance with the extant Hazardous Substance Consent. Whilst the reconnection of the site to the National Grid would undoubtedly be a costly exercise, there is a realistic prospect that gas can be imported to the site by road as an alternative. In any case, this would be a commercial matter for Flogas (or indeed another operator) to consider. The fact that Flogas have not sought to implement the extant Hazardous Substance Consent is also a commercial matter, but one that seems reasonable given the clear intention to convert the site for storage of LPG.

5.40 Officers are satisfied that a valid consent represents a material consideration to which the Local Planning Authority may have regard to in determining hazardous substance consent applications. The factors referred to at paragraph 5.36 above remain valid. The SEA and LNG use have coexisted for many years. The proposal to convert the site to LPG use represents a material reduction in risk. A factor for consideration is whether the reinstatement of the site is a realistic possibility. The more likely reinstatement is, the more weight can be applied to this factor. The applicant has clearly set out that the site is capable of use and being reinstated to a use consistent with

the extant Hazardous Substance Consent (i.e. as an LNG liquefaction facility) and will be so in the event that the application is not approved. Further, reinstatement is not necessarily dependent on the reconnection of the site to the National Grid, and other options may be available to any future operator. Officers are therefore satisfied that there *is* a realistic possibility of the site being reinstated if this application is not approved. For all the above reasons, officers attribute significant weight to the extant Hazardous Substances Consent.

5.41 Conditions of a Hazardous Substance Consent

Section 10 of the PHSA 1990 (*Power to impose conditions on grant of hazardous substances consent*) provides the basis by which a Hazardous Substances Authority may impose conditions in the event that it grants a Hazardous Substance consent. Section 10(1) provides that the Hazardous Substances Authority may make consent conditional on the commencement or partial or complete execution of development which is authorised by a specified planning permission or impose conditions relating to the following matters;

- (a) how and where any hazardous substance to which the consent relates is to be kept or used;
- (b) the times between which any such substance may be present;
- (c) the permanent removal of any such substance—
 - (i) on or before a date specified in the consent; or
 - (ii) before the end of a period specified in it and commencing on the date on which it is granted.

5.42 Furthermore, by section 10(2) the Hazardous Substances Authority may only impose conditions in relation to as to how a hazardous substance is to be kept or use if the HSE has advised the Hazardous Substance Authority that any consent should be subject to such conditions.

5.43 Here the HSE has suggested 3 conditions with its advice to the Hazardous Substances Authority (LPA). These are as follows;

Condition (i) *'The Hazardous substances shall not be kept or used other than in accordance with the particulars provided on the application (PT16/1817/HS – 13/04/2017) and as per the locations identified in the "Site layout Hazardous Area Planning" – drawing number E-15010904-M-0200-002 Rev3 dated 13/04/2017 accompanying the application'*

Condition (ii) *'Granting of this consent has the effect of revoking all previous hazardous substances consent(s), including standard conditions attached to HSC/DC/3/92'*

Condition (iii) *'For the mounded pressurised LPG vessels the mounding material should be such that it protects the tanks from the full effects of external thermal radiation'*

5.44 In respect of condition (i) above, officers agree with this condition and as such it will be applied to any consent.

- 5.45 In respect of condition (ii) above, officers are concerned that this condition is not strictly necessary. This is because it would effectively revoke the extant Hazardous Substance Consent at the point of a *decision* to grant consent. The PHSA 1990 makes specific provision for the revocation of a Hazardous Substance Consent at section 14 and 17. The power to revoke a consent in this way is not provided in the PHSA 1990.
- 5.46 Nonetheless, in the event that a Hazardous Substance Consent is granted, the extant consent would be superseded at the point that the new consent is implemented. It is not possible to revert back to the previous consent without making a further Hazardous Substance Consent application to do so.
- 5.47 The Hazardous Substance Authority (the LPA) has discussed this matter with the HSE expressing the above concerns. The HSE have acknowledged this and has set out that it considers this matter to be entirely for the Hazardous Substance Authority. The HSE has explained that the suggested condition was intended to address the future status of the extant consent (HSC/DC/3/92) and in effect prevent it from continuing alongside the proposed Hazardous Substance consent. However, for the reasons set out above, officers are satisfied that the condition is not necessary to do this.
- 5.48 Further, officers consider that it would be appropriate in this case to make the Hazardous Substance Consent conditional upon implementation of planning permission reference PT17/5254/F (considered elsewhere on the agenda. That application, if granted, will provide for plan and equipment necessary to secure the conversion of the site.
- 5.49 Officers are therefore satisfied that proposed condition (ii) would not be a proper or necessary use of a condition. The HSE have not objected to the exclusion of the suggested condition.
- 5.50 In respect of condition (iii) above, the wording of this condition is somewhat vague and may be difficult to enforce. The Hazardous Substance Authority (the LPA) has therefore discussed the wording of the condition with the HSE and the applicant. The issue relates to the performance of the mounding intended to provide effective protection of the pressurised vessels contained therein from a fire occurring outside the mounding. Both the HSE and the applicant note that some flexibility of the final design and thermal performance of the mounding needs to be allowed at this stage.
- 5.51 Officers note that the specific operational safety requirements for the site are appropriately the subject of the COMAH regulations. Those regulations place a general duty upon the operator of the site to ensure that all necessary measures have been taken to prevent major accidents, and this is acknowledged in section 29 of the PHSA. The onus is with the operator of the site to demonstrate that this has been done under the COMAH regulations.
- 5.52 Notwithstanding this, in discussion with the applicant, a revised wording of a condition has been considered as is as follows

'For the mounded pressurised LPG vessels the mounding material shall be such that it protects the tanks from the full effects of external radiation. The mounding will be to such standard that it will protect each vessel from the effects of thermal radiation and shall be sufficiently robust to remain in place in the event of jet flame impingement.'

5.53 In the context of the COMAH regulations, officers are satisfied that the revised wording is consistent with the requirements of section 10 of the PHSA 1990 and provides some additional clarity on what is required. The HSE has also confirmed its acceptance of the revised wording.

5.54 Conclusion and the Planning Balance

Officers acknowledge that the development of the Severnside Enterprise Area will bring about a concentration of employment generating uses and also acknowledges that the 1957 and 1958 consents allow a wide range of uses. It will inevitably introduce significantly more people into the area where there is risk resulting from the Hazardous Substance Proposal. The commercial/economic prospects of the Severnside Enterprise Area is also potentially affected by the presence of the site.

5.55 In the consideration of the proposed conversion of the subject site for the storage of LPG, the risk resulting from an increased population is a factor which officers attribute significant weight. The risk to the commercial/economic prospects of the surrounding land uses is also recognised and officers attribute moderate weight to this factor. However, consideration must be given to the extant Hazardous Substances Consent, which would result in a greater risk to the emerging population and uses around the site when compared to the proposal. The advice provided by the HSE (together with further supporting information) clearly sets out that the risk *is reduced* as a result of the proposed Hazardous Substances proposal. Officers attribute significant weight to this advice and have placed this firmly in the context of existing and future land use in the vicinity of the Hazardous Substance site and its operation. It is conceivable that the consent may constrain some of the uses of the SEA that the developer may seek to bring forward in accordance with the widely drafted 1957 and 1958 consents for that zone. This commercial factor would also be dependent on market interest and 'risk and reward appetite'. However, officers consider that there would be no unacceptable land use conflict from granting the Hazardous Substances Consent sought, in the context of the HSE response, the historic background and the 'fall-back' position.

5.56 It is also material that the operational requirements of the site are governed by separate Health and Safety Legislation. As set out above, the PHSA 1990 makes specific provision for this. The PPG also sets this out. Accordingly, the Hazardous Substance Authority (the LPA) is entitled to assume that reasonable safety controls will be in place at the site and that they will provide an appropriate level of public protection.

5.57 In relation to Hazardous Substances, the planning system is concerned with the *residual risk* to public and environmental safety. In this instance, the proposed Hazardous Substances Consent will result in a reduction in the risk to public safety. Furthermore, the operator of the site is obliged to comply with

relevant health and safety regulations. Officers are therefore satisfied that the residual risk to public safety is tolerable. Accordingly, the recommendation is that the Hazardous Substances Licence is approved, subject to the conditions set out in this report.

6. CONCLUSION

6.1 The recommendation to grant consent has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and in the South Gloucestershire Council Policies, Sites and Places Plan (adopted) November 2017, and to all the relevant material considerations set out in the report; and as set out in Section 9(2) of the Planning (Hazardous Substances) Act 1990.

7. RECOMMENDATION

7.1 That Hazardous Substance Consent is granted, subject to the following conditions

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

1. The Hazardous substances shall not be kept or used other than in accordance with the particulars provided on this application (as revised) and as per the locations identified in the "Site layout Hazardous Area Planning" - drawing number E-15010904-M-0200-002 Rev3 dated 13/04/2017 as received by the Hazardous Substances Authority on 2nd May 2018

Reason
In the interests of public safety

2. For the mounded pressurised LPG vessels the mounding material shall be such that it protects the tanks from the full effects of external radiation. The mounding will be to such standard that it will protect each vessel from the effects of thermal radiation and shall be sufficiently robust to remain in place in the event of jet flame impingement.

Reason
In the interests of public safety

3. This Hazardous Substances Consent shall not be implemented until the works granted by planning permission PT17/5254/F have been fully executed in accordance with the details of that permission.

Reason
In accordance with section 10(1) of the Planning (Hazardous Substances) Act 1990 and in the interests of certainty.

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PT18/0729/F	Applicant:	Warburtons Limited
Site:	Warburtons Bakery 8010 Western Approach Distribution Park Severn Beach Bristol South Gloucestershire BS35 4GG	Date Reg:	19th February 2018
Proposal:	Installation of an on-site 999KW Combined Heat and Power Plant.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	354660 183700	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	13th April 2018



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

CIRCULATED SCHEDULE

This application appeared on Circulated Schedule No. 33/18 and is being resubmitted for consideration on this week's schedule due details regarding the operations of construction sites being erroneous included as a condition rather than an informative on the previous decision notice. The report and the recommendation remain unchanged.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the Installation of an on-site 999KW Combined Heat and Power Plant.
- 1.2 The application site relates to Warburtons Bakery, Western Approach Distribution Park, Severn Beach and known as Plot 8010. The application site is located at Severnside beyond any settlement boundary and within a Safeguarded Employment Area. The area is located within Flood Zone 3a, but benefits from flood defences.
- 1.3 During the course of the application additional information was requested by the Environmental Health Officer and as a result a special air dispersion modelling report was commissioned and the findings submitted to the LPA for consideration.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS3	Renewable and Low Carbon Energy Generation
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS11	Distribution of Economic Development Land
CS12	Safeguarded Areas for Economic Development
CS13	Non-Safeguarded Economic Development Sites
CS34	Rural Areas
CS35	Severnside

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP6	Onsite Renewable and Low Carbon Energy

PSP9	Health Impact Assessments
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP26	Enterprise Areas
PSP27	B8 Storage and Distribution Uses

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

3. **RELEVANT PLANNING HISTORY**

The site has an extensive planning history – the most recent schemes are listed below.

3.1	PT13/4587/RVC Approved	Removal of condition no. 19 attached to PT12/0677/F 17.3.14
3.2	PT12/0677/F Approved	Erection of a single wind turbine with a maximum blade tip height of 67m with associated infrastructure. 10.7.12
3.3	PT11/044/SCR EIA not required	Installation of 1no. wind turbine and ancillary development. 16.11.11
3.4	PT11/024/SCR EIA not required	Wind Turbine 53.4 metre and maximum capacity of 330kw. 17.6.11
3.5	PT09/0461/RM Approved	Erection of a distribution warehouse with ancillary offices, parking areas and landscaping. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission P94/0400/8 amended by PT05/3568/RVC). 14.12.09
3.6	PT08/2799/F Approved	Relocation of vehicle wash unit with associated enclosure and equipment ancillary to bakery use. (Amendment to previously approved scheme PT07/3599/F). 28.11.08

- | | | |
|-----|-------------------------------|---|
| 3.7 | PT08/2790/ADV

Approved | Display of 1 no. static illuminated fascia sign and 1 no. free standing sign.
28.11.08 |
| 3.8 | PT07/3599/F

Approved | Erection of building for use as a bakery (Class B2) with associated despatch (Class B8) and office (Class B1) areas; formation of access, vehicle parking areas and landscaping.
16.5.08 |

4. **CONSULTATION RESPONSES**

- 4.1 Pilning and Severn Beach Parish Council
 Objection:
 Pilning & Severn Beach Parish Council strongly object to this application. It will cause more noise and more pollution. In addition to this, the history of the site is that their wind turbine continues to cause noise pollution to the residents of Severnwood Gardens.

Internal Consultees

- 4.2 Environmental Protection: Noise
 No objection in principle subject to an informative regarding construction practices
- 4.3 Environmental Protection: Air quality
 More details required regarding air quality
- Updated comments:*
No objection
- 4.4 Highway Structures
 No objection
- 4.5 Drainage Team
 No objection
- 4.6 Transport Team
 No objection
- 4.7 Local Residents
 None received

5. **ANALYSIS OF PROPOSAL**

- 5.1 The proposal is for the Installation of an on-site 999KW Combined Heat and Power Plant. The intention of the unit is to provide efficient electricity and reduce the environmental impact from operations at the Warburtons site. It is stated in the application details that the proposed 999KW CHP plant will offer a

significant reduction in the overall carbon impact of the operation. The system will be natural gas fuelled producing electricity, steam and hot water to be consumed by the bakery; is designed to have a noise output of 75DB @ 1m; will operate 24/7, averaging 8000 hours per year after maintenance and will be maintained by a specialist company to meet manufacturer and regulatory requirements.

5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Policy PSP6 states that the Council will take a positive account of and support development that provides further energy reduction, efficient, renewable and low carbon energy measures. The NPPF also supports schemes which use natural resources prudently, minimise waste and pollution, mitigate and adapt to climate change, including moving to a low carbon economy. Policy CS1 dictates that proposals must demonstrate the highest quality design standards in order to be acceptable. New development must be informed by, respect and enhance the character and distinctiveness of the site and its context.

5.3 Paragraph 149 of the updated NPPF indicates new development should be planning for in ways that:

- a. Avoid increased vulnerability to the range of impacts arising from climate change
- b. Help to reduce greenhouse gas emissions such as through location, orientation and design
- c. plans should take a proactive approach to mitigating and adapting to

5.4 The proposal is considered to accord with the principle of development.

5.5 Design

The proposed combined heat and power plant would be positioned to the top north side of the existing Warburtons building, close to the existing car park, and in a small area stepped in from the footprint of the main building. In total the compound to accommodate the plant would be around 311 square metres. In terms of overall size and scale the proposed plant would be appropriate to its setting and there are no objections to its appearance.

5.6 Transportation

Details included with the application state that the number of additional vehicle movements generated by the introduction of this plant unit would be related to maintenance/service visits which are estimated at 1 visit by 2 engineers every 14 days. Furthermore, unnecessary service visits would be minimized by incorporating 24/7 remote telemetry monitoring.

5.7 Given the above, the installation of an on-site combined heat and power plant at this existing bakery located on a busy distribution park at Severnside would not materially alter travel demand to this site or raise highway safety concerns. There are therefore no objections to this proposal.

5.8 Residential Amenity

The site is located some distance away from closest neighbours, located over 400 metres to the north of the site, and separated by the A403. On this basis there would be no adverse impact resulting from the proposal in terms of over-looking, over-shadowing or over-bearing and the scheme therefore complies with Policy PSP8. However, comments made by the Parish regarding the noise are noted and covered in the below section.

5.9 Environmental Protection

The Parish has stated that the existing wind turbine causes a disturbance to local residents and consider that this proposed combined heat and power plant has the potential to add to noise disturbance levels. Planning application PT12/0677/F granted permission for the erection of the wind turbine and as an existing situation, is not something that can be dealt with under this application. Any noise disturbance should be reported to the Environmental Protection Team to investigate.

Noise:

- 5.10 With regards to the potential for additional disturbance from the proposed combined heat and power plant room the agent has cited another example of such a unit on a different site but located close to residential dwellings where no instances of noise nuisance have been reported. This is noted but given the concern raised, Officers obtained specific advice from Environmental Health Officers with regards to this particular site. The professional opinion has used the data submitted with this application and confirms that the sound pressure level given as 75dB at 1m would convert to a sound power level of 21.5dB at 400m (the nearest residential property) which would not be considered a problem in terms of noise. Officers are therefore satisfied that there would be no adverse impact on neighbours resulting from the proposed combined heat and power plant in this location.

5.11 *Air Quality:*

Following initial comments, the applicant has worked with environmental protection officers and prepared and submitted an Air Dispersion Modelling Report (dated June 2018).

- 5.12 The assessment report considers the impacts of the proposed CHP plant emissions on local air quality and considers the relevant pollutant, nitrogen dioxide (NO₂). The assessment follows appropriate guidance and has been undertaken on the basis of a worse-case scenario, with the potential impacts considered at the maximum point of impact and at specific sensitive human and ecological receptors. The inclusion of a map of the modelled receptor locations in the report would have been helpful, however, this shortcoming does not affect the report conclusions.

- 5.13 The report concludes in respect of the potential CHP emissions that the maximum predicted process contributions (PC) are within the short-term nitrogen dioxide objective and further screening demonstrates the predicted environmental concentrations (PECs) can be classed as not significant in terms of the long-term nitrogen dioxide objective. The assessment of impacts at the specific human and ecological receptors is also concluded to be not significant at all of the receptors considered.

- 5.14 In summary, the potential emissions from the new CHP unit will not have a significant impact on local air quality so there is no basis to object to the proposed development in relation to air quality.
- 5.15 Drainage
It is noted that the site lies within Flood Zone 3. A Flood Risk Assessment (FRA) has been included as part of the submitted details to support this application. Confirmation was sought and received from the agent that the report dated 2008 remains valid as the land, building and drainage remain the same. This is accepted.
- 5.16 The objectives of the FRA are been stated as being: to establish the sources of the flooding which are likely to affect the development site, both now and in the future; to assess whether the site will increase flood risk elsewhere; and to establish whether the proposed measures to mitigate any of these effects and risk are appropriate.
- 5.17 The development site is covered by the Severn Estuary Shoreline Management Plan (2000) and the Tidal Severn Flood Risk Management Strategy (2004). The submitted report confirms the site is relatively flat with ground levels in the range 5.5 to 6.5mAOD (Metres above ordnance datum levels). Drainage is provided by a network of rhines crossing the site which flow into a main rhine running along the northern site boundary and discharge into the Severn Estuary at New Pill outfall to the south.
- 5.18 Minimum proposed floor levels would correspond with those quoted in the FRA and ones implemented in the main factory area. On this basis there are no additional flood concerns and no objections to this proposal.
- 5.19 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.
- 5.20 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.
- 5.21 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.

