

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. 14/19

Date to Members: 05/04/2019

Member's Deadline: 11/04/2019 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2018. Under the arrangement certain reports are circulated on a weekly basis. The reports assess the application, considers representations which have been received, and make a recommendation regarding the proposal.

Having considered the reports, those applications that Councillors feel should be referred to the relevant Planning Committee must be notified to the Strategic Planning section by email within five working days of the publication of the schedule (by 5pm) in line with the procedure set out below. If there has been no valid 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, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee.

PLEASE NOTE: The circulated schedule process is only open to elected Members of South Gloucestershire Council.

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate planning committee then a referral should:

- a) Be made in writing using the attached form by emailing MemberReferral@southglos.gov.uk identifying the application reference and site location
- b) 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 end of the following Thursday (see cover page for the date)
- c) The request in writing must be made in writing by at least two or more Members, not being Members of the same ward
- d) In addition, the request in writing must have the written support of at least one of the Development Management Committee Chair and Spokes Members
- e) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral
- f) Indicate whether you have discussed the application(s) with the Case Officer and/or Development Manager
- g) Indicate whether you have discussed the application(s) with ward Member(s) if the site is outside of your ward

The Circulated Schedule will always contain the following applications unless the application is required to be determined by Committee:

- 1) Any application submitted by, or jointly, or on behalf of the Council.
- 2) Any application submitted by or any matter directly affecting or involving any

Member of the Council and any application(s), submitted by an Officer of the Council working in the Strategic Planning area (specifically the Policy and Specialist Advice, Development Management, Strategic Major Sites and Planning Enforcement, Validation & Registration and Planning Technical Support teams) or any Member or Officer of the Council acting as a planning agent.

- 3) Any application requiring a new planning agreement.
- 4) Any applications requiring a modification of an existing planning agreement where in the opinion of the Director, there would be a detriment to the public benefits secured.

5) Any application where the proposed decision of the Director would, in his opinion, be contrary to the policies of the Council as expressed in the Development Plan and/or any emerging plan and require referral to the Secretary of State following approval in principle by the Council for the purposes of development control decision making.

6) Any applications, except those listed below a-f where three or more representations contrary to the Officers recommendation are received within the notification period other than from officers of the Council acting in their professional capacity.

7) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

8) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officer's recommendation from any Member of South Gloucestershire Council.

Applications that will not appear of the Circulated Schedule procedure as a result of representations received:

a. All applications, where approval is deemed to be granted upon the expiry of a defined period

b. All applications to be determined the lawfulness of a proposed or existing use of a site

c. All applications for non-material amendments

d. All applications to discharge planning conditions

e. All applications solely required because of the removal of Permitted Development Rights or Article 4 direction

f. Any footpath stopping up or diversion required to implement an approved scheme

Additional guidance for Members

Always make your referral request by email to MemberReferral@southglos.gov.uk (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team.

When emailing your circulated referral request, please ensure you attach the written confirmation from the Supporting Member(s) and Supporting Chair or Spokes

Please note a copy of your referral e mail will appear on the website.

Before referring an application always contact the case officer or Development 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.

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:

2. Site Location:

3. Reasons for referral:

The referral should include the reasons for the referral indicating why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issues the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay of the referral

4. If the site is outside your ward have you contacted the ward Member(s) to inform them of the referral?

5. Have you discussed the referral with the case officer or Development Manager?

a) Referring Member:

b) Details of Supporting Member(s) (cannot be same ward as Referring Member)

c) Details of Supporting Chair or Spokes Member of the Development Management Committee

Do you consider this is an application of strategic importance such that you would request the Director to consider using his discretion to refer the matter to the Strategic Sites Delivery Committee? If so please set out your reasons:

Date:

To be emailed to MemberReferral@southglos.gov.uk

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
15/19	Tuesday 9 th April	9am Thursday 11 April	5pm Wednesday 17 April	Thursday 18 April
16/19	12pm Tuesday 16 April	9am Wednesday 17 April	5pm Thursday 25 April	Friday 26 April

Dates and officer deadlines for Circulated Schedule Easter Bank Holidays 2019

CIRCULATED SCHEDULE - 05 April 2019

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/0673/RVC	Approve with Conditions	Land South Of Park Street Hawkesbury Upton Badminton South Gloucestershire GL9 1BA	Cotswold Edge	Hawkesbury Parish Council
2	P19/1032/F	Refusal	14 Walter Road Frampton Cotterell South Gloucestershire BS36 2FR	Frampton Cotterell	Frampton Cotterell Parish Council
3	P19/1527/F	Approve with Conditions	114 Westerleigh Road Pucklechurch South Gloucestershire BS16 9PX	Boyd Valley	Pucklechurch Parish Council
4	P19/1574/F	Approve with Conditions	68 Bush Avenue Little Stoke South Gloucestershire BS34 8ND	Stoke Gifford	Stoke Gifford Parish Council
5	P19/1882/F	Approve with Conditions	27 Tower Road South Warmley South Gloucestershire BS30 8BJ	Parkwall	Oldland Parish Council
6	P19/2084/PDR	Approve with Conditions	76 Heath Rise Cadbury Heath South Gloucestershire BS30 8DD	Parkwall	Oldland Parish Council
7	P19/2697/CLE	Approve with Conditions	47 Goose Green Yate South Gloucestershire BS37 5BL	Yate North	Yate Town Council
8	PK18/5067/F	Approve with Conditions	California Farm Shellards Road Longwell Green South Gloucestershire BS30 9DS	Longwell Green	Oldland Parish Council
9	PT18/5155/F	Approve with Conditions	Land At New Road Tytherington South Gloucestershire GL12 8UP	Ladden Brook	Tytherington Parish Council

CIRCULATED SCHEDULE NO. 14/19 – 5 APRIL 2019

App No.: P19/0673/RVC

Applicant: Mr Keir PriceSpitfire
Bespoke Homes Ltd

Site: Land South Of Park Street Hawkesbury
Upton Badminton South Gloucestershire
GL9 1BA