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 attached to the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

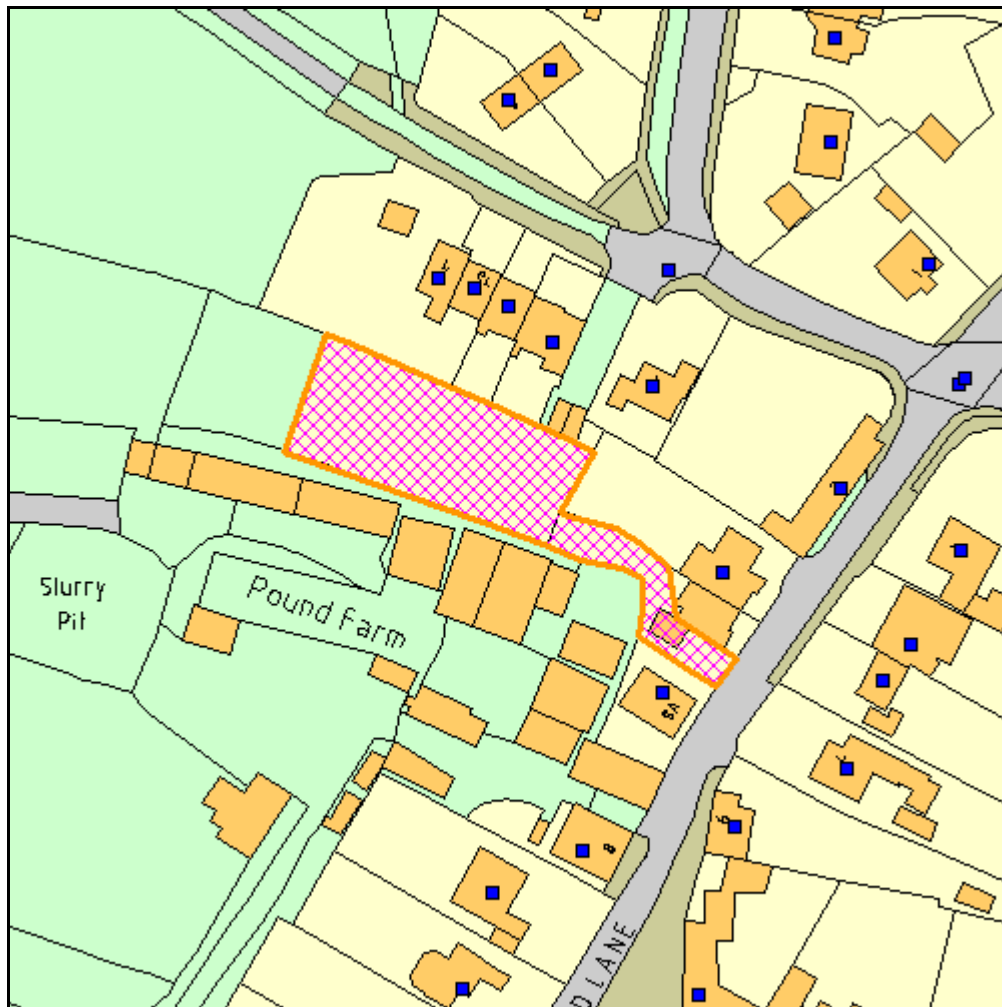
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PT18/1413/F	Applicant:	Mr & Mrs Harrison
Site:	Land To The Rear Of 4 - 6 Townsend Lane Almondsbury Bristol South Gloucestershire BS32 4DY	Date Reg:	10th April 2018
Proposal:	Demolition of existing garage and erection of 1no dwelling with detached single garage and associated works.	Parish:	Almondsbury Parish Council
Map Ref:	360095 184236	Ward:	Almondsbury
Application Category:	Minor	Target Date:	31st May 2018



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. N.T.S. PT18/1413/F

CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following comments from local residents and the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of existing garage and the erection of 1no dwelling with detached single garage and associated works.
- 1.2 The application site relates to Land to the rear of 4-6 Townsend Lane, Almondsbury, a detached two-storey dwellinghouse. No. 4-6 is locally listed and lies within the Lower Almondsbury Conservation Area. It appears this property began as two individual cottages which have been combined into one 4 bed dwelling. The access to the proposed lies within the Conservation area, the proposed house inside the host property's residential garden, is within the settlement boundary, while its proposed rear garden would be within open countryside. The whole area is washed over by the Bristol/Bath Green Belt. The site occupies an area of 0.11 ha.
- 1.3 During the course of the application, confirmation was required to confirm the number of bedrooms within the main dwelling and a set of revised scaled drawings were submitted following comments regarding overall design, appearance and impact on the setting of the conservation area and locally listed building.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2018
National Planning Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)
National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;
Managing Significance in Decision-Taking in the Historic Environment (GPA 2)
The Setting of Heritage Assets (GPA 3 Second Edition)

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

CS17	Housing Diversity
CS18	Affordable Housing
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP5	Undesignated Open Spaces
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP38	Development within Existing Residential Curtilages
PSP40	Residential Development in the Countryside
PSP42	Custom Build Dwellings
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.
 South Gloucestershire Design Checklist (Adopted) 2007)
 South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013
 Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
 SPD – (Adopted) March 2015
 South Gloucestershire SPD: Green Belt (Adopted) 2007
 Lower Almondsbury Conservation Area SPD
 South Gloucestershire Landscape Character Assessment (adopted Nov 2014)
 LCA 18 Severn Ridges

3. RELEVANT PLANNING HISTORY

- 3.1 Dwelling now called 6a Townsend Lane but originally in garden of No. 4-6
 PT06/0920/F Erection of one dwelling, access and associated works
 Approved 26.5.06
- 3.2 PRE14/0242 Demolition of garage and erection of new 4 bed two-storey dwelling to rear of No. 4-6
 Advice given 4.6.14

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
 There would be insufficient parking left for the existing building, thus adding to the parking issues that are already in this neighbourhood. This is a very large

application it is overdevelopment with the existing buildings on the land, it would be overbearing and out of scale. This application is not in keeping with the local character of the neighbouring houses. There is too much overshadowing which has not been reported accurately.

Internal Consultees

4.2 Conservation Officer

The proposed development would fail to preserve the character and appearance of the Lower Almondsbury Conservation Area and its setting. The proposals would also detract from the setting of the locally listed building, No. 4-6 Townsend Lane. The development is considered to be contrary to the development plan and the Framework.

Updated comments:

Revised design has addressed concerns raised. No objection subject to conditions.

4.3 Transport Officer

It is unclear from the details submitted what car parking facilities will be available for the host dwelling in the event that this proposal is approved. Details of the existing garage are required prior to commenting further. It is suspected that the existing garage is substandard in relation to our current parking standards and as such would not count towards parking for the existing dwelling.

Updated comments:

Following the submission of additional details there are no objections in highway terms.

4.4 Archaeologist

Insufficient information has been submitted with the application. A condition should be attached to the decision notice.

4.5 Landscape Architect

Insufficient landscape information has been submitted to make a comprehensive appraisal of the scheme. However, being within the Settlement Boundary, there is no apparent overall landscape objection subject to an appropriate condition.

4.6 Tree Officer

No objection

4.7 Drainage Officer

No objection

4.8 Highway Structures

No comment

4.9 Local Residents

Five letters of objection were received from local residents objecting to the original set of plans. The points raised are summarised as:

Submitted information

- Nearest dwellings are at Tockington Lane and not Marshwall Lane as stated.
- The location plan is not a true representation of 3-7 Tockington Lane as extensions are not shown and impact on the separation measurement
- Do not consider this proposal to be limited infill as it is not in between dwellings nor does it face a highway

Residential Amenity

- Proposed dwelling 14m from house not 17m as stated
- Shadow diagrams are based on times at middle of day during summer months but shadows would be greater in autumn through to spring.
- Loss of light due to solid wall of proposed dwelling
- Overbearing effect on living conditions due to scale
- Height and size with balcony at first floor will severely compromise my privacy and is over-bearing for neighbours
- Would lose open aspect and no longer see greenery and sky
- Would look out at side elevation of a large and imposing property

Design

- Bulk and massing is excessive – the proposed 3 bed actually has a volume of large 5 bed
- Out of keeping with nearest dwellings
- By its size and design will impact on openness of the Green Belt
- Scale dwarfs its immediate neighbours
- Chimney close to adjacent hay barns which contain 40 tonnes of hay or straw are vulnerable and could have implications for our long established farming business. Concerned about potential fire. Log store on plans imply open fire or log burner and the proximity of the hay barns has not been shown on plans
- Boundary line on plans shows kink but concrete posts on site show fairly straight line
- Possible overlooking

Parking

- Access and parking should be based on 5 bed dwelling
- Existing dwelling appears to have 4 beds and therefore needs 2 parking spaces – the retained garage does not appear to measure 6mx3m. The loss of parking will impact on the limited space on Townsend Lane

Conservation area

- Close to conservation area the purpose of which is to preserve the character of the area – position and scale not in keeping

Other matters

- Being close to historic core there may be archaeological interest within the site which has not been considered
- The proposed access road and dwelling will remove more trees and hedgerows

- Regrettable that two large trees, both seemingly healthy, have been felled to facilitate this development

Following a revised set of plans objection comments from 6 local residents were received by the LPA. The points raised are:

- No dimensions on the plans
- Footprint appears larger
- Should be a constraint on any future development over the single storey
- Sedum roof would have to be strong and leaves scope for a balcony
- Height seems to dominate immediate neighbours and therefore limit light especially in winter
- Will not fit in with neighbouring houses
- Over bearing and too close to the boundary
- Not infill; out of scale and character
- More cars would add to road hazard
- Many houses with large gardens and if each built a house the village would be spoilt for this and future generations
- Request that no chimney can be constructed whilst the neighbouring Pound Farm is a working farm

5. **ANALYSIS OF PROPOSAL**

5.1 The proposal is for the demolition of an existing garage associated with No. 4-6 Townsend Lane and the erection of a new dwelling and single garage in the rear garden of that property.

5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. The application site is in part, located within the residential curtilage of No. 4-6, therefore in the settlement boundary and the Conservation Area but also in part outside the residential curtilage and settlement boundary and therefore in open countryside. The area is washed over by the Green Belt where development must meet certain criteria in order to be acceptable. Encroachment into the countryside is not supported by policy. Direct impact or impact on the setting of heritage assets is an important consideration as is the impact on the character of a conservation area. Appropriate levels of parking to comply with adopted standards are required to avoid any adverse effect on highway safety or on street parking issues.

5.3 Although the house itself would be located within the residential curtilage of No. 4-6 Townend Lane, its proposed residential curtilage would be outside the settlement boundary. The impact of this proposal must therefore be balanced taking into account its relative harm.

5.4 Five Year Housing Supply

The NPPF has a 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 specific policies in the NPPF indicate development should be restricted.

In this instance the scheme would not fully accord with the adopted plan due to part of the site being outside the settlement boundary. However, it is acknowledged that South Gloucestershire Council cannot demonstrate a five year housing land supply. One new house attracts weight in its favour due to the contribution it would make to the shortfall but the amount of weight would be very small. Any harm identified resulting from the development, such as that to the locally listed building, the Conservation Area, the open countryside, highway matters and impact on amenity of neighbours would need to be fully assessed to ensure the benefit would outweigh any harm. Policy CS1 and PSP8 are not directly related to the supply of housing and therefore attract full weight.

5.5 Green Belt

Section 13 of the revised NPPF deals with Green Belt and lists both the general aims of the policy and the specific criteria which proposed development must meet. Limited infilling in villages is listed as one of the appropriate forms of development. The proposed new house would be within the village but the proposed new garden falls outside this area.

5.6 *Limited infilling in villages:*

There is no definition of limited infilling in planning terms although it is generally understood to mean small scale development which fits into an existing built up area in a defined settlement boundary. It is normally, but not exclusively, in-between existing buildings in a linear formation. The proposal would be for one dwelling, and so the scheme would be limited in number and therefore scale. The dwelling would be in the rear garden of 4-6 Townsend Lane and bound on one side by farm buildings and on the other by the rear garden boundaries of houses along Marshwall Lane. The new house would therefore meet the criteria.

5.7 The proposed site plan shows the position of the new dwelling to the west of the host property with its associated garden further to the west again. It is acknowledged that the development is within the land ownership of the applicants. The land ownership indicated by the blue edge shows an area of land extending to the west by about 90 metres. However, adopted policy maps show the extent of the settlement boundary around Almondsbury. The adopted line follows side and rear gardens of properties to the north of the application site and dog-legs in towards the host property following the line made by the western boundary of No. 5 Tockington Road. In this way the settlement boundary bisects the land owned by the host property at a distance of about 48m from the house and 42m from the end of the land ownership.

5.8 The garden associated with the new dwelling would be outside the settlement boundary; an area of around 400 square metres. However, it was noted during the Officer's site visit that this area is in use as a garden which includes among other things, flowers, shrubs and trees, a vegetable patch and greenhouse plus a small shed. It is clear that this land has been in use as garden amenity space associated with 4-6 Townsend Lane for some time which is confirmed by historic aerial photographs available to the LPA. This could be confirmed by a certificate of lawfulness but Officers are content to accept the situation. The area beyond is separated by wire fencing, less cultivated in appearance but

has a summer house for enjoying the views over the Severn and this remains outside the settlement boundary and, notwithstanding, its ownership, retains its countryside classification. .

- 5.9 National Green Belt policy states the essential characteristics of Green Belts are their openness and permanence and sets out five main purposes. Protecting the countryside from encroachment is one of the fundamental aims of Green Belt policy in both national and local terms.
- 5.10 Although the lines drawn on the maps indicate the extent of the village and therefore the open countryside, in practical terms the area of land to be used as part of the garden of the new house is between two well defined boundaries and has been used as part of the residential garden for some time. It is likely that to argue that its continued use as a garden was unacceptable could not be substantiated in an appeal situation. The conclusion is therefore, there would be no adverse impact from the change of use of this land from open countryside to residential in this instance.
- 5.11 The continuation of the use of this land as garden to serve the new dwelling would therefore be acceptable, and given its location contained on three sides by development, would not be harmful to, for example, the openness of the Green Belt or the purposes of including land within it, such as safeguarding the countryside from encroachment.
- 5.12 Conclusion of Green Belt assessment:
In Green Belt terms the proposed development would be regarded as limited infilling in a village. Taking the unique circumstances presented here the continuation of the use of that area of land listed on maps as being outside the settlement boundary, would not have a negative impact on the openness or represent encroachment into the countryside. As such the scheme is acceptable in Green Belt terms.
- 5.13 Character of the area, conservation area and locally listed building
Numbers 4 and 6 Townsend Lane are locally listed and lie within the Lower Almondsbury Conservation Area.
- 5.14 The main part of the proposed site abuts the boundary of the conservation area with only a section of the proposed access road falling within the conservation area itself due to the boundary being drawn tightly to the rear of the house along a SW to NE axis. While preserving of the setting of a conservation area is not a statutory duty, national and local planning guidance and policy is clear that the significance of a heritage asset (including a conservation area) includes its setting. The NPPF 2018 requires that *“when considering the impact of development on the significance of heritages assets great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 5.15 Numbers 4 and 6 are a pair of stone built cottages circa late 19th century that are now within single ownership. Built in an attractive Arts and Crafts style,

- although the rear has been subject to a number of rear extensions and there is a two-storey side extension to the number 4, the front elevation can still be considered to possess a rather picturesque composition of gables, leaded windows, low eaves and diagonal stacks which makes a positive contribution to the historic character and identify of the locality.
- 5.16 To the rear, the grounds associated with the house are extensive and verdant in character, and beyond what can be regarded as curtilage or gardens. The garden was historically subdivided to reflect the semi-detached nature of the houses. Therefore as recorded on the historic maps, the section immediately to the rear of the house was to serve number 4 and the area beyond was to serve number 6.
- 5.17 Lower Almondsbury Conservation Area can be considered to be characterised by clusters of vernacular buildings interspersed by modern development. Moreover, although the centre of the village the buildings can be considered to be grouped together, at the edges of the village the street pattern is of a more linear nature. With the majority of houses/ cottages being of a detached nature set within their own plots and set largely perpendicular to the road, this low density layout allows for open views between the spaces between the buildings often of the rural fields that surround the village beyond. This helps to emphasis the village's connection with its surrounding rural landscape.
- 5.18 The application site is a good example of this, as numbers 4 and 6 can be considered to be one of three vernacular houses on the western side of Townsend Lane, but directly opposite and further to the south are more modern developments. From Townsend Lane, the undeveloped views between the buildings (number 6 and its adjacent neighbour) also helps to characterise the rural setting of the building and distinguish it from the more densely developed modern areas elsewhere.
- 5.19 Maintaining the rural and traditional identity of the village and conservation area should therefore be an important consideration in the determination of this application. Part of this is ensuring that the connection between the historic village core and its countryside setting is not further eroded by piecemeal, modern and generally unsympathetic modern developments abutting the edges of the village. Ensuring also that the clusters of traditional and historic buildings are not further compromised by direct encroachment of unsympathetic modern developments should also be a consideration.
- 5.20 Due to its scale and verdant maturity, the rear curtilage can be considered to provide an attractive green backdrop both to the conservation area and the locally listed building. It can also be considered to act as a buffer between Pound Farm and the modern suburban development to the east.
- 5.21 The proposed scheme would see the single garage to the southern side of the house demolished. The driveway would therefore provide a new vehicular access that would run along the south-western boundary to serve the new dwelling proposed to the rear. This would see the removal of the existing hedge that currently screens the garden in views from Townsend Lane. It appears that mature trees have already been lost further back into the garden.

Set back into the plot would then be a proposed detached two-storey dwellinghouse with garage and turning head.

- 5.22 During the course of the application concerns expressed by the Conservation Officer resulted in changes to the overall design and appearance of the new dwelling. It was noted that due to the proposed access route, views into the rear garden would be opened up thereby giving views of the new building. Although it was acknowledged these views may only be partial, the presence of the new build would be noticeable from the public realm, more specifically, the first floor upwards.
- 5.23 Development on this site would represent a significant change to the existing site's character, change the existing open and undeveloped views currently experienced and affect the setting of the conservation area and the locally listed building. These matters required sensitive consideration and revised plans were submitted in an attempt to address these areas of concern.
- 5.24 Amended plans now show a modern interpretation of a traditional barn with a single storey modern flat roof addition to one side. The proposal has been reduced in height and massing and by the use of good quality materials is acceptable. Appropriate conditions will be attached to the decision notice.
- 5.25 Although there would be changes, it is considered that the introduction of the proposed new dwelling would preserve the character of the Lower Almondsbury Conservation Area; and would not cause harm to the setting of the locally listed number 4-6 Townsend Lane.
- 5.26 It is concluded that the proposal satisfied Policy PSP17 which is concerned with the conservation of heritage assets.
- 5.27 Design
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.
- 5.28 The proposed new three bed house would be made up of a two-storey element occupying a footprint of around 8.2m x 9.5m, eaves of around 3.5m and an overall ridge height of 6.5m. Attached to this on the northern side would be a flat roof single storey structure measuring around 14m x 5m with a height of 3m. Plans indicate this single storey element would have a sedum roof. Detailed discussions and revised plans have improved and changed the overall design by reducing the height and changing its appearance which now reflects the style of a traditional barns in order to complement the main locally listed house, its backland position and to be deferential within the conservation area. Given its position the scale and appearance were considered important and will be conditioned.