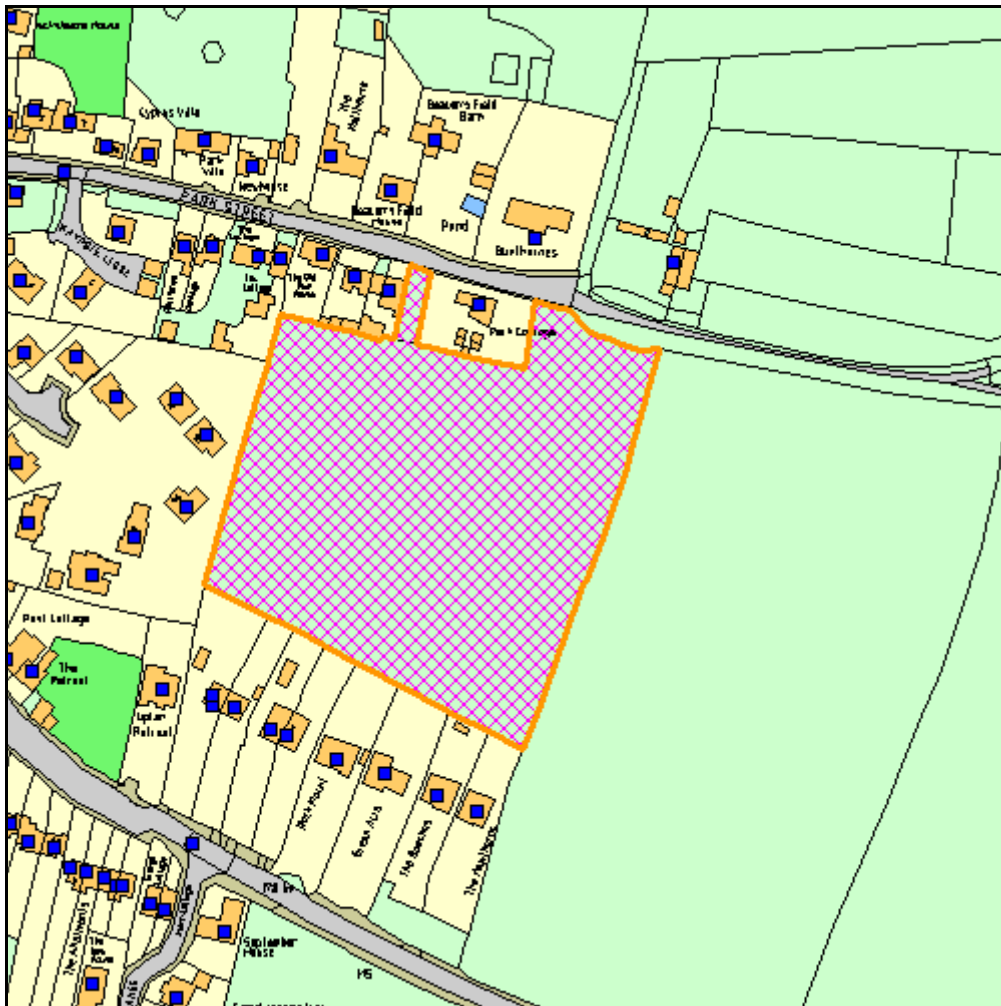
Date Reg: 21st January 2019

Proposal: Variation of condition 9 attached to PK18/1532/O to remove height and storey restrictions for plot 6 and variation of condition 15 to substitute plan number 17/167 PA/102 Illustrative Site layout plan, with SCH 03 Rev G Proposed Site Plan.

Parish: Hawkesbury Parish Council

Map Ref: 378120 186968
Application Major
Category:

Ward: Cotswold Edge
Target 19th April 2019
Date:



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100023410, 2008.

N.T.S.

P19/0673/RVC

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule for determination as: the officer recommendation is contrary to the view expressed by the Parish; more than 3 public representations have been received which are contrary to the officer recommendation; and, the application requires a modification to the planning obligation.

1. THE PROPOSAL

1.1 This planning application is made under Section 73 (“s73”) of the Town and Country Planning Act 1990 (as amended) (“the Act”). Applications made under this section of the Act seek to develop land without compliance with conditions previously attached to the relevant planning permission.

1.2 The applicant is seeking to vary condition 15 of planning permission PK18/1532/O. This is a plans condition which requires the development to accord with the layout agreed as part of the outline permission. Condition 15 reads as:

15. The development hereby approved shall be carried out in accordance with the following plans: 17/167 PA/102 Illustrative Site Layout Plan, received by the Council on 27 March 2018.

Reason

For the avoidance of doubt.

1.3 Having conducted drainage and percolation testing, it was found that additional attenuation would be required for the site to be satisfactorily drained. In order to achieve this, an amendment was required to the layout to relocate plot 6 to facilitate the creation of an attenuation feature in the southeast corner of the site.

1.4 This therefore requires an amendment to the plans condition to reflect the revised layout of the proposal. That is the main subject of this application.

1.5 However, condition 9 of PK18/1532/O imposed a height restriction on what was plots 6 and 7 to ensure these came forwards in the reserved matters as single storey dwellings. Condition 9 reads as:

9. The reserved matters relating to the scale and appearance of any buildings to be erected, as required by condition 1, shall: in relation to the 2-storey buildings, not exceed 9 metres above ground level; and in relation to plots 6 and 7 be of single storey only and not exceed 7 metres in height.

Reason

To ensure a satisfactory standard of external appearance, to protect the landscape character of the Cotswolds Area of Outstanding Natural Beauty, to enhance the character and appearance of the Conservation Area and to accord with Policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the National Planning Policy Framework.

- 1.6 With the relocation of plot 6 as part of the drainage strategy, there was a need for this condition to be revised. This application seeks to remove the reference to plot 6 in condition 9. It would make no alteration to the previously agreed maximum heights across the rest of the site.

2. **POLICY CONTEXT**

2.1 Primary Legislation

Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990
Countryside and Rights of Way Act 2000

2.2 National Guidance

National Planning Policy Framework February 2019
National Planning Practice Guidance

2.3 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP6	Onsite Renewable and Low Carbon Energy
PSP8	Residential Amenity
PSP10	Active Travel Routes

PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP37	Internal Space Standards
PSP40	Residential Development in the Countryside
PSP42	Custom Build Dwellings
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

Affordable Housing and ExtraCare SPD (Adopted) May 2014

Renewables SPD (Adopted) November 2014

Landscape Character Assessment SPD (Adopted) November 2014

CIL and S106 SPD (Adopted) March 2015

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

Cotswolds AONB Management Plan 2018-2023 (Endorsed)

3. RELEVANT PLANNING HISTORY

- 3.1 PK18/1532/O Approved 28/06/2018
Outline planning application for 21 no. residential dwellings (Use Class C3) with access and layout to be determined. All other matters reserved. (Re submission of PK17/2722/O)
- 3.2 PK17/2722/O Refused 19/01/2018
Erection for up to 27no. dwellings (Outline) with access and layout to be determined. All other matters reserved

4. CONSULTATION RESPONSES

- 4.1 Hawkesbury Parish Council
Objection: increase in height impact on existing properties; greater impact on AONB; Parish Council would like to review drainage information; reduction in affordable housing units; concern over conservation comments.

Internal Consultees

- 4.2 Archaeology Officer
No comment
(N.B. details have previously been submitted to discharge planning condition)
- 4.3 Arts and Development
No comment
- 4.4 Community Infrastructure
Gradient of attenuation feature should be 1:12 to be policy compliant as use as Public Open Space.

4.5 Conservation
No comment

4.6 Ecology
No comment

4.7 Environmental Protection
No comment

4.8 Landscape
Landscape proposals required at full application stage. Drawings do not indicate proposed roadside hedge planting; such hedges are expected. Low stone walls omitted. Improvements to driveway layouts and tree planting noted. Greater landscaping along eastern boundary required; detail of boundary treatments required. Public open space less usable. Materials for roadways needs consideration. Design queries raised.

4.9 Public Rights of Way
Development may affect Public Rights of Way. Informatives should be attached to the decision notice.

4.10 Sustainable Transport
No objection

4.11 Urban Design
No objection to the removal of height restriction on plot 6. Reserved matters should bring forward high quality materials and public realm and design of the public open space is important to reflect locality.

4.12 Waste Engineer
Layout should be tracked for a refuse collection vehicle

Statutory / External Consultees

4.13 Historic England
No comment

4.14 Lead Local Flood Authority
No objection; SUDS condition required

Other Representations

4.15 Local Residents
25 comments of objection have been received which raise the following points:

- Affordable housing should be repositioned
- Alternative access on France Lane should be sought
- Concern over attenuation feature
- Concern over boundary treatments
- Concern over management of open spaces

- Design changes cannot be assessed on the plans provided
- Development is bland and suburban
- Errors on plans for existing buildings
- Height restriction on plot 6 should be retained; homes should be provided for the elderly
- Height restriction on properties should be lowered (surrounding development between 5.8 metres and 6.7 metres)
- High density of development in northwest corner
- Impact of additional traffic
- Impact on AONB
- Impact on character and appearance of the village
- Impact on dark skies
- Impact on safe operation of Park Street (including street width)
- Legal agreement requires fences to be 1.8 metres in height
- Loss of light
- Loss of outlook
- Loss of privacy
- Loss of proposed tree planting
- Noise impact
- Number of dwellings
- Objection on heritage grounds
- Objection on landscape grounds
- Objection to increased height of dwellings
- Overshadowing
- Path to the rear of plots in northwest corner is a security concern
- Percolation tests should be published
- Planting scheme should be guaranteed
- Rules for assessing residential amenity have not been adhered to
- Sewage issues

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks to revise the layout of outline application PK18/1532/O to enable an attenuation feature to be formed and to remove the height restriction on plot 6 – the position of which is also to be revised under this application.

Principle of Development

- 5.2 Applications made under s73 of the Act seek permission for the development of land without compliance with conditions subject to which a previous planning permission was granted. With applications made under s73, the Local Planning Authority shall consider only the conditions subject to which planning permission was granted; the principle of development is therefore established.
- 5.3 If the Local Planning Authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the Authority should grant permission accordingly. If the Authority decides that

planning permission should be granted subject to the same conditions, then the application should be refused.

Amendment to Layout (Condition 15)

- 5.4 Planning permission PK18/1532/O determined both access and layout for a development consisting of 21 residential dwellings. As layout was determined, it was subject to a plans condition. It is now proposed to amend that layout, as reflected in the plans accompanying this application.

Position and Function of Public Open Space

- 5.5 On the previously approved layout, the public open space was located on the eastern boundary. To the south of it were two bungalows (plots 6 and 7) which sat along the southern boundary; to the north were plots 1 to 5 which sat along the eastern boundary.
- 5.6 To ensure adequate drainage, an attenuation feature is required. This is proposed to be sited in the southeast corner of the site – effectively in the position of plot 6 on the previously approved layout.
- 5.7 The drainage scheme has been reviewed by the Lead Local Flood Authority and subject to the final details (which would be secured through the SUDS condition) they have no objection to the proposal. It must therefore be concluded as a suitable and feasible solution to issues of surface water disposal.
- 5.8 From a planning and design perspective, the relocated public open space (“POS”) – on which the attenuation feature would be formed – is acceptable. Minor amendments were made to the footprint of the adjoining residential units to ensure that there was natural surveillance of the entrance to the POS; this issue would be subject to further assessment as part of the reserved matters relating to appearance. While it is not ideal to locate the open space in the far corner of the site, there is sound reasoning for doing so. Therefore, officers do not raise an objection to the proposal.
- 5.9 That said, the POS should be functional and welcoming. A gradient of 1:12 can be achieved at the entrance to the space. This is a gentle slope and provides a suitable means of access. On the northern and southern boundaries of the space, the gradient would be steeper at 1:6 closest to plot 7 and 1:4 closest to plot 6 and in the far southeast corner. Given the restriction of the size of the space, the sewer easement which runs along the eastern boundary, and the residential properties beyond the site boundary to the south, officers accept that more gentle gradients are unachievable. While the comments of the Community Infrastructure Team are noted, officers conclude that access could still be gained to the space over a gentle slope and the steeper slopes would still provide amenity functions, such as ground-level seating and natural definition of spaces for sport or recreation. Taking a balanced approach, officers do not conclude that the gradients around the attenuation feature and within the POS would result in the space being unwelcoming or unusable to such an extent that it would no longer function as an area of public available and usable open space.

5.10 The amendment is therefore considered in this instance to be acceptable.

Amendment to Height Restriction (Condition 9)

- 5.11 On the previously approved layout, the development in the southeast corner was purposely restricted in height to ensure it relates to the existing built form along France Lane. Plot 6 needs to be relocated to enable the attenuation feature to be formed. Under the proposed scheme, it would be sited on the end of plots 1 to 5 which form the row of properties along the eastern boundary.
- 5.12 As plot 6 would no longer have a direct relationship with the existing properties along France Lane – as it would sit on the eastern and not southern boundary – it no longer is necessary to ensure that this plot is a single storey dwelling. As a result, the height restriction on plot 6 can be lifted.
- 5.13 Concern has been raised that this application is seeking to increase the overall height of the development across the site. That is unequivocally not the case. Condition 9 of PK18/1532/O sets two height restrictions: one for the 2-storey dwellings and one for the single-storey dwellings. The deletion of reference to plot 6 as a single storey dwelling would mean that the height of the building would be controlled by the 2-storey height restriction. The proposed revision makes no alteration to the maximum height of the 2-storey buildings permissible across the site. It solely seeks to remove the restriction on plot 6 being single storey.

Other Conditions

- 5.14 As an application under s73 has the effect of granting a new (revised) planning permission, the other conditions attached to PK18/1532/O must be reviewed.

	Description	Discussion	Action
1	Approval of the details of the scale and appearance of the building(s) and the landscaping of the site.	Outline planning permission; requirement to submit reserved matters.	Retain condition.
2	Application for approval of the reserved matters before the expiration of three years from the date of permission.	Time limit. S73 application should not be used to extend the time for a development to be implemented.	Revise wording to require reserved matters to be made within 3 years of the date of decision of PK18/1532/O.
3	Implementation of development either before the expiration of three years from the date of permission, or before the expiration of two	Time limit. S73 application should not be used to extend the time for a development to be implemented.	Revise wording to require implementation within 3 years of the date of decision of

	Description	Discussion	Action
	years from the date of approval of the last of the reserved matters.		PK18/1532/O.
4	Submission of details comprising plans at a scale of 1:20 of the following: (a) rainwater goods; (b) reveals to windows/door openings; (c) eaves, verges, and ridges.	Requirement to submit certain details within reserved matters.	Retain condition.
5	Submission of a scheme for surface water drainage, to include SuDS.	Requirement to submit certain details within reserved matters.	Retain condition.
6	Submission of a tree constraints plan and tree protection plan - in accordance with BS5837:2012.	Requirement to submit certain details within reserved matters.	Retain condition.
7	Submission of an Ecological Mitigation and Enhancement Plan.	Requirement to submit certain details within reserved matters.	Retain condition.
8	Submission of information shall be submitted demonstrating how the development will reduce carbon dioxide emissions.	Requirement to submit certain details within reserved matters.	Retain condition.
9	Height restriction of: in relation to the 2-storey buildings, not exceed 9 metres above ground level; and in relation to plots 6 and 7 be of single storey only and not exceed 7 metres in height.	Height restriction still necessary but alteration to plot 6 should be addressed (as set out in this report).	Amend condition.
10	Requirement for a scheme of public art.	Policy requirement	Retain condition.
11	Requirement for a programme of archaeological investigation and recording.	This has been agreed under DOC19/0006; should now be a compliance condition.	Amend condition.
12	Requirement for a Construction Environment Management Plan	CEMP still necessary	Retain condition.