- 5.29 The main openings for this new house would be in the east and west elevations with full height windows as a modern interpretation of barn doors. Smaller windows at ground floor level will be in north and south elevations. The house will have two bedrooms at first floor and one at ground floor level.
- 5.30 In terms of the appearance, the proposed new house would be appropriate in its design, scale and massing and on balance the introduction of this revised scheme is considered acceptable.
- 5.31 Residential amenity
The proposed garden for the new dwelling would be located in an area outside the established settlement boundary. The garden of the host property would be divided but no details of the proposed boundary treatment have been given. It is noted that close boarded fencing is typical for gardens here and this material would be acceptable. The amount of garden remaining for the host property would be over 350 square metres and the total rear garden for the new house over 400 square metres. Both areas comply with the minimum standards in the recently adopted PSP38.
- 5.32 The new house would be around 40 metres away from the rear of the host dwelling with the proposed single storey garage in between to provide some additional screening. There would therefore be no adverse impact on the amenity of the host property from, for example, overlooking.
- 5.33 Moving on to the impact on other neighbours. A number of comments have expressed concerns particularly with regard to the distance the proposed new dwelling would be from their properties. The north two-storey elevation would be around 20m from the rear of properties on Marshall Lane. It is acknowledged that the single storey element would be closer, but would be screened by existing close boarded fencing along these rear gardens. No windows/openings are proposed in the north elevation of the two-storey while those at ground floor level would serve kitchen, utility, cloakroom and snug. In this way the privacy of the closest neighbours would not be affected.
- 5.34 Concern has been expressed that the new house would be overbearing and impact on the amount of light entering existing houses. It must be noted that the new house would be to the north of existing large agricultural buildings and therefore it is considered that although there would be changes for closest neighbours, the impact of this revised scheme would not be dissimilar in terms of amount of light entering gardens, over and above the existing situation. Given the degree of separation between the two, there would be no issues of overbearing resulting from the introduction of a new dwelling here. Consequently, this is not sufficient to warrant a refusal of the application.
- 5.35 Transport
During the course of the application the parking arrangements for both the existing and the proposed houses were queried. Additional submitted information confirmed that the existing parking arrangements for the property 4-6 Townsend Lane would comply with adopted standards given the number of

bedrooms in this house. As such the proposed parking arrangements for the new house which include the erection of a garage are considered acceptable.

5.36 Comments made by local residents regarding the potential impact on this lane are noted. However, following guidelines set out in the national planning document, NPPF, updated in July 2018, only development which would have a severe impact on highway safety should be regarded as being unacceptable and be refused. The introduction of one new dwellinghouse and the associated amount of traffic movement would not have a severe impact on road safety. On this basis the scheme is therefore acceptable.

5.37 Landscape

The proposal is within the garden of No. 4-6 Townsend Lane and as such there would be no overall landscape objection. It is considered that an appropriate landscape condition should be attached to the decision notice. The landscape scheme should comply with the landscape strategy of the Severn Ridges landscape character area and other relevant policies and one which reflects its proximity to the conservation area location. The scheme should include details of boundary treatments.

5.38 Trees

The trees within the garden are not protected by any tree preservation order nor deemed worthy of such protection. It is noted that some trees have been removed but the reason or timing of this action is not something that is to be discussed in this planning report.

5.39 Archaeology

The site is in an area of archaeological potential as it falls partly within and adjacent to the historic core of Almondsbury. It is possible that evidence relating to the medieval settlement survives on site. It is noted that no archaeological assessment has been submitted but on this occasion it is considered acceptable for an appropriate condition to be attached to the decision notice.

5.40 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.

5.41 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.

5.42 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.

5.43 Other Matters

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

5.44 Comments from local residents request that a condition should be attached to the decision notice preventing the introduction of a chimney and preventing the introduction of any first floor development over the proposed single storey. Given the sensitive location of the application site it is considered reasonable that permitted development rights be removed so that any further development would be fully assessed.

5.45 A number of comments express concern that if this application is granted it would set a precedent for this type of development which would change the village setting. It must be recognised that development within existing curtilages is supported by both local and national planning policies as making the best possible use of land. However, each case will be assessed and determined on its own merits.

5.46 Planning Balance

The introduction of a new dwelling within the established settlement of Lower Almondsbury will make a positive contribution to the current five year land supply and the housing shortage in general. The contribution is acknowledged as being modest as the scheme is only for one house. The revised proposal is considered acceptable with regards to its location adjacent to a locally listed building and within the Lower Almondsbury Conservation Area. Matters regarding landscape and archaeology can be dealt with by condition and the proposed scheme would provide sufficient parking for both the new and existing dwelling. Impact on residential amenity has been assessed and although there would be changes for local residents the effect would not be so adverse as to warrant a refusal of the scheme. The proposal is therefore 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 conditions. .

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

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

As received by the Council on 22.3.18:

Site location plan - 001

Existing site plan - 002

As received by the Council on 30.7.18:

Floor plans - 101C

Elevations - 102C

Site plan - 103C

Garage - 104

Street scene and ground floor plan - 106A

Reason

To ensure the development serves to preserve the character and appearance of the conservation area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and Policies PSP7 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

3. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure the development serves to preserve the character and appearance of the conservation area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and Policies PSP7 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

4. Prior to the commencement of the relevant works, a representative samples of the following materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the agreed samples:

- a) Timber cladding
- b) Tile

Reason:

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

5. Prior to the commencement of relevant parts of the development a representative sample panel of natural facing stone, of at least one metre square, showing the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of development, for consistency

Reason:

This is to preserve the character and appearance of the conservation area and the setting of the locally listed host buildings in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

6. Prior to the commencement of development, the detailed design of the following items shall be submitted and approved in writing by the Local Planning Authority.
- a. All new windows and fixed glazing (including cill, head, reveal and glass details)
 - b. Rooflights
 - c. All new doors (including frames and furniture)
 - d. All new vents and flues
 - e. Eaves (including rainwater goods), verges and ridges
- Thereafter the development shall proceed in accordance with the approved details.

Reason:

This is to preserve the character and appearance of the conservation area and the setting of the locally listed host buildings in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and PSP17 of the South Gloucestershire Local

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

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

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action in future and to protect the character and appearance of the conservation area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP2 of the Policies Sites and Places Plan (Adopted) 2017; South Gloucestershire Landscape Character Assessment LCA 18 Severn Ridges (Adopted) 2014 and the National Planning Policy Framework.

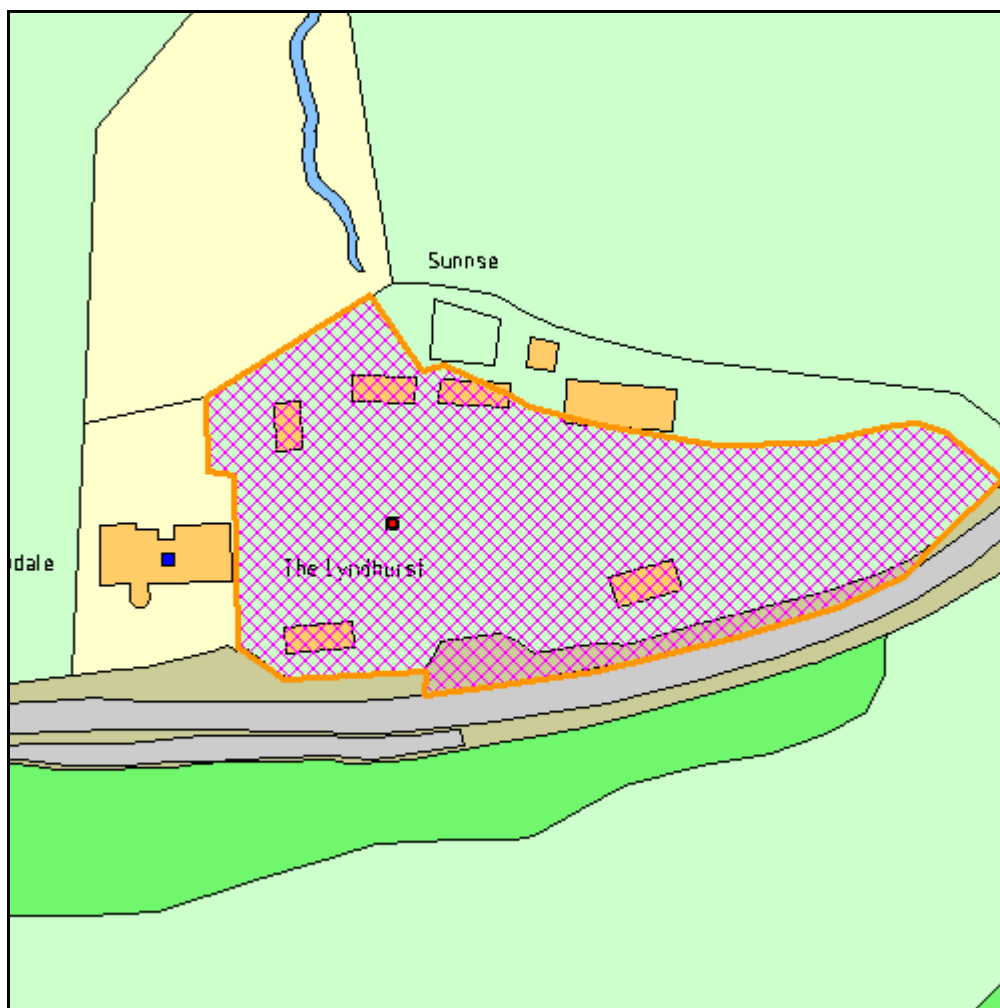
8. Prior to the commencement of any groundworks, including any exempt infrastructure, geotechnical or remediation works, a programme of archaeological work and subsequent detailed mitigation, outreach and publication strategy, including a timetable for the mitigation strategy, must be submitted to and approved by the Local Planning Authority. Thereafter the approved programme of mitigated measures and method of outreach and publication shall be implemented in all respects.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action in future and to maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PT18/1890/RVC	Applicant:	Mojo Active Ltd
Site:	Tall Trees Over Lane Almondsbury Bristol South Gloucestershire BS32 4DQ	Date Reg:	3rd May 2018
Proposal:	Variation of condition 1 attached to planning permission PT16/1411/F to extend approved time period to allow the permitted temporary use of land to be discontinued and restored to its former condition by the 20th April 2020.	Parish:	Almondsbury Parish Council
Map Ref:	358338 182146	Ward:	Almondsbury
Application Category:	Minor	Target Date:	27th June 2018



© South Gloucestershire Council 2007. all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule due to an objection having been received, which is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This is an application under s73 of the Town and Country Planning Act 1990 (as amended) to develop land without complying with conditions previously attached. The previous approval (ref. PT16/1411/F) granted permission for the change of use of the land from a caravan site to a coach drop-off place for the adjacent Mojo Active site. That permission was limited by condition to a period of 18 months. This present application seeks to effectively extend this permission for a further temporary period.
- 1.2 The site is located on Over Lane, just outside of Over and between Almondsbury and Easter Compton. The site was formerly a caravan site, and beyond it is open countryside and the Mojo Active site. Access is off Over Lane using the existing layout.

2. POLICY CONTEXT**2.1 National Guidance**

National Planning Policy Framework July 2018
Planning Practice Guidance

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

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS34 Rural Areas

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

PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP28 Rural Economy

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/1411/F – *Change of use of land to provide coach drop off for a temporary period of 18 months.* Approved.

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

Objection – concerns over large vehicles on a narrow country lane with poor visibility. Request conditions attached to any approval to adopt a one-way only route through Over Lane.

4.2 Other Consultees

Fisher German (on behalf of Esso Petroleum Company Ltd) – no objection.

Transportation DC – no comments.

Environmental Protection – no comments.

Other Representations

4.3 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of development was considered under the application ref. PT16/1411/F, where permission was granted. This scope of this application is only to consider the conditions subject to which planning permission should be granted.

5.2 The 'existing' conditions

Planning permission ref. PT16/1411/F was granted subject to three conditions:

1. limiting the duration of the permission to 18 months
2. limiting the hours of use of the site to 08:00 – 21:00 Mondays to Fridays and 08:00 – 18:30 Saturdays and Sundays
3. requiring vehicle engines to be switched off other than while manoeuvring for and entering and exiting the site.

The applicant seeks only to vary the condition limiting the duration of the permission, and accepts that the other two conditions, which were imposed to protect residential amenity, would be re-imposed unchanged.

5.3 The condition limiting the duration of the permission

This condition was imposed to “allow the Local Planning Authority to re-assess the development in the light of experience of the use, the provisions of the Local Plan and any other material considerations”. While it would appear that the use of the site has been fairly limited, the applicant has confirmed that the permitted use has been taking place, and no issues have arisen. Neither the Planning Enforcement Team nor the Environmental Protection Team have received any complaints about the site during the initial 18 month period.

5.4 The applicant has requested permission for a further temporary period to run until April 2020, while they consider their intentions for the future use of the site. Consequently, in the absence of any issues having arisen it is considered acceptable to permit the development to continue for the further temporary period, and a new condition will be attached to limit this.

5.5 Other conditions?

While planning policy has changed since the original permission was granted, with the publication of the revised NPPF and the adoption of the Policies Sites and Places Plan, there has been no material change to the policy context against which the development was assessed, and the material considerations remain the same. While the Parish Council have again requested a condition to create a one-way system on Over Lane, the development was previously deemed acceptable in transport and access terms and such a condition is not considered necessary or appropriate. No other additional conditions are considered to be necessary.

5.6 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.

The approval of this application is likely to improve accessibility to the Mojo Active site, which promotes the health and wellbeing of young people, who are the user group of the facility. It is therefore considered likely that it will have a slightly beneficial 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 planning permission is granted subject to the conditions set out in this report.

Contact Officer: Neil Howat
Tel. No. 01454 863548

CONDITIONS

1. The use hereby permitted shall be discontinued and the land restored to its former condition by the 20th April 2020.

Reason

The granting of permission for a limited period will allow the Local Planning Authority to re-assess the development in the light of experience of the use, the provisions of the Local Plan, and any other material considerations.

2. The site shall not be used for the use hereby permitted outside the following times:

08:00 to 21:00 hours Mondays to Fridays

08:00 to 18:30 hours Saturdays and Sundays

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (adopted November 2017) and the provisions of the National Planning Policy Framework.

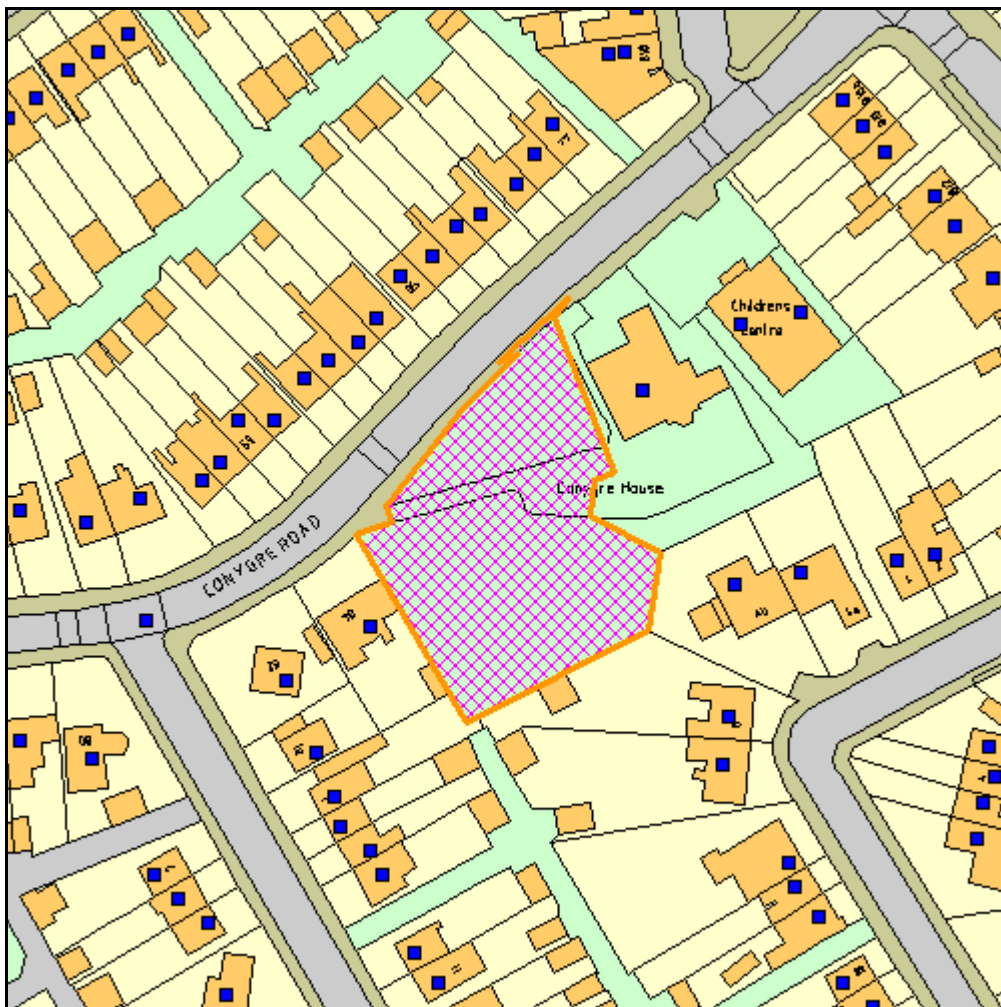
3. Vehicle engines shall be switched off at all times other than while manoeuvring for and entering or exiting the site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (adopted November 2017) and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PT18/2072/F	Applicant:	Cedar Homes Bristol Ltd
Site:	Land Adjacent To Conygre House Conygre Road Filton Bristol South Gloucestershire BS34 7DD	Date Reg:	4th May 2018
Proposal:	Erection of 1no two storey building to form 8 no. flats with parking, landscaping and associated works.(Re submission of PT17/3482/F)	Parish:	Filton Town Council
Map Ref:	360754 179407	Ward:	Filton
Application Category:	Minor	Target Date:	28th June 2018



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

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 circulated as a result.

1. THE PROPOSAL

- 1.1 The proposal seeks to erect a two storey building to form 8no apartments with parking, landscaping and associated works.
- 1.2 The property forms part of a larger site associated with Conygre House which is a locally listed building that has recently been converted from office accommodation to flats under the provisions of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015.
- 1.3 Access to the property is via Conygre Road.
- 1.4 The site is located within the built up residential area of Filton in an area predominately occupied by inter and post war housing.
- 1.5 Pre-application discussions were held on an alternative scheme prior to the submission of this planning application. Subsequently a further scheme was submitted prior to this proposal coming forwards, this was later refused on design grounds and the loss of a non-designated open space. The scheme has sought to amend the previous scheme in line with advice.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4a Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS18 Affordable Housing
- CS23 Community Infrastructure
- CS24 Open Space Standards

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

- PSP1 Local Distinctiveness
- PSP8 Residential Amenity
- PSP16 Parking Standards
- PSP17 Heritage Assets and the Historic Environment

PSP20	Surface Water Management
PSP38	Development within Existing Residential Curtilages
PSP42	Custom Build Dwellings
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
 Design Checklist SPD (adopted) August 2006
 Residential Parking Standards SPD (adopted) December 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT17/3482/F – Refusal – 19/01/2018 – Erection of 1no two storey building to form 9no flats with parking, landscaping and associated works.
Refusal Reasons:
 1. *The proposed works would be detrimental to the architectural and historic character of Conygre House, a locally listed building, by virtue of the design, scale, landscaping proposals and appearance of the proposed new building significantly degrading the setting of this heritage asset. The proposal would also fail to respect or be informed by the area in which it is situated and would result in overdevelopment of the site and a negative impact on the amenity of a number of nearby dwellings, while also providing a poor standard of amenity for a number of the units proposed. The proposal is therefore found to be contrary to Policies CS1 and CS9 of the adopted Core Strategy (December 2013); Policies PSP1, PSP8 and PSP17 of the adopted Policies Sites and Places DPD (November 2017); and the provisions of the NPPF (2012).*
 2. *The proposal would result in an adverse impact on a non-designated open space that provides an important contribution to the locality by diminishing its quality, character, heritage value and the distinctiveness of the locality in general and has therefore been found to fail Policy PSP5 of the Policies Sites and Places DPD (adopted) November 2017 and the provisions of the NPPF (2012).*
- 3.2 PT17/4252/F – Approval – 03/11/2017 – Conversion of part of existing building to form 1no. dwelling with new bin and cycle storage area .
- 3.3 PT16/0481/PNOR – Approval – 23/03/2016 – Prior notification of a change of use from Offices (Class B1a) to 7no. dwellings (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 3.4 P99/1846 – Approval – 16/07/1999 – Construction of additional parking for staff, public & disabled use.
- 3.5 P97/2213 – Approval – 05/12/1997 – Erection of single storey extensions.

4. **CONSULTATION RESPONSES**

- 4.1 Filton Town Council
 No Comments Received
- 4.2 Other Consultees
Highway Structures

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

Or

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

Lead Local Flood Authority

No objection subject to a condition to secure SUDS.

Archaeological Officer

No objection in principle but notes that updated information on the HER indicate it may fall within a former medieval settlement and a condition for archaeological works during construction was suggested. Subsequently additional information commissioned by the Council at the time the property was sold was submitted. This has indicated that site investigation has already taken place and therefore there is no need for the previously suggested condition.

Transport Officer

No objection in principle but requests that the access is widened and electric charging is provided to two of the proposed parking spaces.

Listed Building and Conservation Officer

The scheme has been reduced and improved since its first pre-application submission and the proposal takes a distinctly different tack from the earlier contemporary box design following negotiations. The proposal is intended to appear as ancillary cottages/mews buildings associated with Conygre House and has been positioned with the intention of protecting the key sightlines from the road towards the locally listed building. Subsequent revisions have resolved the majority of issues with this scheme and materials have been amended in line with the advice provided.

Tree Officer

The information provided in the First Ecology Arboricultural Assessment is broadly satisfactory for the purposes of protecting the retained trees throughout the proposed development. The only elements I would want to see amended are the tree protection around T2 and T7. These are both category A trees. T2 is the dominant tree on site and the proposal shows the building within the tree's RPA. Whilst I accept this is minimal, I would prefer the building to be outside of the RPA or, at least, show provision of ground protection between the protective fencing and the building. This area will be filled with scaffolding and building materials so should be afforded the appropriate protection. T7 will have an asymmetrical RPA because of its location adjacent to the highway. The RPA within the site is, therefore, more important. Accordingly I would like to see the parking bays that are currently proposed to be within the RPA to be

moved, or to be installed using a no-dig construction. This also stands for the bays within the RPA of T8.

Other Representations

4.3 Local Residents

Three comments have been received objecting to the proposal. One has concerns over the management of the adjacent site and associated dust and noise. Other comments have raised concerns over the impact of further development of the site and its impact on the setting of the locally listed building, loss of green space and the impact on the highway network. The comments also suggest that the community use of the site has been lost. These issues are discussed below.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. Policy PSP17 states development affecting heritage assets should ensure they are preserved or enhanced, having regard to their significance. In this case the proposal site is locally listed.

5.2 The location of the site would be considered a suitable location for development and would be acceptable in principle in accordance with Policy CS5. Consequently the main issues to deliberate are the design and appearance of the building and the impact on the character of the area and the heritage asset; the impact development may have on the amenities of neighbouring occupiers and the proposals impact on transport and parking provision. The proposal would represent a modest contribution to this housing land supply and is therefore a material consideration in the determination of this planning application. The proposal is subject to the consideration below.

5.3 Affordable Housing

The proposal is for 8no dwellings. According to Policy CS18 this falls below the threshold for affordable housing provision. The written ministerial statement (WMS) states affordable housing provision should not be sought on proposals for 10 units or less and therefore no such affordable housing would be sought.

5.4 Design and Visual Amenity

The proposal consists of the erection of a two storey building to form 8no apartments. The proposal has been subject to a number of alterations since its initial submission under a previous application. The current scheme has sought to overcome the issues raised with earlier submissions and that initially submitted under this application. The amendments previously suggested included a reduction in the number of units provided; a reduction in the size of

the front projections and the east to west length of the property; a revised material palette; the site layout and proximity to neighbours and boundaries; orientation of window openings; and alterations to the roof type to provide a gabled or hipped roof. These requests were made to ensure the proposal would be more in line with the above core planning principle in terms of quality of design and residential amenity. These issues have all been addressed in the revised scheme put forward. The proposal now has a much more traditional appearance than the contemporary structure submitted under the previous application.

- 5.5 That now proposed utilises a combination of gabled, hipped, and half hipped roofs with half dormers incorporated in places. This choice of roof design has intentionally imitated other roof structures nearby and is now viewed as consistent with the general character of the area. That previously refused had provided a flat roof with a projecting single storey element that was at odds with the general suburban characteristics of the area. That now proposed, given its traditional approach, is far more in keeping and has worked to remove refusal reason 1 attached to the decision PT17/3482/F in terms of the design objection.
- 5.6 Material choices are also far more in keeping with the locality and will utilise a combination of brick, render and stone, seemingly influenced predominately by Conygre House and also other nearby properties. This has resolved concerns with the proposed material palette. The proposal would now read as a cottage/mews property associated with Conygre House. This is an improved approach to the contemporary and visually jarring block previously submitted and is far more consistent with the appearance and nature of the locally listed building.
- 5.7 The proposal has been reduced in depth and width and therefore its impact on the public realm, from that previously submitted, has been diminished. Nevertheless the proposal would result in largely infilling the currently open area and a certain amount of negative weight must be attached to this observation. Comments have been received with regard to this. This impact must be weighed against the benefits of development and in the presumption in favour of sustainable development. This is discussed in the planning balance section below. In terms of overdevelopment of the site, the resolution of the amenity concerns discussed below is an indication that the situation has improved. Additionally by virtue of the reduction in the number of units proposed, less parking provision is required and consequently further landscaping can be provided. It must also be noted that the boundary treatment is sufficiently high that pedestrians on the southern side of the road are unlikely to be able to see into the grounds. On this basis, whilst the proposal would result in the loss of open space, the important characteristic of the open space is the vistas across the site and towards Conygre House and not necessarily the open space itself. The development has avoided interruption of these views and is now viewed to be within acceptable parameters; both in terms of the landscape impact and the overdevelopment of the site.
- 5.8 Overall the revised proposal is viewed as consistent with the general character of the area and the structure is viewed to have an acceptable design. The proposal would result in the loss of a currently open space

but it is noted that the surroundings of the site is relatively dense and suburban in nature and the key views across the site will be retained, keeping a sense of openness. In this context the proposal would not be viewed as unusual in density and a reasonable amount of the site would remain open.

5.9 Residential Amenity

Policy PSP8 of the adopted Local Plan gives the Council's view on residential amenity. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.

5.10 The proposal has been amended to be further from the boundaries to the west and south. Previously there were concerns with regard to overlooking of private gardens and living accommodation, as well as associated overbearing and dominance of these properties, one of which is only single storey. Additionally there were concerns over the level of amenity offered to occupiers of the ground floor apartments due to the proximity of the boundary itself. The revised scheme only has one window oriented to the west and given its location, would not result in any significant overlooking of the adjacent property. Additionally windows to the south will no look directly onto the living accommodation of the properties to the south and east. Lastly given the scale of the development proposed and its proximity to these neighbours, it is not viewed to result in an unacceptable impact on the amenity neighbouring dwellings.

5.11 Amenity will be provided to the rear and side of the proposed structure and this is viewed to satisfy the requirements of Policy PSP43. Due to the movement away from boundaries since the previous scheme, it is thought that the proposed ground floor apartments would have a sufficient level of outlook and natural light. This was one of the symptoms of overdevelopment identified with the previous scheme and this is now considered to have been resolved.

5.12 Comments have been received from a neighbour who is concerned with the impact on their property during construction after it is assumed the development of Conygre House itself has caused disturbance and dust problems. Given this situation it has been seen as appropriate to apply a condition to controls the operation of the site. Subject to which it is thought the proposal would have an acceptable impact on the amenity of neighbouring occupiers and is therefore consistent with the requirements of the adopted development framework and the NPPF.

5.13 Sustainable Transport and Parking Provision

The proposal would result in the creation of 8no residential units with either 1 or 2 bedrooms each. New development must provide off-street parking in accordance with Policy PSP16 of the Policies Sites and Places DPD. A 1 bedroom property is required to provide 1 private parking space and a 2 bedroom property would be required to provide 1.5 spaces. A total of 11 spaces would be required for residents parking plus an additional 0.2 spaces per unit for visitors. This brings the total number of required spaces to around 13. This had been identified on the block plan. Given this consideration and professional opinion of the transport officer, the proposal is not considered to

have an adverse impact on highway safety and is therefore acceptable in respect of the adopted development framework and the NPPF. Neutral weight would be attached to this consideration. It was requested that electrical charging points are provided and that an existing access is closed to vehicles and another access widened. Paragraph 109 of the NPPF states that permission should only be restricted on highway grounds where the cumulative impact on the highway is severe. Given there is an existing access that could be brought back into operation without the requirement for planning permission, this is not seen as a severe impact and consequently no such request has been lodged.

5.14 Arboriculture

There are a number of mature trees within and nearby the proposal site, as well as a TPO'd Cedar. A tree report, protection plan and methodology has been provided in support of the application. This suggests that the proposal is sited to avoid impact on the trees, and those worth retention will be protected during the construction through appropriate means, additionally improvement works are suggested for some trees that would better facilitate their retention. Whilst broadly adequate, some information is lacking and further information is requested with regard to 2no trees. On this basis no objection has been raised by the tree officer subject to a condition being attached to secure further information and implementation in accordance with the agreed details.

5.15 Other Matters

Comments have been raised concerned that the site was earmarked for community related activities. It is understood that the site was sold off for development and subsequently converted to housing after the initial deal for community related development fell through. The purpose of this application is to consider the development at hand and whether or not it fits with adopted policy. The site must be considered a sustainable location and therefore, subject to site specific consideration as above, it is an acceptable location for residential development. On this basis, whilst unfortunate, the loss of the proposed community use should not factor into the assessment of this application.

5.16 Planning Balance

As mentioned earlier proposals for housing development should be considered in the context of the presumption in favour of sustainable development and permission should be granted unless the negative impact of doing so would significantly and demonstrably outweigh the benefits. The proposal site has an existing residential use and is located within the built up area of Filton. The location is therefore considered a suitable location for residential development. Additionally South Gloucestershire are unable to demonstrate a 5 year housing land supply. The proposal would provide 8no additional dwellings. In this situation positive weight can be given to the contribution to housing supply. Material positive weight would be attached to this benefit. Under the previous application, the negative impact of development was found to, on balance, weigh against permission being granted. In this case, following the revisions, neutral impact is attributed to the residential amenity and transport impacts of the development. It is noted that the proposal would result in the infilling of a currently open space, however key views across the site would remain and the

development would be relatively well screened by existing trees to the front. The revised scheme has sought to resolve concerns raised and the refusal reasons attached to the previous application. On this basis, while limited weight should be attached to the impact on design and the setting of the locally listed building, this has not been found to significantly and demonstrably outweigh the benefit to local housing supply and therefore the assessment leans in favour of permitting development.

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

7. RECOMMENDATION

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

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. Development shall be carried out in accordance with the following plans:

Received on the 02nd May 2018 - Proposed Ground Floor Plan (P-200A)

Received on the 21st June 2018 - Proposed First Floor Plan (P-201A); Indicative Site Scenes (P62B + P-63B); Proposed Elevations (P-706C + P-707C); Proposed Site Layout (P-15B); Proposed First Floor Plan (P-201A)

Reason:

In the interest of clarity and proper planning and for the avoidance of doubt.

3. Prior to the commencement of development a revised tree protection plan and method statement associated with trees T2 and T7 (as identified in the First Ecology Arboricultural Assessment - received 3rd May 2018) shall be submitted to the Local Planning Authority for approval. Development shall proceed strictly in accordance with the approved details.

Reason

In the interests of the long term health of the trees, and to accord with the provisions of CS1, CS9, PSP1 and PSP1, PSP3 and PSP17 of the Core Strategy (2013) and the Policies Sites and Places DPD (2017). This information is required prior to commencement as it relates to the construction stage of development and its potential impact on the health of the trees.

4. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP20 of the Policies Sites and Places DPD (2017); and the National Planning Policy Framework. This information is required prior to commencement as it relates to the flood resilience of the development.

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

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and Policy PSP16 of the Policies Sites and Places DPD (2017).

6. 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 before the relevant parts of the work are commenced. 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 a satisfactory standard of external appearance and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1 and PSP17 of the Policies Sites and Places DPD (2017); and the National Planning Policy Framework.

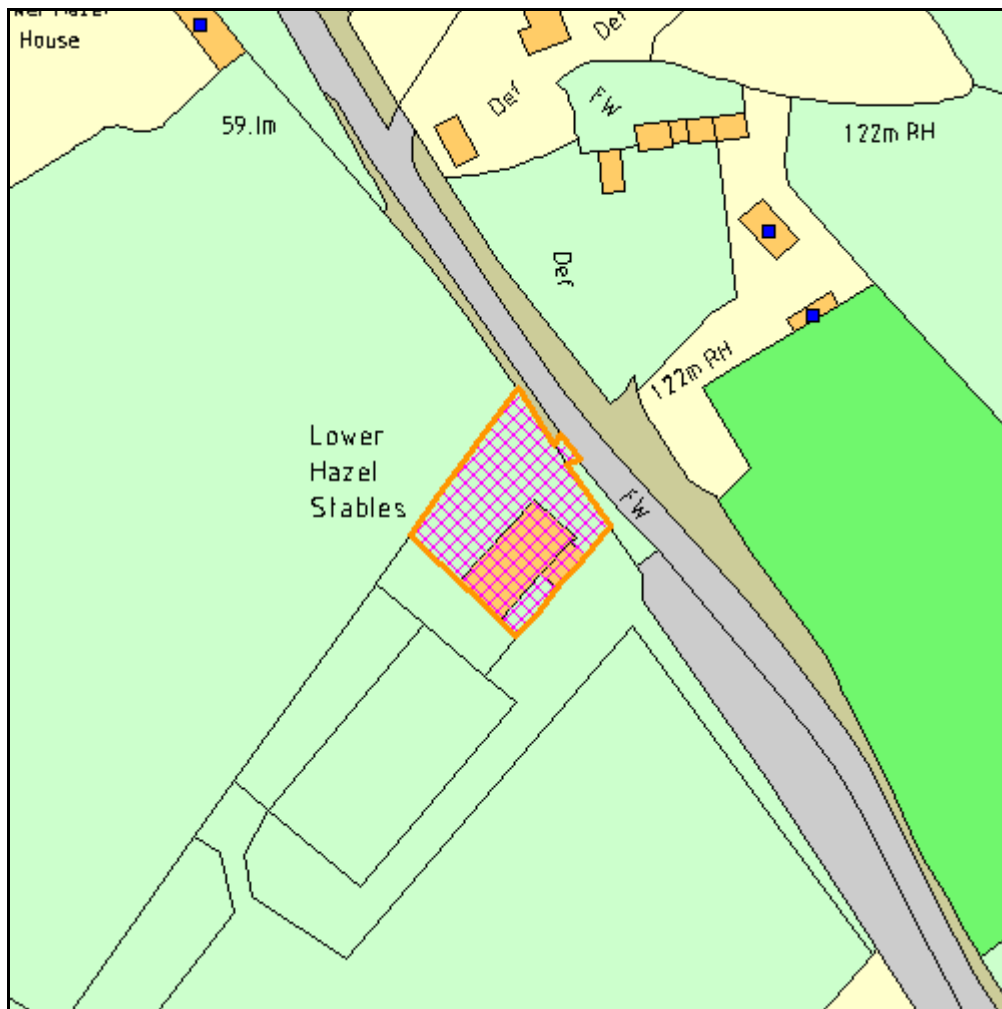
7. The hours of working on site during the period of construction shall be restricted to
Monday - Friday.....7:30am - 6:00pm
Saturday.....8:00am - 1:00pm
No working shall take place on Sundays or Public Holidays.
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 of the Policies Sites and Places DPD (2017); and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PT18/2369/F	Applicant:	Mr Ken Jones
Site:	Lower Hazel Stables Lower Hazel Rudgeway Bristol South Gloucestershire BS35 3QP	Date Reg:	31st May 2018
Proposal:	Conversion of existing stable building to form 1no holiday cottage (Use Class C3).	Parish:	Olveston Parish Council
Map Ref:	362659 187385	Ward:	Severn
Application Category:	Minor	Target Date:	25th July 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PT18/2369/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

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

A public consultation is currently being carried out. This will end on 11th September 2018. Should any new additional public comments representing material planning considerations be received during this time, these will be taken into account in Officers' assessment and the application will be placed on Circulated Schedule where necessary.

1. THE PROPOSAL

- 1.1 This planning application seeks permission for the conversion of an existing stable building to form 1no. holiday cottage (Class C3) at 'Lower Hazel Stables' near Rudgeway.
- 1.2 The existing building comprises blockwork construction with cement roofing it currently has no openings apart from a double entrance door.
- 1.3 The site is located in a group of buildings approximately 300 metres north west of Rudgeway and relatively close to, but outside, the settlement boundary of Alveston. The site is within part of the Bristol/Bath Green Belt.
- 1.4 Throughout the course of the application the red line boundary was amended to include the access and parking areas. As such, the Officer undertook a period of re-consultation for 21 days. This ends on 11th September 2018.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS17 Housing Diversity
CS34 Rural Areas

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP7 Development within the Green Belt
PSP8 Residential Amenity

PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP21	Environmental Pollution and Impacts
PSP28	Rural Economy
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Standards

- 2.3 Supplementary Planning Guidance
 Development in the Greenbelt SPD (adopted) June 2007
 Design Checklist SPD (adopted) August 2006
 Residential Parking Standards SPD (adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P97/2505 Approval 16.01.1998
 Change of use of building and land from agriculture to mixed agriculture and keeping of horses. Alteration to existing access.