	Description	Discussion	Action
	(CEMP)		
13	Requirement for improvements to footway along Park Street.	Remains necessary	Retain condition.
14	Restriction on construction hours.	Remains necessary	Retain condition.
15	Plans condition.	Amendment to layout discussed in report.	Amend condition.

Planning Obligation

- 5.15 Planning permission PK18/1532/O is subject to a planning obligation. The proposed revision would require a plan within this document to be swapped (which indicates the layout of the development). This is not considered to be a material change to the contents of the obligation. Therefore, subject to the written approval of the Director for Environment and Community Services agreeing to the insertion of the revised plan, the planning obligation remains.

Impact on Equalities

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

Other Matters

- 5.18 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. However, it must be recognised that this application may only consider the proposed variations sought and should not re-open the principle of development or details which would not change as a result of this application.
- 5.19 Affordable housing provision remains as before. It is not within the scope of this application to seek an alternative access. Boundary treatments would be assessed in full as part of the reserved matters in relation to landscaping. Management of open spaces is subject to the provisions of the planning obligation. Appearance of the buildings would be assessed in full as part of the reserved matters in relation to appearance. Plans are sufficiently accurate to assess the proposed amendments to the permission. The density of

development is consistent with the permission. There is no significant alteration to the level of traffic generated or the access as part of this proposal. There is no additional harm resulting from this proposal on: the AONB; the character and appearance of the village; dark skies; the safe operation of Park Street; residential amenity (including loss of light, outlook, privacy, or noise impacts); heritage; or sewage. The number of dwellings has not been changed. The overall height restriction has not changed. The rear access to properties in the northwest corner is consistent with the permission. Tree and other planting would be assessed in full as part of the reserved matters in relation to landscaping. Percolation testing has been assessed by the Lead Local Flood Authority.

Planning Balance

- 5.20 The proposed amendment has been found to be acceptable in planning terms. The considerations relating to the grant of planning permission are set out in the accompanying report for PK18/1532/O.
- 5.21 The proposed development would bring forward additional housing which has been included within the housing trajectory and contributes towards the authority's housing land supply. While the authority can now demonstrate a 5 year supply of deliverable housing land, the development subject to this amendment is a contributory permission to being able to demonstrate that supply.
- 5.22 The balance, as set out in the contents of this report and the report accompanying permission PK18/1532/O, therefore falls on planning permission being 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 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 subject to the written agreement of the Director for Environment and Community Services to substitute a plan within the planning obligation – to grant planning permission subject to the conditions set out below and the provision of the Agreement under S106 of the Town and Country Planning Act 1990 dated 28 June 2018 relating to PK18/1532/O.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the 28 June 2021.

Reason

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

3. The development hereby permitted shall be begun either before 28 June 2021, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

4. As part of the reserved matters in relation to the appearance of the buildings to be erected, required by condition 1, details comprising plans at a scale of 1:20 of the following items shall be submitted to and agreed in writing with the Local Planning Authority:

- (a) rainwater goods;
- (b) reveals to windows/door openings;
- (c) eaves, verges, and ridges.

Reason

To ensure a satisfactory standard of external appearance, to maintain and enhance the character and appearance of the Conservation Area and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; the National Planning Policy Framework, and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. As part of the reserved matters, required by condition 1, a scheme for surface water drainage, to include SuDS, shall be submitted to the Local Planning Authority. For the avoidance of doubt, the Scheme shall seek to prevent flooding, control pollution, and protect the environment.

Reason

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

6. As part of the reserved matters in relation to landscaping, required by condition 1, a tree constraints plan and tree protection plan - in accordance with BS5837:2012 - shall be submitted to the Local Planning Authority

Reason

To ensure a satisfactory standard of external appearance, to protect the landscape character of the Cotswolds Area of Outstanding Natural Beauty, to enhance the character and appearance of the Conservation Area and to accord with Policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the National Planning Policy Framework.

7. As part of the reserved matters in relation to landscaping and the appearance of the buildings to be erected, required by condition 1, an Ecological Mitigation and Enhancement Plan (based on the recommendations contained within Sections 4 and 5 of the Ecological Assessment dated March 2018 prepared by GS Ecology) shall be submitted to the Local Planning Authority. For the avoidance of doubt, the Plan shall include: the number, type and location of bat boxes, bat tubes, or access tiles for bats; details of a bat-friendly lighting scheme; a scheme for the retention and protection of the hedgerows and regenerative management of the existing hedgerows; new landscaping to benefit wildlife such as "hedgehog friendly" fencing; a scheme for the avoidance of harm to reptiles (precautionary method of working); and, timing of works regarding breeding bird season.

Reason

To protect and enhance biodiversity, ensure a satisfactory standard of external appearance, to protect and enhance the landscape character of the Cotswolds Area of Outstanding Natural Beauty, and to accord with Policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the National Planning Policy Framework.

8. As part of the reserved matters required by condition 1, information shall be submitted demonstrating how the development will reduce carbon dioxide emissions through the use of renewables and/or low carbon energy generation either on or near the site.

Reason

To reduce the environmental impact of development and to accord with Policy CS3 and CS4 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework, March 2012.

9. The reserved matters relating to the scale and appearance of any buildings to be erected, as required by condition 1, shall: in relation to the 2-storey buildings, not exceed 9 metres above ground level; and in relation to plot 7 be of single storey only and not exceed 7 metres in height.

Reason

To ensure a satisfactory standard of external appearance, to protect the landscape character of the Cotswolds Area of Outstanding Natural Beauty, to enhance the character and appearance of the Conservation Area and to accord with Policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the National Planning Policy Framework.

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

Reason

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

11. The development hereby approved shall be carried out in accordance with the programme of archaeological investigation and recording of the site agreed under application DOC19/0006.

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.

12. Prior to the commencement of development, a Construction Environment Management Plan (CEMP), to include: consideration of temporary parking during the course of construction and consideration of temporary waiting restrictions on Park Street; shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

In the interests of highway safety and to protect residential amenity, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is required prior to commencement to ensure construction is undertaken in an appropriate manner.

13. Prior to the first occupation of any dwelling hereby permitted, the footway along Park Street shall be widened to a width of no less than 1 metre, as shown in principle on drawing PHU-BWB-HML-XX-DR-TR-103 S2 P2 associated with planning permission PK18/1532/O.

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.

14. 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.

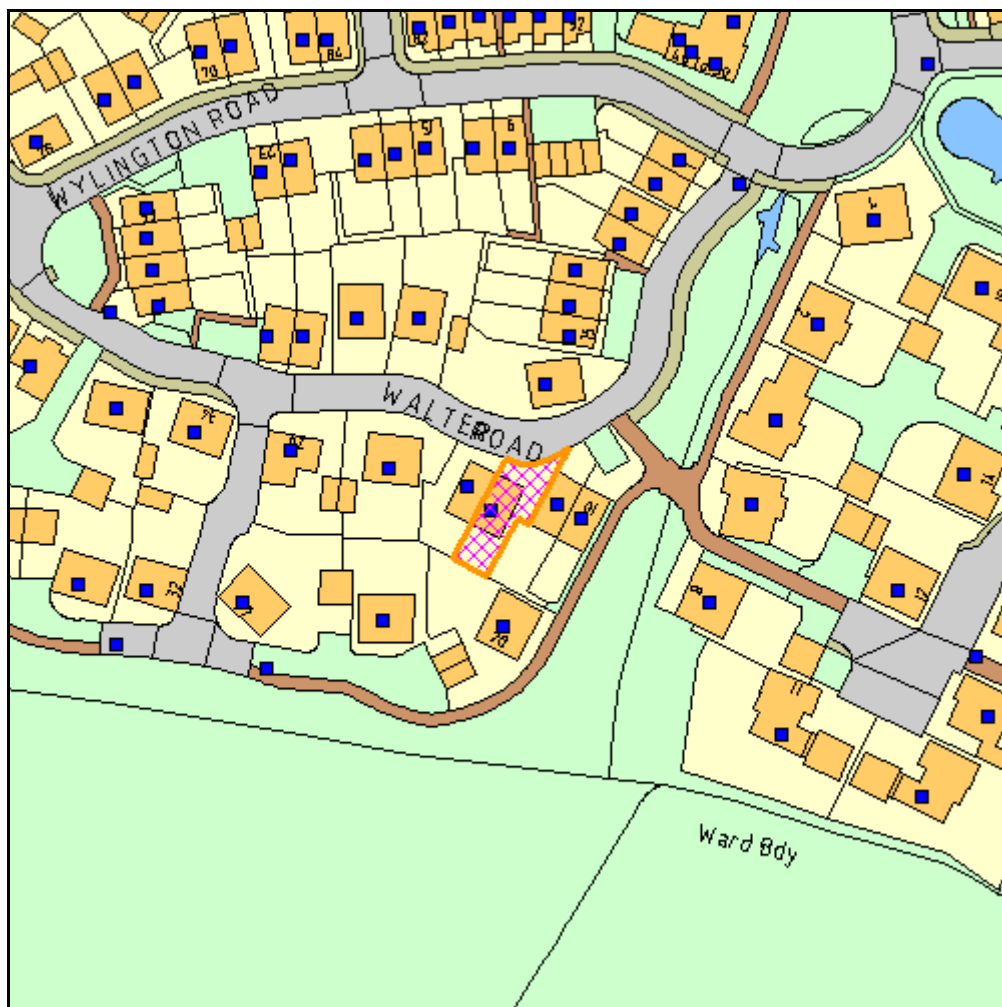
15. The development hereby approved shall be carried out in accordance with the following plans:
SCH03-G Proposed Site Plan, received by the Council on 13 February 2019.

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 14/19 – 5 APRIL 2019

App No.:	P19/1032/F	Applicant:	Mr And Mrs Rebecca And Cameron Bailey Price
Site:	14 Walter Road Frampton Cotterell South Gloucestershire BS36 2FR	Date Reg:	7th February 2019
Proposal:	Erection of a two storey side extension to form additional living accommodation.	Parish:	Frampton Cotterell Parish Council
Map Ref:	366631 180710	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	3rd April 2019



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P19/1032/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a two storey side extension to form additional living accommodation at 14 Walter Road, Frampton Cotterell.
- 1.2 The host dwelling is a two-storey, semi-detached property situated within an established residential area of Frampton Cotterell.

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 PRE18/0636 – Completed - 15.08.2018
Erection of a 2 storey bedroom and garage extension to form additional living accommodation

- 3.2 PT12/2655/NMA – No Objection - 30.08.2012
Non-material amendment to planning permission PT10/1013/RM to build plot no's.92 and 93 as 92AS and 93AS
- 3.3 MODT10/0001 – Pending - 07.09.2010
Modification of S106 Agreement attached to planning application PT08/2760/O.
- 3.4 PT10/1013/RM – Approved - 06.09.2010
Erection of 184 dwellings; construction of 186sqm of retail floorspace; construction of new vehicular access off Heather Avenue and provision of public open space. (Approval of Reserved Matters). (To be read in conjunction with outline planning permission ref PT08/2760/O).
- 3.5 PT08/2760/O – Approved - 15.12.2008
Erection of 220 residential dwellings and 186m2 of A1 retail floorspace. Outline application with means of access. All other matters reserved.
- 3.6 P94/1886 – Refusal - 12.10.1994
Local shopping centre (14,500 square feet gross) affordable housing to be managed by knightstone housing association (40 units) a new village green and associated informal open space. New housing (110 dwellings) -outline application.
- 3.7 P87/2744 – Refusal - 14.12.1987
Residential and ancillary development on approximately 17 hectares (42 acres) (outline)
- 3.8 N2363 – Refusal - 11.03.1976
Residential development on approximately 37 acres (15 ha.) with shopping, community and health precinct. Construction of new vehicular and pedestrian accesses. (Outline).

4. CONSULTATION RESPONSES

4.1 Sustainable Transport

In responding to this application I am mindful that the number of bedrooms will increase from 3 to 4, in terms of parking requirements the standard for a 3 bed dwelling is the same as for a 4 bed dwelling ie a minimum of 2 spaces. In this instance the housing estate was approved and constructed prior to implementation of a minimum parking standard, in fact a maximum standard was in force at the time. I am therefore of the opinion in this instance that although the parking is below current standards, the parking available on site is acceptable given that there is opportunity to park on the adjacent carriageway and that our current standards are the same for 3 or 4 bedded dwellings.

Given the above there can be no transportation objection to this proposal.

Archaeology

No Comment

Westerleigh Parish Council

No Comment

Frampton Cotterell Parish Council

This will intrude on the privacy of house number 12. There is insufficient off road parking.

Should the development go ahead, the space left between the properties, will be insufficient to allow the owners to maintain either property. This is over development of a small space.

Other Representations

4.2 Local Residents

This application received a total of 1 objection comment and 11 support comments. These are outlined below

Objections

- The proposal would create a terracing effect and appear out of keeping
- The proposal would impact on views from my property (No.17)
- The proposal would block light into my property (No.17)
- The proposal would overlook my property (No.17)

Support

- We support these plans
- This proposal would not impact upon traffic as no changes to spaces
- The extension is minor and of high quality design

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 two storey side extension to form additional living accommodation.

- 5.3** The two storey side extension will have a maximum height of 8.2metres, a total width of 3.2metres and a depth of approximately 4metres. The proposal will feature a car port at ground floor level and introduce 1.no window to the principal elevation and 1.no window to the rear elevation. A pitched roof is proposed with the ridge height set slightly lower than the existing built form and both the ground and first floor levels will be set back approximately 0.3metres

from the principal elevation, this is seen to increase the levels of subservience between the proposed extension and the host dwelling.