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
 Objection – to conversion to holiday cottage should be converted to a market home.
- 4.2 Sustainable Transport
 - The development is likely to be somewhat car-dependent. However, we do believe that this cottage is likely to be occupied continuously and even if it were it is unlikely it would generate more than about 7 new vehicular movements in a 24 hour period. It is not considered that it would constitute a severe transportation impact.
 - Utilising existing access is acceptable
 - Parking in accordance with policy
- 4.3 Ecological Officer
 No objection, subject to conditions.
- 4.4 Landscape Officer
The site is well contained and there are no visual landscape objections. In the event of consent being felt to be acceptable it is suggested that a mixed or single species native hedge be planted behind the boundary wall to the north side of the gateway to replace the existing struggling laurel hedge and plant a medium stature native specimen tree in the corner of the wall to the side of the entrance. All existing trees and other significant structural vegetation should be retained and protected. The existing gate is not in keeping with the landscape character of the locality and it is suggested that it could be changed to a 5 bar timber field gate.
- 4.5 Economic Development
 No comments received.

Other Representations

- 4.6 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application is for the conversion of a building to form residential use which is outside of a settlement boundary and within the open countryside and Bristol/Bath Green Belt. While it would be for holiday accommodation, it is still considered to comprise a C3 use class, the development is therefore assessed as such.

Residential conversion in the open countryside

- 5.2 PSP40 sets out that the conversion and re-use of buildings for residential purposes could be acceptable subject to criteria, which are set out below;
- i). the building is of permanent and substantial construction; and
 - ii). it would not adversely affect the operation of a the rural business(es) or working farm(s); and
 - iii). any extension as part of the conversion or subsequently is not disproportionate to the original building; and
 - iv). If the building is redundant or disused; the proposal would also need to lead to an enhancement of its immediate setting.
- 5.3 It also goes on to state that, development proposals including the creation of a residential unit, will be acceptable where they do not have a harmful effect on the character of the countryside, or the amenities of the surrounding area. Para. 79 of the NPPF includes similar criteria and suggests development of new residential units in the countryside should be resisted unless the development would re-use a redundant or disused building and would lead to an enhancement of the immediate setting.
- 5.4 In terms (i) of the above, Officer's noted on a site visit that the building is of solid, permanent and substantial construction. Plans show that there would be an element of operational development to convert the building to residential accommodation, but this is generally so the building provides appropriate natural light and outlook.
- 5.5 Moving on to (ii), it is understood that the buildings have been used for training horses for competition purposes. The agent states that work has now moved to an equestrian mail order business and has moved away from equestrian training. As such, the need for the stables has diminished. The applicant therefore seeks to secure a beneficial re-use of the building, to provide supplementary income. Given the above, it is not considered that the development would adversely affect a rural business. This is also something that Para. 83 of the NPPF supports, stating that sustainable growth and

expansion of all types of business enterprise in rural areas, through the conversion of existing buildings should be promoted.

- 5.6 As aforementioned, the development does involve the installation of windows/doors but it would not involve any extension to the existing building. As such, the proposal is considered to comply with (iii) of the above.
- 5.7 In terms of the impact on the immediate setting of the building, it is already well enclosed by mature trees, and plans show that it would benefit from a small garden area to the rear. Through a landscaping condition it is recommended that additional planting is introduced at the site. Accordingly, it is considered that the immediate setting would benefit from some enhancement. This is in accordance with (iv) and Para. 79 of the NPPF. In this way, it is also not considered that the development would lead to harm of the countryside, particularly as it is already enclosed by trees and other vegetation.
Green Belt
- 5.8 The proposal site is situated within the Bristol/Bath greenbelt. The NPPF sets out that there are certain forms of development which are not inappropriate development in the Green Belt, on the proviso that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. One of these exceptions is the re-use of buildings providing that they are of permanent and substantial construction. The assessment 5.4 of this report has found that the building would be permanent and substantial construction. It is therefore considered that the development would comprise appropriate development in the Green Belt. It is however, recommended that permitted development rights for householders are removed in relation to Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1 Classes A, B, D and E. This is to ensure that any volumetric additions can be first assessed by the Local Planning Authority.
- 5.9 The assessment above has found that the conversion of the building in this location is acceptable in principle. Detailed matters will be discussed below.
- 5.10 Design, Visual Amenity and Landscape
The existing building has only 1no. fenestration which is a double entrance door. The development would retain this opening, but also involves the installation of 2no. windows to the west (front) elevation, patio doors, bi-fold doors, 2no. windows and 2no. doors to the east (rear) elevation, as well as 5no. rooflights. It would also involve the introduction of render to the elevations. While these alterations would change the appearance of the building, it is not considered that they are detrimental to the building or the visual amenity of the area. The rendering of the existing blockwork is considered positive in terms of design. Officers are also mindful that these works would also be required to satisfy building regulations in order for the building to form residential accommodation. A condition is recommended to ensure external materials are agreed.
- 5.11 The application site is currently well screened from the surrounding area. It is not considered that its conversion would impact on the wider landscape. The

landscape officer has recommended that additional planting is proposed to improve the existing situation. Given its location within the countryside and the Green Belt it is recommended this is carried forward to the decision notice.

5.12 Residential Amenity

While nearby buildings may notice the introduction of the holiday accommodation, given the scale of the development, as well as the distance to surrounding occupiers it is not considered that detrimental impacts to residential amenity would occur.

5.13 PSP43 sets out private residential amenity standards for new residential units. This development proposes 2no. bedrooms, and as such 50sqm of private amenity space is expected to be provided. Plans show that in excess of these standards would be provided, and therefore no objection is raised.

5.14 Ecology

The application was supported by a bat survey. No evidence of bats was recorded as part of the survey and the building was considered to offer negligible bat roost potential. A birds nest was recorded. The report recommended that external lighting is kept to a minimum as well as other mitigation and enhancement measures. The ecological officer has raised no objection to the application, but recommends conditions.

5.15 Sustainable Transport and Parking Provision

This proposal would create a C3 class use on the application site which is located in the open countryside. Transportation colleagues do state in their representation that the development would likely be somewhat car-dependent. While this is acknowledged by Officer's, it is noted that there is a public house within short walking distance. Further, bus stops providing access into Thornbury and Bristol are only a 200 metre walk from the site. PSP11 sets out that where residential development is not appropriate distance to key services and facilities, it must be within a 400 metre walk to a bus stop which connects to such facilities. As such, on balance, it is considered that the location would be acceptable.

5.16 In terms of parking provision, PSP16 sets out that for a property with 2no. bedrooms, 1.5no parking spaces should be provided. Transportation colleagues have reviewed the proposal and considered that there is sufficient space to park at least two vehicles adjacent to the cottage (north east) and to the front of the property, and therefore do not raise an objection.

5.17 Consideration of likely impact on Equalities

The proposal would have a neutral impact on equalities.

5.18 Planning Balance

The assessment above has found that the development would form a residential conversion in the open countryside in accordance with PSP40. Further, it would not comprise inappropriate development in the Green Belt. There is some harm to ecology, however, this can be largely mitigated against through the recommended conditions. As such, it is not considered that the justification for 1no. dwelling to be used as holiday accommodation is

necessary. It is therefore not considered that a holiday let restriction condition would be necessary or reasonable.

5.19 Other matters

The parish council commented that a market dwelling should be provided as opposed to holiday accommodation. As paragraph 5.18 states, it is not recommended that a holiday let restriction is conditioned. It could therefore be sold as a market dwelling.

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 DPD (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 be **APPROVED** subject to the expiration of the public consultation period on 11th September and the receipt of no additional public comments representing new material planning considerations, and the conditions below.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

2. Prior to the relevant stage of development details and 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.

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

Reason

In the interest of visual amenity and to protect the character of the countryside; in accordance with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP1 and PSP2 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

4. Prior to occupation, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. For avoidance of doubt, the strategy shall:
 - Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the approved details, and shall be maintained thereafter.

Reason

In the interests of protected species and to accord with Policy PSP19 of the South Gloucestershire 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.

5. Prior to occupation of the development hereby permitted one bird box and one bat box shall be provided at the site.

Reason

In the interests of protected species and to accord with Policy PSP19 of the South Gloucestershire 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.

6. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D and E) other than such development or operations indicated

on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

In the interests of the visual amenity of the area and to protect the openness of the Bristol / Bath Green Belt and to accord with Policy CS1, CS5 and CS34 of the South Gloucestershire Core Strategy (Adopted) December 2013; PSP7 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PT18/2416/F	Applicant:	Mr And Mrs Wilmot
Site:	Willis House 27 Gloucester Road Rudgeway South Gloucestershire BS35 3SF	Date Reg:	8th June 2018
Proposal:	Erection of 1no. dwelling and associated works.	Parish:	Alveston Parish Council
Map Ref:	362532 186599	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	31st July 2018



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008.

N.T.S.

PT18/2416/F

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following letters from local residents which are contrary to the officer recommendation within this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 1 no. dwelling and associated works at Willis House, 27 Gloucester Road, Rudgeyway.
- 1.2 The site has extant planning permission for a garage relating to Willis House, however this has not been implemented.
- 1.3 The application site is within the open countryside and the Bristol/Bath Green Belt, and is outside the settlement boundary of Rudgeyway.
- 1.4 An arboricultural report was received during the course of the application.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A 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

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP16 Parking Standards
PSP19 Wider Biodiversity
PSP38 Development within Residential Curtilages
PSP40 Residential Development in the Countryside
PSP43 Private Amenity Standards

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT16/5523/F Approve with conditions 13/12/2016
Erection of two storey detached building to form garage and
accommodation ancillary to main dwelling

4. **CONSULTATION RESPONSES**

- 4.1 Alveston Parish Council
No comment received.

4.2 Other Consultees

Tree Officer

No objection to arboricultural report.

Highway Structures

No comment.

Lead Local Flood Authority

No objection to revised information.

Sustainable Transport

There is no transportation objection to this proposal. The application provides parking in accordance with our standards, as is the cycle parking. The access to the site although restricted in width in parts is considered suitable to serve one extra dwelling without causing a severe highway safety issue.

Archaeology

This application lies within the boundary of the Medieval settlement of Rudgeway. Ordinarily this would merit refusal but as it is located on the very edge it could be dealt with by condition.

Prior to the commencement of any groundworks, including any exempt infrastructure, geotechnical or remediation works, a programme of archaeological work and subsequent detailed mitigation, outreach and publication strategy, including a timetable for the mitigation strategy, must be submitted to and approved by the local planning authority. Thereafter the approved programme of mitigated measures and method of outreach and publication shall be implemented in all respects.

Ecology Officer

The following conditions should be attached:

1. The development shall proceed in strict accordance with the Mitigation Measures provided in Chapter 10 of the Ecological Assessment (Ethos Environmental Planning, November 2017). This will include the clearance of vegetation outwith bird nesting season, prevention of injuries to hedgehogs and badgers, and provision of small gaps in any boundary fencing (PSP3 and PSP19);

2. Prior to occupation, a “lighting design strategy for biodiversity” for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority (PSP19).

3. The development hereby permitted shall not be occupied until bird and bat boxes have been installed in accordance with details shown on Figure 9 of the Ecological Assessment (Ethos Environmental Planning, November 2017), and proof has been submitted to the local planning authority for approval in writing (PSP19).

Other Representations

4.3 Local Residents

Three letters of support have been submitted by local residents stating the following:

- House is good design and has taken the location into consideration
- It does not impact upon the Green Belt
- Good use of waste land

The three letters were identical and sent in via the agent for the application, rather than sent directly during the consultation period.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies CS5 and CS34 of the South Gloucestershire Core Strategy state that new build housing should be limited to urban areas and established settlement

boundaries. In that regard, this proposal is contrary to the adopted development plan as it proposes a new dwelling outside of any established settlement boundaries shown on the Proposals Map and is located within the open countryside.

5.2 *Five Year Housing Land Supply*

The Authority's Monitoring Report 2017 states that the Council cannot demonstrate a five year housing land supply. With reference to the NPPF advice, policies CS5 and CS34 of the adopted Core Strategy are therefore considered not to be up-to-date, as they do relate to the supply of housing. Paragraph 11 of the NPPF states a presumption in favour of sustainable development unless the application of policies in the NPPF that protect areas of particular importance provides a clear reason for refusing the development proposed. The Green Belt is listed as one such area.

5.3 The starting point remains the development plan policy which would resist housing in principle. The question is what weight to attribute to the NPPF, as an important material consideration in light of the current housing supply shortfall. The thrust of paragraph 11 is such that simply being located outside of the designated settlement boundary alone is unlikely to justify a refusal. The site should be demonstrably unsustainable or be within a specifically protected area. In this case considerable weight is given to the advice in the NPPF as an important material consideration.

5.4 *Green Belt*

The NPPF confirms that inappropriate development is by definition harmful to the Green Belt and should not be approved unless there are very special circumstances. Moreover, substantial weight should be given to any harm to the Green Belt. Paragraph 133 confirms that the essential characteristic of the Green Belt is that it is permanently open, and Paragraph 134 lists the five purposes including safeguarding the countryside from encroachment.

Paragraphs 145 and 146 of the NPPF state that, other than the types of development listed as exceptions in that paragraph, the construction of new buildings in the Green Belt is inappropriate, subject to five exceptions, including '*limited infilling in villages*'. This then is an important judgement in this case, as the applicant contends the proposal does constitute limited infilling in a village, and thereby appropriate development in the Green Belt.

5.5 Officers do not dispute that the proposal is limited, as it is for only one unit. The Core Strategy defines infilling as 'the development of a relatively small gap between existing buildings, normally within a built up area'. Rudgeway is a small settlement with no obvious centre, indeed it is dominated by A38 and takes the primary form of a cluster of development along the road. This is emphasised by the A38 being located on a ridge of land with the levels dropping away to the west and opening out to open countryside towards the River Severn. The application site is located in between Willis House and Willis Brake Cottage, on sloping land. At this point the character of the area is much more rural and open, with low density sporadic housing. Whilst the new property would be located in between these two existing dwellings, it would be creating a linear pattern of development which would be at a perpendicular angle to the existing linear pattern of development that Rudgeway forms along

the A38. Although little weight is given to the location of the settlement boundary in terms of judging the sustainability of the proposal under policy CS5 it is considered notable that the site lies outside of it nevertheless when assessing whether this location is “in a village”. The character of Rudgeway as a village located along the A38 is reflected in the settlement boundary. Currently, Willis House appears very close to and part of the linear village, which runs along the topography of the ridge, whilst Willis Brake Cottage is more isolated from the village, and does not form part of the built up area, and is therefore contrary to the Core Strategy definition. It is not accepted that the proposal is sited within a ‘relatively small gap’ as when considered relative to the rest of the village, the gap between the built form at Willis House and Willis Brake Cottage is large in comparison to the higher density development on the opposite side of the A38. This is apparent in the Google Maps image within the Planning Statement (Image 1) which shows the disjointed relationship between Willis Brake Cottage and the rest of the village.

5.6 It is noted that there is extant permission on the site for an outbuilding, however this was considered to represent a limited extension to the existing Willis House, which is appropriate development on Green Belt land. Furthermore, in terms of openness, the scale of this building is larger than the extant permission and there would be further harm to openness due to the subdivision of the site. Overall it is judged that this proposal would constitute limited infilling in a village, and would be inappropriate development in the Green belt. Moreover it would constitute a low density sporadic development in a site with a more rural character and would therefore encroach built form further into the countryside in contravention of one of the 5 purposes of the Green Belt. Given the above, officers consider the development to be inappropriate development in the Green Belt, as it does not fall within any of the exceptions within paragraph 145 of the NPPF. Substantial weight is given to this.

5.7 *Sustainable Development*

The planning system aims to achieve sustainable development. The counter position to this is that the planning system should resist development that is unsustainable in nature. For planning there are three strands to sustainable development - economic, social, and environmental. The site is situated outside of the settlement boundary of Rudgeway, however it is situated very close to the settlement, with even the further points of the village (such as the public house) being less than a 10 minute walk away. The walk is safe, as pavements are available, however the services within Rudgeway are very limited.

5.8 Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and that isolated new homes in the countryside should be avoided. As the site is well related to the existing settlement, the Local Planning Authority would consider it to represent sustainable development from a social, environmental and economic perspective, and therefore the presumption in favour of sustainable development in paragraph 11 of the NPPF is applicable to this site.

5.9 Design and Visual Amenity

The proposed dwelling is contemporary with a cedar/larch clad box like structure and a sedum roof, arranged over one and half storeys and elevated above the ground on stilts, giving the appearance of a 'tree house'. A large balcony area is proposed to the front of the property. As the proposal is topographically lower than the rest of the village and down a single track lane, it is only read visually with the host property, Willis House. Due to the sloping nature of the site, the development is significantly lower than Willis House and so does not appear incongruous. As there is no uniform character or street scene to integrate with, there is some flexibility for the modern approach and it is considered that the property reflects the character of the surrounding wooded area. This is an interesting proposal in design terms which meets the requirements of policy CS1 of the Core Strategy.

5.10 Vegetation

There are trees around the site boundary to the west and north, and so the applicant has submitted an Arboricultural Survey to support the application. This indicated that no trees would be adversely affected, with the footprint of the stilts for the house relating to an area of hardstanding. The Tree Officer also requested a Protection Plan and Method Statement and these have been submitted during the course of the application. A condition in the event of an approval will ensure development takes place in accordance with the submitted details.

5.11 Residential Amenity

Due to the topography of the site, the development is considerably lower than Willis House and will not cause any overlooking. There is no inter-visibility between the proposal and Willis Brake House either due to significant tree coverage. Willis House has a significant garden and the majority of it will remain to serve the host dwelling following development, and the proposed dwelling has been allocated private amenity space which would exceed the minimum requirements for a two bedroom property within policy PSP43. The development is in accordance with policy PSP8.

5.12 Ecology

An Ecology Assessment submitted to support the application made recommendations that bird and bat boxes are provided at the site, as well as holes made so that hedgehogs can commute through the site. The Council's Ecology Officer has also recommended a condition ensuring that a lighting strategy is designed and implemented prior to occupation given the rural location.

5.13 Transport

The access to the site is restricted in width in parts, however the provision of one additional dwelling will not cause a significant highway safety issue. There are turning opportunities before vehicles meet the A38, where they are able to egress in a forward gear. Two off-street parking spaces have been provided and the existing parking for Willis House has been retained in accordance with policy PSP16. A condition on the decision notice will ensure the proposed parking for vehicles and cycles is implemented and maintained for that purpose thereafter.

5.14 Archaeology

The site lies within the boundary of the medieval settlement of Rudgeway. There is an extant consent on the site for a two storey outbuilding in the same location as the proposed dwelling. This permission was granted in November 2016 (PT16/5523/F) without any archaeology condition, however in this instance the Archaeology officer has requested a pre-commencement condition requiring a programme of archaeological work and mitigation is submitted and implemented. The agent has stated that the foundations for the previously approved outbuilding could lawfully begin at any time, negating the need for an archaeological condition on this application. Officers disagree as the footprint of this building is much larger and therefore it is reasonable for officers to apply a pre-commencement condition requiring archaeological investigation.

5.15 Planning Balance

As the development does not fall within one of the categories of appropriate development within the Green Belt, the development is not acceptable in principle. The harm to the openness of the Green Belt is given substantial weight outweighs the slight contribution of one unit to the housing land supply. It is not considered that a case of very special circumstances has been made.