- 5.4 The case officer has concerns in regards to the proposed pitched roof. The case officer considers the pitched roof creates an unnecessary awkward relationship with the existing built form and adjoining properties, the introduction of concrete tiles on the rear wall further exacerbates this issue and has a negative impact on the overall composition of the building.
- 5.5 The case officer considers that due to the constrained nature of the site, the proposed two storey extension would appear as a cramped and contrived addition that would detract from the appearance of the building and would result in an undesirable development within the streetscene, and would cause substantial degree of harm to the visual amenity of the area.
- 5.6 From the analysis above, it is clear that the proposed development fails to respect the design, scale and proportions of the host dwelling, nor does it respect the character and appearance of the existing built form. If permitted, the development would be harmful to visual amenity. The proposal is therefore contrary to policy CS1 of the Core Strategy and PSP38 of the Policies, Sites and Places Plan
- 5.7 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.
- 5.8 When considering the impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties, the main property under consideration is no.12, Walter Road, situated immediately east of the application site.
- 5.9 Due to the orientation of the subject property, the proposed two storey side extension, would result in a 4metre deep, 8.2 metre high elevation located just 0.2metres from the existing garden boundary separating the two properties.
- 5.10 It is considered that, from within the rear and side gardens of no.12, an elevation of the depth and height proposed would form an extremely imposing feature. It is considered that the proposed extension would result in an increased sense of enclosure, and would significantly impact upon the extent to which the neighbouring amenity space could be enjoyed. Furthermore, the proposal involves the insertion of a first floor window to the south elevation of the dwellinghouse, this window would serve a bedroom. It is considered that the proposed layout would result in the rear amenity space of no.12 being significantly overlooked.
- 5.11 An objection comment has raised concerns that the proposed development would negatively impact views from their property (no.17). This concern is not considered a planning matter.

- 5.12 A neighbouring occupier commented on the loss of light to their property (no.17) 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 host site is located some 15metres from the neighbouring property.
- 5.13 The concerns raised regarding potential overlooking to no.17 have been taken in to account. The proposal will introduce 1.no front facing windows, this relationship already exists at first floor level and is not considered to result in an increased sense of overlooking or loss of privacy. As such, it is not considered that the proposal will result in a significant loss of privacy to this neighbouring property through overlooking.
- 5.14 For the reasons outlined above, it is considered that the proposed development would have an unacceptable impact on the residential amenity enjoyed at no.12 Walter Road. For this reason the proposed development would be contrary to policies PSP8 and PSP38, and should be refused.
- 5.15 Sustainable Transport and Parking Provision
As a result of the proposed development, the number of bedrooms within the property would increase from a total of 2 to 4. South Gloucestershire Residential Parking Standards SPD outlines that properties with 4 bedrooms must make provision for the parking of a minimum of 2 vehicles, with each parking space measuring a minimum of 2.4m x 4.8m.
- 5.16 The paved driveway at the property allows for one parking space, and would remain that way if this proposal were to be permitted. This is substandard in relation to the Residential Parking Standards SPD that outlines that properties with 4 bedrooms must make provision for the parking of a minimum of 2 vehicles. It is not considered that in these circumstances it would be reasonable to reject the extension on the basis that there is a lack of parking. The property remains in a predominantly residential area meaning that any additional on-street parking may be inconvenient to other road users but is unlikely to cause a highway safety problem. Overall whilst this counts against the proposal it is not considered that it amounts to a severe highway impact that would justify the refusal of the scheme.
- 5.17 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, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the application be **REFUSED**.

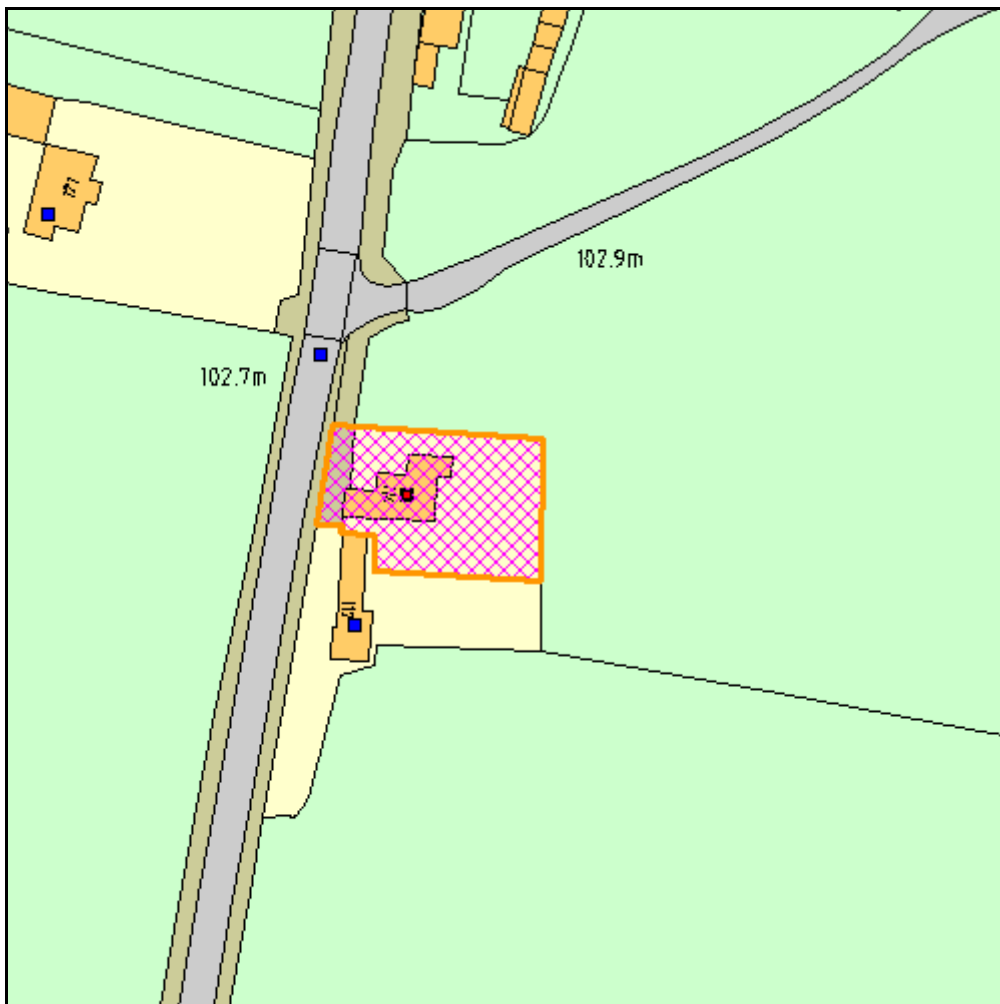
Contact Officer: Westley Little
Tel. No. 01454 862217

REFUSAL REASONS

1. The proposal creates an uncomfortable, cramped and contrived development that does not represent the highest standards of design and would cause substantial degree of harm to the visual amenity of the area. The proposal is therefore contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP1 and PSP38 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.
2. The proposed development, if permitted, would have a prejudicial impact on the amenities of nearby occupiers. Specifically in regard to no.12 Walter Road, it would lead to overlooking issues and have an overbearing and dominating impact upon the extent to which the neighbouring amenity space could be enjoyed. The proposed development is therefore contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP8 and PSP38 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.