5.16 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

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

7. **RECOMMENDATION**

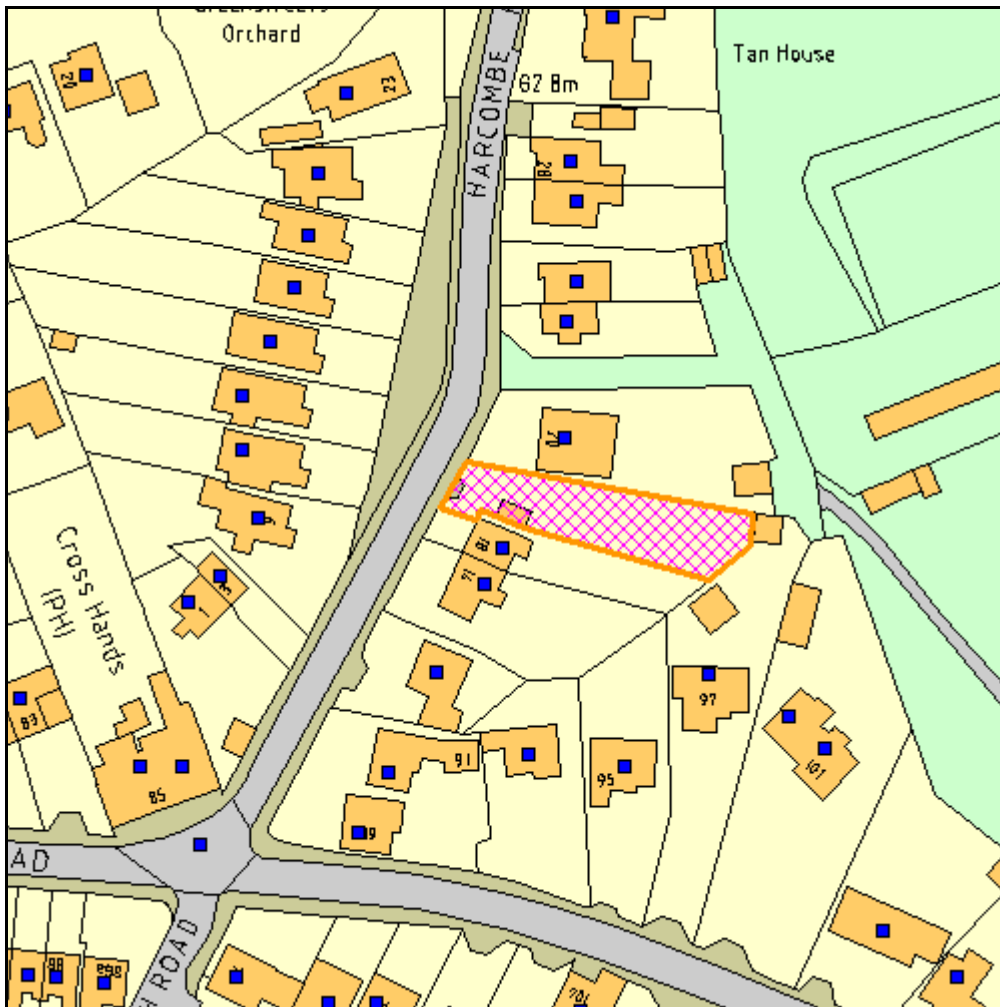
7.1 That planning permission is **REFUSED** for the reason on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 864735

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP7 of the Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PT18/2919/F	Applicant:	Mr T Moss
Site:	16 Harcombe Hill Winterbourne Down Bristol South Gloucestershire BS36 1DE	Date Reg:	29th June 2018
Proposal:	Erection of 1no dwelling with parking and associated works. Resubmission of PT18/0277/F.	Parish:	Winterbourne Parish Council
Map Ref:	365453 179691	Ward:	Winterbourne
Application Category:	Minor	Target Date:	20th August 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PT18/2919/F

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule due to objections received from the parish council and local residents, contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of 1no. dwelling and associated works at 16 Harcombe Hill, Winterbourne.
- 1.2 The application site comprises part of the existing residential curtilage of 16 Harcombe Hill. This property is semi-detached with rendered elevations, UPVC windows and a tiled roof. North of the site is a large, detached derelict property which has natural stone elevations and is set back some way from the road. Permission has recently been granted (ref. PT18/0135/F) for its demolition and the erection of 2no. detached dwellings. The surrounding area does have a mixed character, although low stone walls generally bound the front of properties.
- 1.3 Throughout the course of the application amendments have been made to the design of the dwelling. Given the minor nature of the amendments a re-consultation was not considered necessary.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (2018)
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS34 Rural Areas

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP8 Residential Amenity

PSP11 Transport Impact Management
PSP16 Parking Standards
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Waste Collection: Guidance for New Development SPD (Adopted) January 2015

3. RELEVANT PLANNING HISTORY

- 3.1. PT18/0277/F Withdrawn 13.04.2018
Demolition of existing garage and erection of 1 no. dwelling with associated works.
- 3.2. PT18/0135/F Approve with Conditions 13.03.2018
(20 Harcombe Hill)
Demolition of existing dwelling and erection of 2no dwellings with access parking and associated works.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection. This is overdevelopment of the site in relation to other proposals on the Hill. This type of infill should be resisted.
- 4.2 Highway Structures
Suggested informatives.
- 4.3 Lead Local Flood Authority
No objection.
- 4.4 Sustainable Transport
Whilst this proposal represents an intensification of the access point onto Harcombe Hill, this proposal has the benefit of providing a usable turning head for both the existing property (which did not previously exist) and the proposed property. As such there is no transportation objection to this proposal subject to the following conditions in the event of an approval. 1. The parking and turning area as shown on drawing 1527-02B shall be provided prior to first occupation of the new dwelling. 2 Prior to commencement of development a Construction Management Plan shall be submitted for approval, with the development proceeding in accordance with the approved details.
- 4.5 Safety Officer
Recommended the applicant is informed of the close proximity to a weak bridge.

Other Representations

4.6 Local Residents

1no. objection was received to the development. Comments summarised as follows:

- impact on views and therefore devalue property
- traffic is heavy and along with nearby applications this will only add to issues.
- cramming properties into area

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The development involves the erection of 1no. dwelling within an existing residential curtilage. The site is within part of the defined settlement boundary of Winterbourne. Policy CS5 directs development to established urban areas and defined settlement boundaries. As such, based solely on the location of the site, the principle of the development is acceptable. Notwithstanding this, it is recognised that, at present, the LPA is unable to demonstrate a five year land supply of housing. As such the provision of 1no. residential unit represents a benefit of the scheme.

5.2 While the comments of the parish council and local residents are noted, this type of development is acceptable in principle as set out in PSP38. This is subject to considerations of visual amenity, residential amenity and highway safety. These detailed matters will be discussed below.

5.3 Design and Visual Amenity

The application site is part of the existing residential curtilage of the host dwelling. There is an existing single storey detached garage which is proposed to be demolished as part of the development. The host dwelling sits forward approximately 11 metres of the adjacent dwelling (No.20). The adjacent dwelling at No.20 has recently had permission to demolish and erect 2no. dwellings on the site (ref. PT18/0135/F). Plans submitted show that the proposed dwelling would match the building line of the proposed dwellings at the adjacent site.

5.4 It is proposed that the dwelling would have 3 bedrooms, it would have an integral garage at ground floor as well as an single storey element to the rear at ground floor this would provide a larger kitchen and sitting room. It would have 3no. windows to the front elevation, as well as an entrance door and garage door. To the rear it would have 2no. windows, 4no. rooflights and 2no. patio doors. Throughout the course of the application the roof of the dwelling has been altered to reflect adjacent dwellings. It would now be gabled at the side rather than the front/rear.

- 5.5 Submitted information states that materials would comprise natural pennant stone elevations alongside upvc windows and a tiled roof. While these materials would contrast with the host dwelling, they would reflect the materials at the adjacent site (No.20) and in this way, they are considered acceptable.
- 5.6 This application is within a mixed character area. The proposed dwelling would reflect adjacent dwellings, and would not be detrimental to the character of the host or the surrounding area. As such, is considered acceptable with regards to design.
- 5.7 Residential Amenity
The host dwelling's front building line would sit approximately 11 metres from the front building line of the proposed dwelling. Officer's do note that this would cause some loss of light to the host dwellings garden and rear rooms. However, given the orientation of the properties, as well as the size of the garden, it is not considered that this would cause unacceptable impacts.
- 5.8 The existing dwelling at the adjacent site (No.20), as well as those permitted as part of the extant ref. PT18/0135/F, would have a similar building line to the proposed dwelling, and as such it is not considered that any detrimental residential amenity impacts would occur to future occupants.
- 5.9 PSP43 sets out standards for private amenity space for residential units. This is based on the number of bedrooms. The proposed house would have 3 bedrooms and the existing house has three bedrooms. As such, each is required to have 60m² of private amenity space. Plans submitted show that each dwelling would have well in excess of this.
- 5.10 Transport
Plans show that a communal turning area would be provided, alongside 2no. parking spaces to the front of the proposed house and 2no. parking spaces to the front of the host dwelling. The parking would be in accordance with the Councils standards as set out in PSP16. The transport officer has reviewed the proposals and considers the development acceptable, particularly since a turning head is proposed. This is subject to conditions to ensure parking and the turning area are provided prior to occupation and that a construction management plan is submitted for approval.
- 5.11 Equalities
The Equality Act 2010 protects people from discrimination in the workplace and in wider society. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between people who

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

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

5.12 Planning Balance

The principle of development is in accordance with the development plan, and therefore paragraph 11 of the NPPF sets out that the development should be approved without delay. The assessment above has found that the development would also be acceptable in the context of design, residential amenity and highway safety. As such, it is recommended that the development is approved, subject to conditions.

5.13 Other matters

Local residents raised concerns that the development would result in loss of a view and that this would de-value their property. While these concerns are understood, they do not form a material planning consideration.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application be **GRANTED** subject to the conditions set out below

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

2. Parking

The dwelling shall not be occupied until the vehicular parking arrangements and communal turning area have been completed, and made available, in accordance with the submitted Proposed Block Plan (dwg no. 1527-08, as received by the Council 21st August 2018). 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. CTMP

Prior to the relevant stage of development the applicant is required to submit a Construction Traffic Management Plan for written approval to the Local Planning Authority. For the avoidance of doubt details of wheel washing, delivery times (to avoid network peak hour), contractor parking, storage, and measures to ensure the access road running along the north of the site is not blocked at any time would need to be included. Thereafter the development shall proceed in accordance with the approved details.

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. This information is required prior to commencement as it relates to the construction period.

4. Hours of Work

The hours of working on site during the period of construction shall be restricted to
Monday - Friday.....7:30am - 6:00pm
Saturday.....8:00am - 1:00pm

No working shall take place on Sundays or Public Holidays.

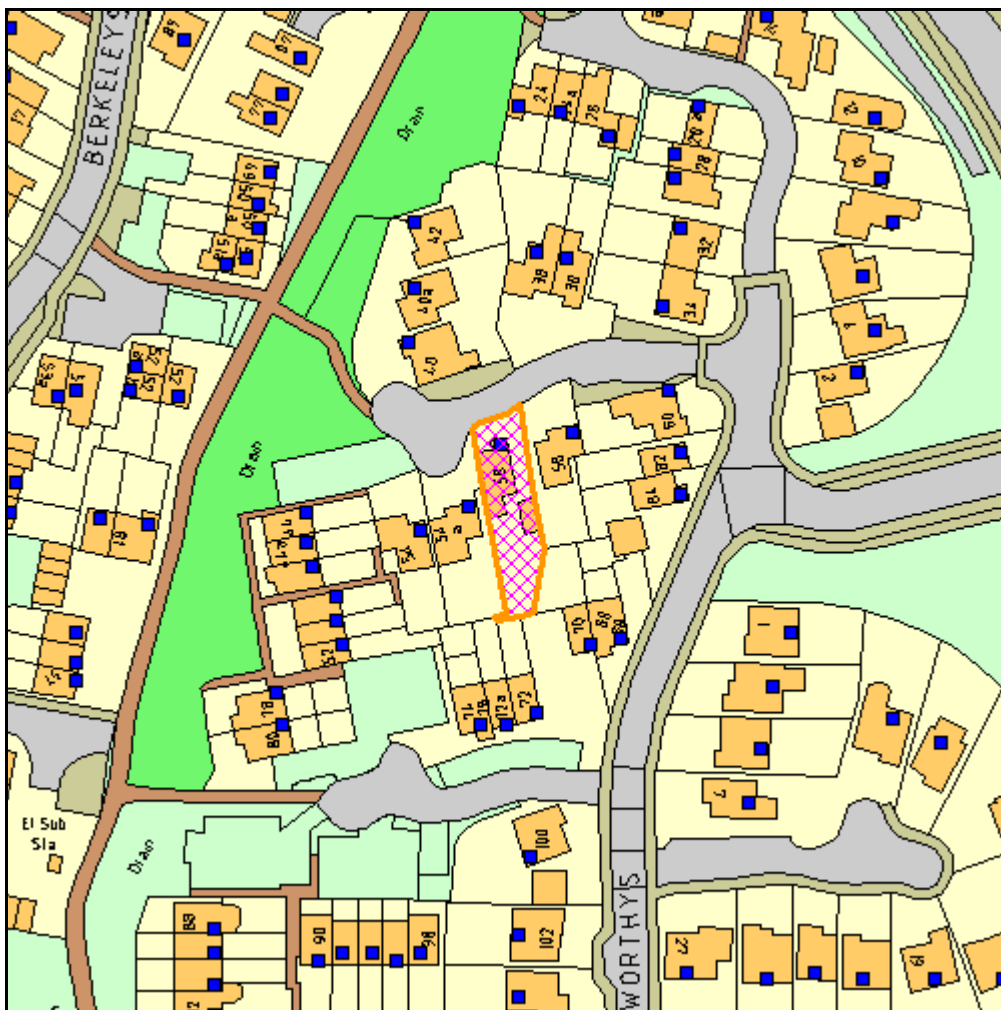
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect residential amenity during construction and to accord with the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PT18/2994/CLP	Applicant:	Mr And Mrs Pointing
Site:	56 The Worthys Bradley Stoke Bristol South Gloucestershire BS32 8DQ	Date Reg:	4th July 2018
Proposal:	Conversion of existing garage into sun-room and store.	Parish:	Bradley Stoke Town Council
Map Ref:	363154 180639	Ward:	Bradley Stoke South
Application Category:		Target Date:	28th August 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PT18/2994/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE.

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

1. THE PROPOSAL

- 1.1. The applicant is seeking a formal decision as to whether the proposed installation of 1.no rear window and the erection of internal walls to facilitate the conversion of garage to sun room at 56, The Worthys, Bradley Stoke 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. Town and Country Planning Act 1990 (as amended) sections 55 and 192.

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 P91/0020/278 – Approved - 19.06.1991
Substitution of house types on plots 4-6, 23-27 and 36-39
- 3.2 P90/0020/207 – Approved - 11.07.1990
Residential development on approximately 1.05 hectares (2.6 acres) of land to include the erection of 55 dwellings comprising 43 houses and 12 flats; construction of associated estate roads (in accordance with revised layout plan received by the council on 9TH july 1990)
- 3.3 P88/0020/105 – Approved - 02.11.1988
Residential development on approximately 1.05 hectares (2.6 acres) to include erection of 40 dwellings. Construction of associated estate roads. (In accordance with the amended plans received by the council on 10TH october 1988)
- 3.4 P84/0020/1 – Approved - 03.12.1986
Residential, shopping & employment development inc.Roads & sewers and other ancillary facilities on approx.1000 acres of land.

4. CONSULTATION RESPONSES

4.1. Bradley Stoke Town Council

No Objection

Local Councillor

None Received

Sustainable Transport

The applicant seeks to convert the existing garage into a sun room and store. Although the conversion of the garage would remove a parking space, the driveway provides adequate off street parking for the dwelling. There are no transportation objections.

Other Representations

4.2. Local Residents

This application received a total of 1 letter that neither objected to nor supported the proposal. The points raised are outlined below.

- Would not support if garage height was to change
- Would not support if window placement was to change
- For a proposed sun room, how will the sun enter if the roof structure is unchanged?
- What are the plans for the roof?

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

This decision relates only to the plans identified below:

Existing Plans

Site Location Plan

Proposed Plans

Received by Local Planning Authority 28 June 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. If the proposal is not considered “development”; then under the Town and Country Planning Act 1990 (as amended), a certificate of lawfulness can lawfully be issued.

6.3. Subject to the assessment below, in planning development is defined as:

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 or works which—
 - (i) affect only the interior of the building, or
 - (ii) do not materially affect the external appearance of the building

6.4 The key issue in determining whether or not the proposal is development falls upon whether it would materially affect the external appearance of the building: if it does not, it should not be considered “development”.

6.5 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. In 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”..., and; 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. Subject to the assessment above, the proposed installation of 1no. rear window and the erection of internal walls is not considered to material affect the building as a whole nor is it considered “development”. The case officer does not consider the erection of internal walls and the insertion of 1.no rear window would affect the external appearance as a whole, the proposed works are minor in scale and would not be harmful in terms of amenity and design. As such, under Section 55 of the Town and Country Planning Act 1990 (as amended), a Certificate of Lawfulness can be issued.

7. **RECOMMENDATION**

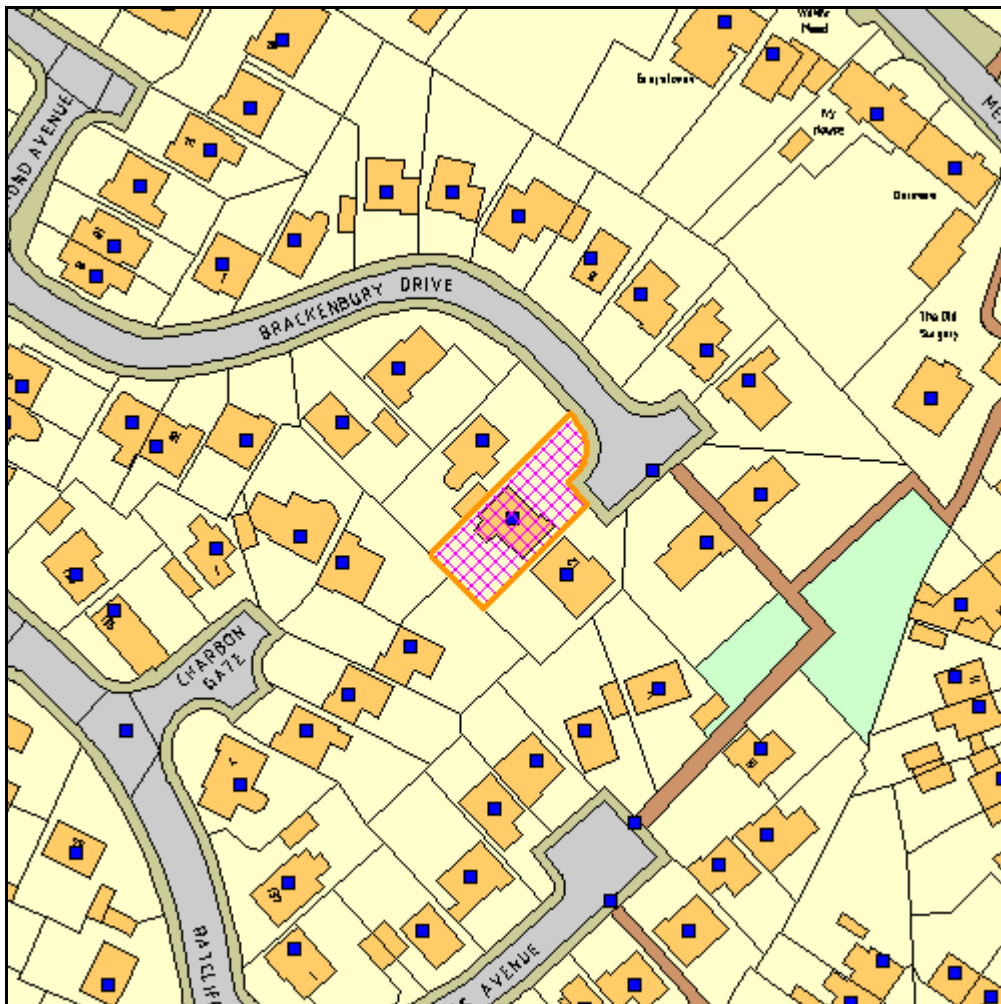
7.1. That a Certificate of Lawfulness for the Proposed Development is **approved** for the reasons listed below:

7.2. Evidence has been provided to demonstrate that on the balance of probabilities the installation of 1no. rear window and the erection of internal walls does not constitute development as described in Town and Country Planning Act 1990 (as amended) section 55. As such a Certificate of Lawfulness for Proposed Development can be issued.

Contact Officer: Westley Little
Tel. No. 01454 862217

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PT18/3208/F	Applicant:	Ms Sharon Wiltshire
Site:	13 Brackenbury Drive Stoke Gifford Bristol South Gloucestershire BS34 8XD	Date Reg:	16th July 2018
Proposal:	Demolition of existing conservatory and erection of a single and two storey rear extension, to form additional living accommodation.	Parish:	Stoke Gifford Parish Council
Map Ref:	362564 180365	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	6th September 2018



© South Gloucestershire Council 2007. all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two storey and single storey rear extension at 13 Brackenbury Drive Stoke Gifford.
- 1.2 The host dwelling relates to a detached dwelling located within the defined settlement boundary.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

- CS1 High Quality Design
- CS4A Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility

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

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT01/1146/F
Approve with Conditions (30.07.2001)
Erection of rear conservatory.
- 3.2 P95/1823
Approval (11.07.1995)
Erection of first floor side extension and conversion of existing garage to form two storey granny annex (In accordance with the amended plan received by the Council on 28 June 1995.)

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

“No Objection. Hours of work to be included in planning conditions if approved.”

Transport

No objection subject to an annex condition.

Archaeology

“No comment.”

Other Representations

4.2 Local Residents

One objection comment was received which stated “this new extension will be too close to my boundary and will overlook my garden far too much intruding into my privacy given that all external windows/patios doors will closer to my property, therefore I strongly object to this extension.”

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

It is proposed to construct a two and single storey extension to the rear of a detached property. The addition would extend the width of the dwelling with no overhang beyond the side elevations, and would be no more than 3m deep. The single storey element would be lean to and the two storey element would contain a pitched roof that would be no higher than the host dwelling ridgeline. Owing to the location of the extension to the rear of the property, that matching materials and design elements would be used, and that the host dwelling is a relatively large detached property, the new structure would integrate successfully with the existing building with very little seen from the public realm. In that regard the proposal is acceptable in design terms and accords with policies CS1 of the Core Strategy and PSP38 of the PSP Plan.

5.3 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; overshadowing; loss of light; and loss of privacy of neighbouring occupiers.

- 5.4 The host dwelling is situated between two detached properties. Owing to the separation distances and locations of these in relation to the design elements of the extension, it is unlikely that an overshadowing, overbearing, or loss of light impact would occur to these or other nearby properties. In regards to the loss of privacy and overlooking impact noted by an objector. Owing to the topography and boundary treatments the new windows and patio doors on the ground floor would have little, if any impact on the privacy enjoyed to this or other nearby properties. It is acknowledged that the new windows on the first floor would be 2.9m closer to the side elevation and side garden of the objector's property. However, as no windows that serve primary rooms in the objectors property are located on this side elevation, and that the side garden area is just part of the large garden available for the objectors property, which is only partially used throughout the year. It is unlikely that the new window locations would detrimentally harm the living conditions of the objectors or other nearby properties to the point where a refusal reason could be sustained.
- 5.5 Following the development, 74m² of private outside amenity space would remain. This just exceeds the requirements of policy PSP43.
- 5.6 Transportation
The plans show three parking spaces post development. This meets the requirements of Policy PSP16 which requires a five bedroom property to have three parking spaces within the sites boundary. This parking will form a condition.
- 5.7 Other Matters
The Councils Transport Officer requested that an annex condition be placed on the permission ensuring that this remains ancillary to the host dwelling. The annex in question was approved in 1995 under application P95/1823. This previous permission was subject to an annex condition, as the annex remains unaltered during this development, as such the previous annex condition remains applicable for the property; it will not be duplicated for this application.
- 5.8 Equalities
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: David Ditchett
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to
Monday - Friday.....7:30am - 6:00pm
Saturday.....8:00am - 1:00pm

No working shall take place on Sundays or Public Holidays.

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

Reason

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

3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided within one month of the development hereby approved being substantially complete, and thereafter retained for that purpose.

Reason

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

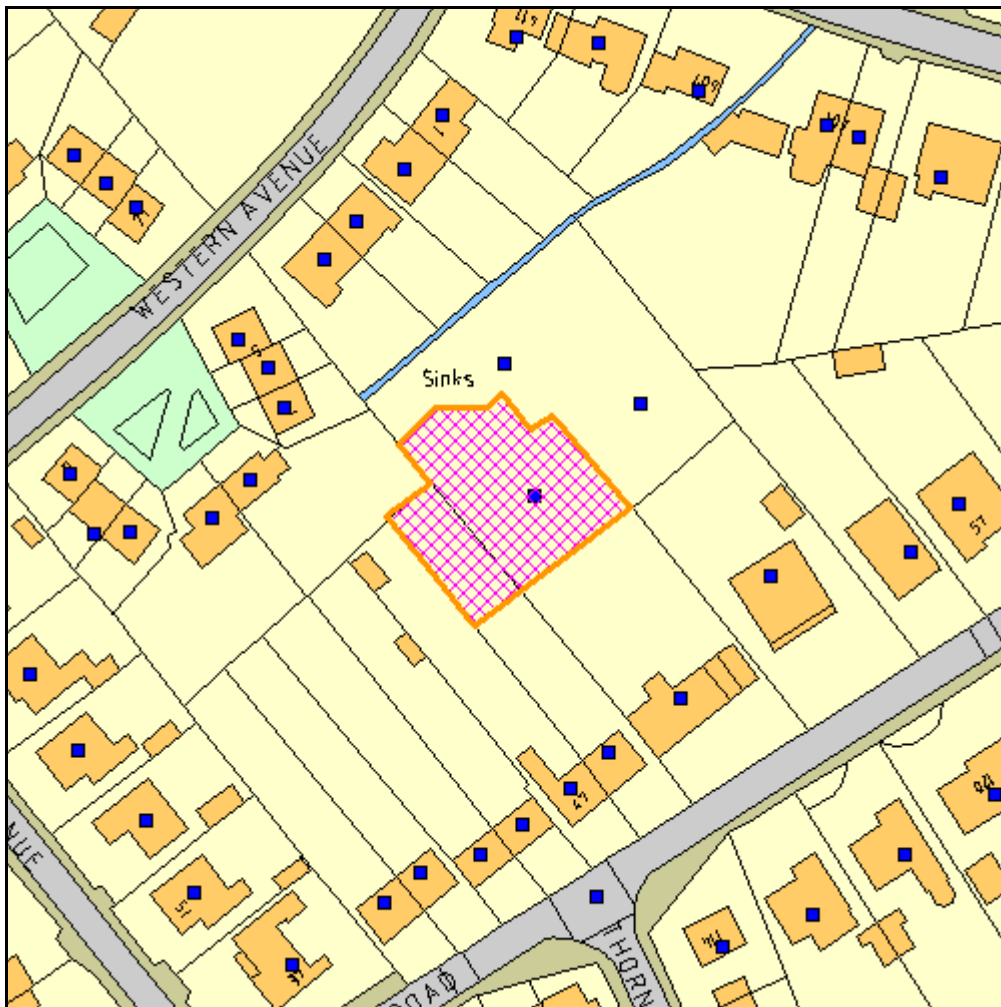
4. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PT18/3332/CLP	Applicant:	Susan Mellors
Site:	The Birch House 51B School Road Frampton Cotterell South Gloucestershire BS36 2BU	Date Reg:	24th July 2018
Proposal:	Erection of single storey side and rear extension to form additional living accommodation.	Parish:	Frampton Cotterell Parish Council
Map Ref:	366148 181997	Ward:	Frampton Cotterell
Application Category:		Target Date:	12th September 2018



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PT18/3332/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 side and rear extension at The Birch House, 51B School Road, Frampton Cotterell 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 PT14/2429/F – Approved - 06.11.2014
Erection of 3 no dwellings with garages, access and associated works.
Erection of garage and new access for 51 School Road. (Resubmission of PT13/3917/F).
- 3.2 PT18/2197/CLP – Refused - 18.06.2018
Erection of single storey side and rear extension to form additional living accommodation.
- 3.3 PT16/3890/RVC – Approved - 05.08.2016
Variation of condition 12 attached to planning permission PT14/2429/F to substitute drawings to alter design and window arrangements
- 3.4 PT13/3917/F – Approved - 31.03.2014
Erection of 3 no dwellings with garages, access and associated works.
Erection of garage and new access for 51 School Road.

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council
No comments

Councillor
No Comments

Other Representations

4.2 Local Residents
This application received a total of 2 objections, these are outlined below.

- Site is overdeveloped, trees and garden already replaced with hard-core.
- The house is already large, a further extension may result in more cars/rubbish etc
- There is no access or turning space for lorries on the private driveway.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Block Plan
Site location Plan
Existing Elevations
Proposed Elevations
Existing Floor Plans
Site Layout Plan
Proposed Floor Plans

Received by local planning authority 18 July 2018

6. ANALYSIS OF PROPOSAL

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

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

6.3 The proposed development consists of a single storey side and 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 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 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 side 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. The development therefore meets this criteria.

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

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached**

- dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
- (ii) exceed 4 metres in height;**

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

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

Not applicable.

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

The extension would be single storey.

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

The extension would be within 2 metres 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 extend beyond a wall forming a side elevation of the original dwellinghouse. However the extension would not exceed 4 metres in height, would not have more than a single storey, and would not have a width greater than half the width 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 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.

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;

Submitted plans show 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, 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**

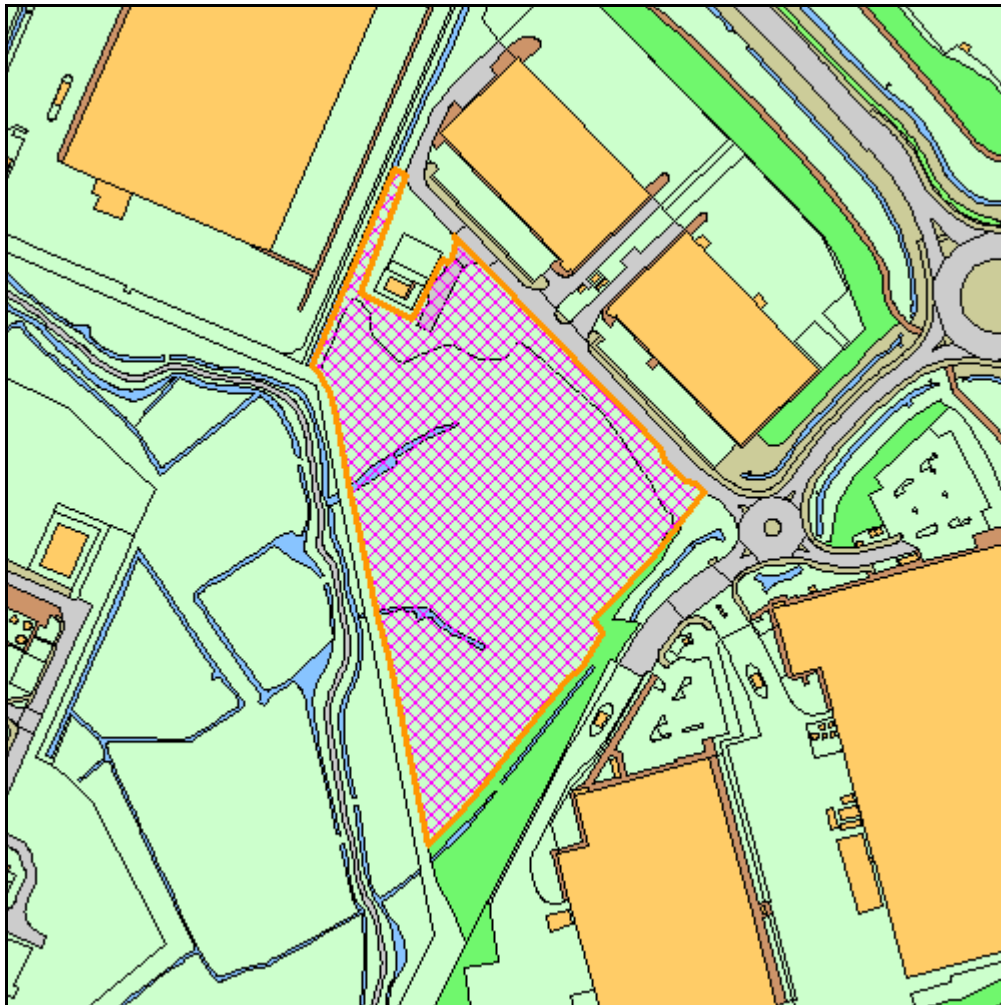
7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Contact Officer: Westley Little
Tel. No. 01454 862217

Evidence has been provided to demonstrate that on the balance of probabilities the proposed single storey rear and side 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.

CIRCULATED SCHEDULE NO. 35/18 – 31 AUGUST 2018

App No.:	PT18/3355/RVC	Applicant:	C/O Agent
Site:	Unit 6030, Plot 6000 Govier Way Western Approach Bristol South Gloucestershire BS35 4GG	Date Reg:	26th July 2018
Proposal:	Variation of condition 10 attached to planning permission PT17/2269/F to substitute plans P002K, P005A, P008C, P009B, P010C, P011D and P012D.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	355074 183557	Ward:	Pilning And Severn Beach
Application Category:	Major	Target Date:	22nd October 2018



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

INTRODUCTION

This application is referred to the Circulated Schedule in accordance with procedure as an objection has been received that is contrary to the Case Officer recommendation

1. THE PROPOSAL

- 1.1 In September 2017 (PT17/2269/F) full planning permission was given for the erection of a new warehouse unit at Govier Way. This application proposes the variation of the approved plans to secure the following changes to the development.
- The repositioning of a footpath that enters the site at its northern boundary and provides the main pedestrian access to the building, also serving the car park area. The first part of the footpath is moved further to the east away from the vehicular entrance. It is indicated that this is necessary because of ground levels
 - The cycle shelter is moved from a position close to the entrance to a position adjoining the south east elevation. This is indicated as being a security measure
 - An alteration to the layout of the car parking spaces on the western side of the building to allow the incorporation of a small sub-station and gas governor within the site. No alteration to the number of car parking spaces is proposed.
- 1.2 The proposal is for the erection of a single warehouse style unit. The building will have a total area of 9,801sq.m (approx. 107m by 84m). This area will comprise 9,179sq.m of warehousing and 622 sq.m of office space. The building will have a maximum height 13.8m. The structure is largely single storey but will also comprise an element that contains the office space (622sq.m) that will be two storey. The building will have a portal steel frame with pitched roof and profiled metal external cladding. The total site area would be approximately 2.7 hectares. Access to the site will be from a distributor road. In addition to the building it is proposed to provide a total of 61 car parking spaces, 28 HGV parking spaces and 10 spaces for HGV parking. Cycle storage is also to be provided. A water attenuation rhine is shown close to the western boundary.
- 1.3 Within context the application site is located within the Western Approach Distribution Park. The site is accessed via Govier Way which is a distributor road off A403. To the west of the site lies a bridleway and a buffer of landscaping that separates the site from the former Astra Zeneca site, to the north lies the Royal Mail industrial unit, the north-east Collins Drive and to the south an area of landscaping that separates the site from further industrial buildings. The site is within the Severnside Enterprise Zone and is surrounded by a number of industrial/commercial units. The site is also located in Flood Zone 3.
- 1.4 Prior to determining the previous application PT17/2269/F a screening opinion was issued under the Environmental Regulations where it was determined that

an Environmental Impact Assessment was not required (see history below). This opinion was issued on 19th June 2017 and given that the alterations now proposed are minor, this is considered to be still valid.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS11 Distribution of Economic Development Land
CS12 Safeguarded Areas for Economic Development
CS35 Severnside

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP11 Transport Impact Management
PSP17 Heritage Assets and the Historic Environment
PSP18 Statutory Wildlife Sites: European Sites and Sites of Special Scientific Interests (SSSI's)
PSP19 Wider Biodiversity
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP21 Environmental Pollution and Impacts
PSP26 Enterprise Areas
PSP27 B8 Storage and Distribution Uses

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 The site and surrounding area have a long history of employment designation associated with the ICI Agreement of the early 1950's.
- 3.2 P94/400/8: Development of 87.9 hectares of land for the layout and construction of a distribution park (Class B8 as Defined in the Town and Country Planning (Use Classes) Order 1987). Permitted: 8 June 1995
- 3.3 P95/0400/16: Construction of rhine. Withdrawn: 24 March 2000

- 3.4 P97/2090: Erection of storage and distribution warehouse with associated car parking and office use. Permitted: 5 November 1998
- 3.5 P98/1845: Application to vary condition 01 of planning permission P94/400/8 dated 8 June 1995 to extend the period for the submission of reserved matters from 3 years to 6 years from the date of the outline permission. Permitted: 5 August 1998
- 3.6 P98/1846: Application to vary condition 01 attached to outline planning permission P94/0400/8 dated 8 June 1995 to extend the period for submission of details for reserved matters. (Duplicate Application). Permitted: 5 August 1998
- 3.7 PT01/0293/RVC: Variation of conditions 1 (b) and 1 (c) 1 and 2 attached to P94/0400/8 as amended by condition 1 attached to P98/1845, to extend the time limits for submission of reserved matters for a further 4 years. Permitted: 16 August 2001
- 3.8 PT01/2873/F: Erection of three light industrial, general industrial, storage and distribution units, with associated landscaping, access road, car parking and service areas. Permitted: 26 February 2002
- 3.9 PT02/1080/F: Erection of two light industrial, general industrial, storage and distribution units with associated landscaping, access road, car parking and service areas. Permitted: 15 May 2002
- 3.10 PT02/3562/F: Erection of 2 no. buildings for light industrial B1(c), general industrial B2 and storage & distribution B8 use. Construction of access road and associated car parking, service areas and landscaping. Permitted: 27 February 2003
- 3.11 PT05/1073/RVC: Variation of condition 2 attached to PT01/0293/RVC to extend the time period for submission of reserved matters. Permitted: 8 August 2005
- 3.12 PT05/3568/RVC: Variation of condition 4(a) attached to planning permission PT01/0293/RVC to permit the gross floor space to exceed 2,350,000 square feet. Permitted: 24 February 2006
- 3.13 PT06/1134/F: Erection of primary sub-station to incorporate 2 no. transformers and 2 no. 11kv reactors and an 11kv switch room. Erection of 2.4 metre steel pallisade security fence. Construction of new vehicular and pedestrian access. Refused: 18 May 2006
- 3.14 PT06/2567/F: Erection of primary sub-station to incorporate 2 no. transformers and 2 no. 11kv reactors and an 11kv switch room. Erection of 2.4 metre steel pallisade security fence. With Landscaping and construction of new vehicular and pedestrian access. Permitted: 2 October 2006
- 3.15 PT09/0751/O: Erection of building for B8 and/or B2 uses (as defined in the Town and Country Planning (Uses Classes) Order 1987 as amended) with ancillary offices, parking and landscaping. Outline application. July 2009

- 3.16 PT12/025/SCR: Classes) Order 1987 as amended) with ancillary offices, parking and landscaping. Outline application. Consent to extend time limit implementation for PT09/0751/O. EIA not required: 1 June 2012
- 3.17 PT17/018/SCR Erection of building for B2/B8 purposes with ancillary offices, service yards, parking areas, new access and landscaping Screening Opinion PT17/018/SCR and PT17/2269/F – Environmental Impact Assessment not required 19th June 2017
- 3.18 PT17/3355/RVC Erection of building for B2/B8 purposes with ancillary offices, service yards, parking areas, new access and landscaping Approved subject to conditions – 22ND September 2017

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish Council

Objection for the following reasons:

- The proposed development would over-develop the site and leave little room for landscaping in an area that is otherwise well-landscaped
- The application is invalid as the agent has made the application in their own name completing certificate A.

4.2 Other Consultees

Arts Officer

No comment

Highways England

Offer no objection to the proposed development

Highway Structures

No objection

Landscape Officer

I confirm that there is no landscape objection to the proposals. The landscaping scheme and LEMP secured under Conditions 7 & 8 of the original planning permission PT17/2269/F still apply and should be implemented as agreed

Sustainable Transport

We note that this planning application seeks to vary a condition (ref 10) placed on the permission granted under PT17/2269/F for the development of Unit 6030 on Plot 6000 of Govier Way, Severnside. We understand that this will

permit the replacement of a number of drawings by new versions. However, our examination suggests that this will not result any significant change to the development as a whole, consequently we have no highways or transportation comments about this application

Environment Agency

No objection raised

Lead Local Flood Authority

No objection

Strategic Economic Development

No objection

Other Representations

4.3 Local Residents

There have been no objections received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application is a S73 application that seeks consent to vary condition 10 (to PT17/2269/F), that lists the approved plans in order to secure that alterations to the approved scheme as set out in Section 1 above. As such the principle of development has previously been accepted and an assessment of those specific changes is required. A Section 73 application also allows the opportunity to reprise all conditions.

While the principle of development has been accepted, since the previous consent, the Council Policy Sites and Places Plan has been adopted. The application site is located within Severnside where policy CS5 and CS11 direct economic development. In addition, the site is allocated as a safeguarded employment site under policy CS12(45) and the past planning permissions (listed in sections 1 and 3) indicate that economic development on this site is acceptable in principle.

The revised National Planning Policy Framework continues to advise that planning authorities should *“help create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”* (Paragraph 80).

PSP26 identifies Severnside as an Enterprise Area. PSP27 identifies Severnside as an area where large scale (over 3000 sq.m) storage and distribution uses are acceptable in principle.

It should be noted that a Screening Assessment (EIA) was issued (PT17/018/SCR) on 19th June 2017 (given the proximity of the site to the Severn Estuary a site of wildlife importance) in which the assessment was that an Environmental Impact Assessment was not required. This opinion is still valid, the changes proposed for this application are not considered to trigger the need for a new screening opinion.

Subject to the following material planning considerations the proposed development is considered acceptable in principle.

5.2 Flood Risk/Drainage

In considering this issue there are two material planning considerations. Firstly ensuring that development is located appropriately having regard to flood risk meaning the risk from the sources of flooding and secondly that appropriate drainage solutions are in place to ensure that a development in itself does not create a flood risk elsewhere.

In considering the previous application it was noted that the entire application site is located within Flood Zone 3a as set out in the current flood zone mapping provided to the Local Planning Authority by the Environment Agency. The National Planning Policy Framework sets out in Table 2 that certain development is appropriate and other development is inappropriate having regard to the type of development and the location. In this case the proposed development comprises a “less vulnerable” land use which is defined as an appropriate use within Flood Zone 3a.

Notwithstanding that the form of the development is considered appropriate, the key aim of the NPPF is to direct development towards the areas which have the lowest risk. Only where there are no reasonably available sites in these areas should the suitability of flood zone 3 be considered.

Paragraph 162 of the NPPF (July 2018) advises that “where planning applications come forward on sites allocated in the development plan applicants need not apply the sequential test”. This is considered to be broadly the case here as the site lies in an area where the principle of commercial development has been accepted (see planning history). Furthermore an almost identical proposal was approved in 2009. Thus this form of development has been consistently been deemed appropriate in this location and indeed this is in accord with Policy CS35 of the Core Strategy that specifically identifies that the land within which this site sits and is covered by the 1957/58 consents will be safeguarded and developed for distribution. The Policy indicates that site specific flood risk assessments should be produced to take into account the possible cumulative impact of development and such an assessment has been produced in this case. The site is also a safeguarded employment site as set out in Policy CS12. It is also significant that alternative locations for a

development of this scale are very limited, indeed Council Policy itself limits the possible siting of such development.

Policy PSP27 adopted since the previous application was determined identifies Severnside as one of the three preferred locations for B8 uses over 3,000 sq.m (this development is over 9,000 sq.m). For the above reasons it is considered that the site while in Flood Zone 3a, is appropriate for this form of development.

A flood risk assessment was produced in support of the previous application that included a drainage strategy. Surface water run-off is proposed to be directed to an attenuation pond which involves an expansion of an existing rhine. The proposal will include raising ground levels to a finished floor level of 7.6 AOD across the site with the car park and access set at 7.1m AOD. Foul water is to be directed to a pumping station on site and then on to the public sewer.

The proposed alterations from the previous consent are not considered to materially affect the flood risk and conditions will be reapplied to ensure that all works take place in accord with the findings of the FRA and to ensure that all works take place in accord with the submitted flood risk assessment, a condition will be attached to the decision notice to ensure that all works take place in accordance with the Sustainable Urban Drainage Scheme. Subject to these conditions the development is considered acceptable in drainage and flood risk terms.

5.3 Contamination

Policy CS9 of the Core Strategy, seeks to promote the re-use of contaminated land with appropriate remediation. It is considered appropriate to re-attach a condition to the decision notice, (given that the submitted site investigation revealed the potential for contamination), to secure a report identifying the risks and mitigation should contamination be found. The condition shall also require should contamination be found that prior to the first use of the site a report is submitted verifying that necessary works have been done and lastly to ensure that if contamination is unexpectedly found during the construction process that works cease and that measures are taken to deal with it. Subject to this condition the proposed development is considered acceptable in these terms.

5.4 Residential Amenity

Given the position of the site, there are no residential properties within close proximity of the proposal. Further, its relationship with the adjoining land uses (predominantly similar commercial buildings) is also considered to be acceptable.

5.5 Design/ Visual Amenity

The application relates to the erection of a single industrial/ distribution unit. As approved, the building would measure (approx. 107m by 84m). This area will comprise 9,179sq.m of warehousing and 622 sq.m of office space. The building will have a maximum height 13.8m.

The building will be clad with colours of a fairly neutral palette. Darker colours at a lower level with lighter above would replicate the neighbouring units at 5010 and 5020 Govier Way.

The alteration to the location of the first part of the pedestrian footway, realignment of elements of the parking spaces and incorporation of a sub-station etc. are considered to have minimal visual impact and are considered acceptable in these terms.

External lighting is designed to avoid spillage. Standard fencing for the commercial context is to be provided around the perimeter. The concern raised regarding the scale of the building and its impact upon the street scene is notated however this is not considered inconsistent with existing development at Western Approach. Additional planting is proposed along the approach road to the site and internally within the access road which will improve the appearance of the development. The concern raised by the Parish Council regarding overdevelopment of the site is also noted however apart from the loss of a small area of landscaping at the south-east corner this layout is identical to that indicatively shown for the scheme agreed in outline in 2009 (albeit the layout was for future consideration). The design of the proposal is considered acceptable.

5.6 Ecology

The application site consists of a plot of land comprising part of an overgrown remnant agricultural field totalling 2.72ha between the Astra-Zeneca 'buffer zone' to the west and Collins Avenue off Govier Way within the Western Approach G-Park to the south-east of Severn Beach.

Whilst the site itself is not covered by any statutory or non-statutory nature conservation designations, it is located circa 1km from the coast of the Severn Estuary. The Estuary is notified as a Site of Special Scientific Interest (SSSI) under the Wildlife & Countryside Act 1981 (as amended) and designated as a Special Protection Area (SPA) under EC Directive 79/409 on the Conservation of Wild Birds ('the Birds Directive'). The Estuary is also a Ramsar site under the Ramsar Convention on the Conservation of Wetlands of Importance; and is designated as a Special Area of Conservation (SAC) under European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('the Habitats Directive 1992'), implemented in Britain by the Conservation (Natural Habitats & c) Regulations 2010 ('the Habitat Regulations').

Together, SPAs and SACs form a network of internationally recognised sites referred to as European or Natura 2000 (N2K) Sites. In support of the original consent a herpetofauna method statement, otter and water vole survey and interim and final bat survey was provided. Furthermore a Habitat Regulations Assessment was carried out in consultation with Natural England and this concluded that there would be 'no significant effect' on the conservation objectives of the Severn Estuary European Site arising as a result of the development.

The changes now proposed will have no additional impact in ecological terms. Conditions are recommended to be reapplied in relation to herpetofauna (great crested newt), otter, bats (lighting), hedgehog, badger and a Landscape and Ecological Management Plan.

5.7 Landscape Impact

Policy CS1 indicates that existing landscape features should be incorporated into new development with Policy CS9 seeking to conserve and enhance the character, quality distinctiveness and amenity of the landscape. The site is situated within the Pilning Levels Landscape Character area.

In terms of the character of the site itself and its immediate surroundings, this consists of a relatively flat area of ground. The site is bounded to the south-west by a 5m wide bridleway and landscape buffer zone to the Astra Zeneca site. The site lies within the Severn Estuary floodplain and consequently the surrounding area is flat, which has accentuated the need for landscape mitigation to the park generally. The site known as the Western Approach was subject to a masterplan that provided areas of landscape infrastructure which making use of the existing rhines allowing for the integrations of ponds and swales that also provide a drainage function.

The initial proposal raised concerns about the loss of landscaping when compared with the scheme that was approved in outline in 2009. An area of landscaping was lost particularly at the south-eastern corner and this is largely due to an increase in the number of HGV parking places, with an addition of 12 more parking bays compared to that original scheme. There was a concern that the planting proposed comprised smaller growing species such as Birch and there was a desire by officers for a more robust planting scheme. In particular along the access road to the north of the site there was a desire for more planting in order to improve the approach to the building. There was also a wish for additional tree and shrub planting around the car parking and internal access road.

Improvements were negotiated in considering the previous application (PT17/2269/F) and a revised landscape plan was submitted along with details of the proposed fencing. An additional 200 sq.m of landscaping was secured at the south-eastern corner which is an improvement. The submitted details also showed significant extra boundary planting along the site frontage and internally along the side of the car park. Also noted by officers was that fencing has been limited to the parking area along the southern side of the site which will improve the visual appearance of the site. The changes now proposed through the current S73 application will have minimal impact if any upon the landscaping of the site. In summary it is considered that the proposed landscaping is now acceptable in principle albeit there is still a reduction in the overall provision.

Subject to a condition to secure a detailed planting scheme to ensure appropriate species and planting times (with the scheme to show any mounding proposed as well as levels) and a further condition to secure a detailed landscape and ecological management plan, the proposed development is considered acceptable in landscape terms.

5.8 Archaeology

While considering the previous application exploratory works were undertaken by the applicant to the satisfaction of the Council archaeologist. Consequently a condition was recommended that prior to first occupation, the results of a programme of archaeological work, as detailed in the agreed archaeological Written Scheme of Investigation, including any post-excavation assessment and/or analysis and details of publication (where appropriate) were to be submitted for approval to the Local Planning Authority. This condition will be reapplied.

5.9 Transportation

The applicant is proposing a T-junction from the main carriage way as the access to the site. Beyond the access, the Strategic road network would be accessed via Govier Way onto A403 which in turn provides a route to M48 to the north and Avonmouth and the M5 to the south. The access to the site is a modification of the existing access that serves the electrical sub-station. The site will provide 61 car parking spaces for staff and visitors. These will be located between the western elevation of the building and the access road. 20 covered cycle shelters are to be provided to the front of the site close to the access point. In addition 28 parking spaces are to be provided for HGV's predominantly along the south-western side of the site.

With the proposed changes to the development, to include a revised pedestrian access and car parking arrangement, the access arrangements and internal circulation within the site is deemed acceptable as are the arrangements for HGV parking. The same number of parking spaces as previously approved are shown although these are configured differently.

Subject to a condition to secure a detailed Travel Plan (to be implemented in accordance with an agreed timetable set out within it) and subject to a Construction Management Plan there remains no objection to the proposal on transportation/highway grounds.

5.10 Other issues

Concern has been raised that the application has been made by the agent (who has completed Certificate A indicating that they are the owner/freeholder of the site) and as such the application is invalid. It should be noted it is standard practice for the agent to complete Certificate A, the agent has made it clear that they are acting for the applicant whose details are included on the application form itself. As such the application is valid.

5.11 Conditions

Work has already commenced therefore Condition 1 (Time limitation no longer applies). Condition 10 will be varied to take account of the plans approved through this application. The remaining conditions either require the submission

of information prior to the first occupation of the development or are compliance conditions. It is not considered necessary to apply any additional conditions.

5.12 Impact on Equalities

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

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

The local planning authority is statutorily required to apply the Equality Duty to its decision taking. In most circumstances, planning policy sufficiently addresses equality issues and a proposal that primarily accords with the Development Plan - with no further specific information on how the development responds to those with protected characteristics - would be likely to have a neutral impact on equalities.

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

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 permission be granted to vary Condition 10.

Contact Officer: David Stockdale
Tel. No. 01454 866622

CONDITIONS

1. Flood Risk

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) [Capita Property and Infrastructure Limited April 2017] and the following mitigation measures detailed within the FRA:

Finished floor levels, as specified on page 10 section 4.3.5 of the FRA, to be set no lower than 7.6m Above Ordnance Datum (AOD)

Reason:

To reduce the risk of flooding to the proposed development to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and the provisions of the National Planning Policy Framework.

2. Sustainable Urban Drainage

All works shall take place fully in accordance with the drainage details submitted on

- Drainage Layout and External Level Plan (090996-CA-0-GF-DR-S-001-P02)
- Surface Water and Foul Water Manhole Schedule
- MicroDrainage Calculations

Reason:

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

3. Construction Method Statement

All works shall take place in accordance with the Construction Management Plan (UMC Architects) received 24th August 2017.

Reason:

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

4. Travel Plan

Prior to the first use of the development hereby approved, a commuter travel plan shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented as approved before the development hereby permitted is brought into use; or otherwise as agreed in the commuter plan.

Reason

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

5. Contamination

1. Ground investigations have identified the potential for ground gas to affect the proposed development. The development shall be implemented in accordance with the gas protection measures set out in the Avonmouth Gas Monitoring Report (Capita 24th August 2017) and Geo-Environmental Submissions received 7th September 2017.

2. Verification Strategy - Prior to the first occupation of the development, a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

3. 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.

Reason:

In order to promote the re-use of contaminated land with appropriate remediation and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013.

6. Planting Scheme Details

Prior to the first occupation of the development a detailed planting plan (1:200 scale) to include any mounding proposed and existing and proposed levels shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out within the first available planting season following the approval of the details. If within a period of 5 years from the date of planting, any tree, bush or shrub, (or any plant in replacement for it), is removed, uprooted, destroyed or dies, another plant of the same species and size as that originally planted shall be planted at the same place unless the local planning authority gives its written consent to any variation.

Reason:

In order to promote the re-use of contaminated land with appropriate remediation and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013.

7. Landscape and Ecological Management Plan

Prior to the first occupation of the development, a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the submitted plan should accord with the agreed Landscape Concept Plan and include details of all retained and new semi-natural habitat and its management. It should also include a programme of monitoring

of all works for a period of 5 years. All works shall be carried out in accordance with the agreed plan

Reason

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

8. Archaeology

Prior to first occupation, the results of a programme of archaeological work, as detailed in the agreed archaeological Written Scheme of Investigation, including any post-excavation assessment and/or analysis and details of publication (where appropriate) shall be submitted for approval to the Local Planning Authority.'

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

9. Approved Plans

This decision relates only to the plans identified below:

Received 8th May 2017

P001 Location Plan

P003 Floor Plan Proposed

P004 Proposed Floor Plans

P006 Typical Section

P007 Roof Plan

Received 4th August 2017

P013 Rev A Site Constraints

P017 01 Rev E Landscape Concept Plan

Received 20th July 2018

P010 Rev E Site Layout External Finishes

P0011 Rev FF Site Layout Tracking

P012 Rev D Site Layout Pedestrian and Cycle Routes

P002 Rev K Site Layout

P005 Rev A Warehouse Elevations

P008 Rev C Cycle Shelter Details

P009 Rev C Fence Layout

Reason:

For the avoidance of doubt

10. All works shall take place strictly in accordance with the Herpetofauna Method Statement (RT-MME-125163-01) dated May 2017 (Middlemarch Environmental).

Reason

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

11. All works shall take place strictly in accordance with the recommendations made in Chapter 6 of the Water Vole and Otter Survey (RT-MME-125163-02) dated August 2017 (Middlemarch Environmental).

Reason

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

12. All works shall take place strictly in accordance with the recommendations made in Chapter 6 of the Bat Activity Surveys (RT- MME-125163-03) dated September 2017 (Middlemarch Environmental)

Reason

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

13. All works shall take place in accordance with the submitted Hedgehog Mitigation Strategy (Middlemarch Environmental 19th September 2017).

Reason:

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

14. If 12 months or more has lapsed since the original field survey, the site should be re-surveyed for badgers immediately ahead of development commencing and a report submitted to the Local Planning Authority. The report should provide details of any work subject to the licensing provisions of the Protection of Badgers Act 1992. All works shall take place in in accordance with the agreed details.

Reason:

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