CIRCULATED SCHEDULE NO. 14/19 – 5 APRIL 2019

App No.:	P19/1527/F	Applicant:	Mr Mark Davis
Site:	114 Westerleigh Road Pucklechurch Bristol South Gloucestershire BS16 9PX	Date Reg:	13th February 2019
Proposal:	Demolition of existing garage and store. Erection of a two storey side and single storey rear extension to form additional living accommodation. Erection of a first floor rear balcony.	Parish:	Pucklechurch Parish Council
Map Ref:	370100 177133	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	9th April 2019



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P19/1527/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure as comments received from the local Parish Council have been contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the demolition of the existing garage and store and the erection of a two storey side and single storey rear extension to form additional living accommodation. It also seeks permission for the erection of a first floor rear balcony.
- 1.2 The application site relates to a detached, two-storey dwelling located on the Westerleigh Road. It is located outside of the village settlement boundary associated with Pucklechurch and is washed over by the Green Belt.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 2019
National Planning Policy Guidance
- 2.2 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
CS34	Rural Areas
- 2.3 South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Standards
- 2.4 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Development in the Green Belt (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P94/1586
Erection of single storey side extension to provide games room and bathroom.
Approved: 15/05/1994

4. CONSULTATION RESPONSES

- 4.1 Pucklechurch Parish Council
Pucklechurch Parish Council has objected to the application - their comments are summarised as follows:
- Site has benefitted from extensions to its original size but not clear when these were erected
 - Property sits within the Green Belt and therefore the percentage volume increase is relevant as per policy PSP7
 - Pucklechurch Parish Council believes the development would constitute a disproportionate addition over 50% and would have an impact on the openness of the Green Belt
 - PSP16 requires that 3 spaces are required; plans only show 2 spaces, although it appears there is sufficient space for a third.
- 4.2 DC Transport
Subject to a condition that at least three spaces are provided and the permanently maintained within the site boundary, there is no transportation objection raised.

Other Representations

- 4.3 Local Residents
One objection comment has been received from a local resident and is summarised as follows:
- First floor balcony extensively and obtrusively overlooks our garden
 - Only privacy we have is at the further end of the garden and it will remove this
 - Planning application PK01/2039/F was refused. This application involved the provision of a balcony at no.112. A subsequent application which removed the balcony element was approved.
 - This should set a precedence for the basic principle of privacy
 - Hope the parking plans will be substantial for cars

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy PSP38 of the Policies, Sites and Places Plan is generally supportive of extensions and alterations within the curtilage of the existing dwellinghouses, subject to an assessment of design, amenity and transport. Other key issues to consider in this case is the location of the application site within the Green Belt. The proposal is therefore acceptable in principle, subject to the consideration of the issues set out below.

5.2 Green Belt

The application site is located within the Green Belt. Paragraph 145 of the NPPF sets out the limited categories of development which are appropriate within the Green Belt. In particular, the NPPF explains that the extension or alteration of an existing building is appropriate development provided that it does not result in a disproportionate addition, over and above the size of the original building.

- 5.3 With regard to extensions to existing buildings, Policy PSP7 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 carries this principle forward; it is relevant to proposals for domestic extensions. It states that, as a general guide, additions of up to 30% of the volume of the original building would likely be considered appropriate. Where an extension would exceed this up to 50% the proposal would be carefully assessed, paying particular attention to the scale and proportion of the proposed extension. Where proposed extensions exceed 50%, the policy indicates that this would likely be considered disproportionate and therefore inappropriate.

- 5.4 As per the case officer's request, volume calculations were submitted for the application. The volume of the original dwellinghouse (as per 1st July 1948) is considered to be 620m³. The total volume of the proposed extensions has been calculated to be 290m³. This equates to an addition of 46.7% of the volume of the original dwellinghouse. Officers note that this is above the 30% which would usually be considered appropriate as outlined by policy PSP7; however it is below the 50% which would be considered unacceptable and therefore officers have considered the design, scale and proportion of the additions in detail. The proposal is located outside of the village settlement boundary associated with Pucklechurch, and is in a relatively isolated position. It is bordered by a property on one side. The Parish Council have raised concerns that the additions are disproportionate and will affect the openness of the Green Belt. Officers acknowledge that the additions are significant when compared to the original dwellinghouse; however they are thought to be below the 50% outlined in PSP7. In addition, they will be constructed against built form and do not increase the footprint of the building substantially, limiting their impact on the openness of the Green Belt. It is also considered that the design of the proposal means it appears proportionate; this is discussed in more detail below. Overall, whilst officers accept that the proposed additions can be considered significant, it is not considered that they will harm the overall openness of the Green Belt and as such, it is considered that a refusal on this basis would be unreasonable.

5.5 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

- 5.6 The proposal has multiple elements. The existing garage and store is to be demolished. This will be replaced by a two storey side and single storey rear extension. The two storey element will be gable ended on both the front and rear elevation. The front elevation is proposed to have a stone feature with glazing. At existing, the garage/store along with the existing flat roofed former create a side elevation which has many different faces and levels. The existing dormer will be removed as a result of the proposal which officers consider will be an improvement to the appearance of the dwellinghouse. In addition, the two storey side extension will create a neater side elevation than current exists. The proposed single storey element will be located to the rear. It will be built in stone which will match the feature wall to the front elevation. It will have a flat roof, allowing for a first floor balcony to be constructed above it. In terms of design and visual amenity, there is no objection to this part of the proposal; the balcony is contained to the rear elevation and its impact on the street scene is limited. Due to the additions being above the 30% volume which would normally be considered appropriate, officers have considered the design in terms of scale and proportionality. The proposed two storey element is not considered to be out of proportion with the existing dwelling. The design which incorporates two gable ends is in keeping with the original dwellinghouse in this respect. This element is also set back from the highway, lessening its impact. The loss of the dormer is welcome and it is considered that it is being replaced by a structure which is of a higher design quality. The proposed two storey element follows a similar footprint to the existing arrangement. Whilst it is acknowledged that it is slightly bigger than the existing footprint, it is not considered to be disproportionately so. Due to the good standard of design it is not considered that the proposed additions would appear disproportionate. As such, it is considered acceptable in design and Green Belt terms.
- 5.7 The site is located in a relatively isolated position. The property immediately adjacent to it is large and has also benefitted from extensions. The additions to no.114 are therefore not considered to be out character with the other dwelling in the immediate locality. The majority of the proposal will be constructed in white render to match the existing, with stone used as a feature. There is no objection in regard to this.
- 5.8 Overall, it is not considered that the design of the proposal will have a detrimental impact on the existing dwelling, nor the character of the locality and there it is considered to comply with policies PSP38 and CS1.
- 5.9 Residential Amenity
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity, and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration

- 5.10 A local resident has raised concerns regarding the balcony element of the proposal and the additional overlooking and impact on the privacy of the occupiers as a result. It has been raised that a previous planning application which included a balcony at no.112 was refused (PK01/2039/F). A subsequent application was submitted removing the balcony and was approved; a local resident believes this should set a precedence for this application. Whilst officers acknowledge this, it is important to note that every planning application is assessed on its own merit and therefore these applications will not be used as a precedent for the current application. They relate to a different site and were assessed under a different policy context. The edge of the proposed balcony is located approximately 14 metres from the boundary with the neighbouring property. Due to its siting to the rear of the property, it will not create any additional overlooking into the house known as no.112 and the garden area immediately adjacent to the rear elevation of this property. The property is overlooked by windows on the side elevation of no.114; this arrangement will not change after the proposal. However, officers do note that there will be an increase in overlooking to the far end of the garden. However, as mentioned, there is a degree of separation between the neighbouring garden and the proposed balcony. In addition, the principle elevation of the balcony is set at an angle to the neighbouring garden. Whilst officers do acknowledge that there will be an increase in the overlooking at the property as a result of the balcony, it is not considered that this will be to an unacceptable level, due to the reasons discussed above. Officers therefore considered that a refusal reason on this basis would not be appropriate.
- 5.11 The proposal will occupy additional floor space. However, the increase in the footprint of the building will be small and the property is set within a large plot. Therefore, sufficient private amenity space will remain after the proposal and there is no objection in this regard.
- 5.12 Although it is recognised that there will be some impact on the residential amenity of its neighbouring occupiers, it is not considered that this will be unacceptable to a level which would warrant a refusal. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with policy PSP8 of the Policies, Sites and Places Plan (adopted November 2017).
- 5.13 Trees
It was noted on a site visit that there are some evergreen trees which are located close to the proposal site. The application form indicates these will not be removed as a result of the proposal and they are not subject to TPO's.
- 5.14 Transport
The Parish Council have commented that although it appears there is room for 3 cars on the driveway, only 2 spaces were shown on the plans. A local resident also has concerns regarding parking. A revised ground floor plan was submitted on 25th March 2019 which shows that three parking spaces are available on the driveway. The Transport Officer has commented that a condition should be added to the decision notices which conditions that at least three spaces are provided and the permanently maintained within the site boundary, there is no transportation objection raised. Paragraph 56 of the

NPPF outlines that planning obligations must only be sought where they meet all of the following tests; necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. In this case, the case officer does not consider that this condition would be necessary or reasonable. The South Gloucestershire Council Residential Parking Standards SPD states that for a dwelling which has 5+ bedrooms, 3 parking spaces should be provided within the boundary. The applicant has demonstrated that 5 spaces are available and therefore it is not necessary to control this with a condition. The proposal is considered acceptable in parking terms.

5.15 Consideration of likely impact on Equalities

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

5.16 With regards to the above this planning application it 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 on the decision notice.

Contact Officer: Isabel Daone
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).

CIRCULATED SCHEDULE NO. 14/19 – 5 APRIL 2019

App No.:	P19/1574/F	Applicant:	Mrs Anna-Marie Wilkey
Site:	68 Bush Avenue Little Stoke Bristol South Gloucestershire BS34 8ND	Date Reg:	19th February 2019
Proposal:	Erection of a two storey side and a single storey front extension to form store and additional living accommodation.	Parish:	Stoke Gifford Parish Council
Map Ref:	361477 180425	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	16th April 2019



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P19/1574/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a two storey side and a single storey front extension to form store and additional living accommodation at 68 Bush Avenue, Little Stoke.
- 1.2 The application site relates to a two storey, semi-detached property which is located within a residential area of Little Stoke. Properties in the vicinity are mostly semi-detached and of similar appearance and design.
- 1.3 This application is an amendment to a previously approved scheme (PT17/2193/F) that proposed to erect a two storey side and a single storey front extension to form store and additional living accommodation.

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 PT17/2193/F – Approved - 05.07.2017
Erection of a two storey side and a single storey front extension to form store and additional living accommodation.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
Objection. Council are concerned about over development and the impact on the neighbouring property. It is noted that both access for construction and a location for suitable scaffolding is limited on the property site.

Sustainable Transport

The applicant seeks to erect a two storey side and single storey front extension. The existing dwelling has 3 bedrooms and although the plans do not clearly state, it is assumed that after the extension the house will have a total of 4 bedrooms. 2 off street parking spaces are required for a house of this size and although the driveway will be built over, there will still be room to park 2 cars to the front of the dwelling. There are no transportation objections.

Archaeology

No comment

Other Representations

- 4.2 Local Residents

This application received a total of 1.no support comment. This is summarised below.

- The original permission was approved, this is only slightly amended and will not impact access.

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 two storey side and a single storey front extension to form store and additional living accommodation.

Two storey side

- 5.3 The two storey side extension will have a maximum height of 7.3metres, a total width of 2.6metres and a depth of approximately 8.8metres. A hipped roof is proposed with the ridge set slightly lower than the existing built form, this is seen to increase the levels of subservience between the proposed extension and the host dwelling.
- 5.4 The elevations would be pebble dash with brick quoin detailing; the windows and doors would be white UPVC; and the roof would be tiled. These materials would match those present on the original dwellinghouse. The proposal is therefore considered to be of an appropriate standard in design.

Single storey front

- 5.5 The proposed front extension would extend beyond the principal elevation by 1.3 metres and have a width of 4.7metres. The roof would be pitched and lean-to. The materials used would match that on the main dwelling. This development is considered to be appropriate in size and design.
- 5.6 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.

5.7 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.
- 5.8 An objection from the local parish raised concerns in regards to access and stationing of vehicles, skips and building materials. The case officer does not consider any construction management plan is relevant due to the scale of the proposed works. Notwithstanding this, informatives will be attached to any consent granted to remind the applicant that the granting of planning permission does not give rights to access or work on land not within their control.
- 5.9 A further objection was received from the Parish Council that is concerned that the proposal would result in overdevelopment of the site. It is worth drawing attention to the fact that the only difference between this proposal and the previously approved scheme is the first floor element extending 0.8metres to be flush with the principal elevation, leaving more than an ample amount of outdoor amenity space. The extensions will not project any further to the rear or closer to the boundary of the curtilage than the previously approved scheme; therefore would not create any additional overbearing impact on the adjacent occupiers. Furthermore, many properties in the immediate vicinity have benefited from development similar to the proposed scheme.
- 5.10 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.

5.11 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.

5.12 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).

5.13 Sustainable Transport and Parking Provision

As a result of the proposed development, the number of bedrooms within the property would increase from a total of 3 to 4. South Gloucestershire Residential Parking Standards SPD outlines that properties with 4 bedrooms must make provision for the parking of a minimum of 2 vehicles, with each parking space measuring a minimum of 2.4m x 4.8m.

Submitted plans show that two parking spaces are to be provided to the front of the property. On this basis, it is considered that the minimum parking provision for a 4-bed property can be provided on-site.

5.14 Equalities

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

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

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

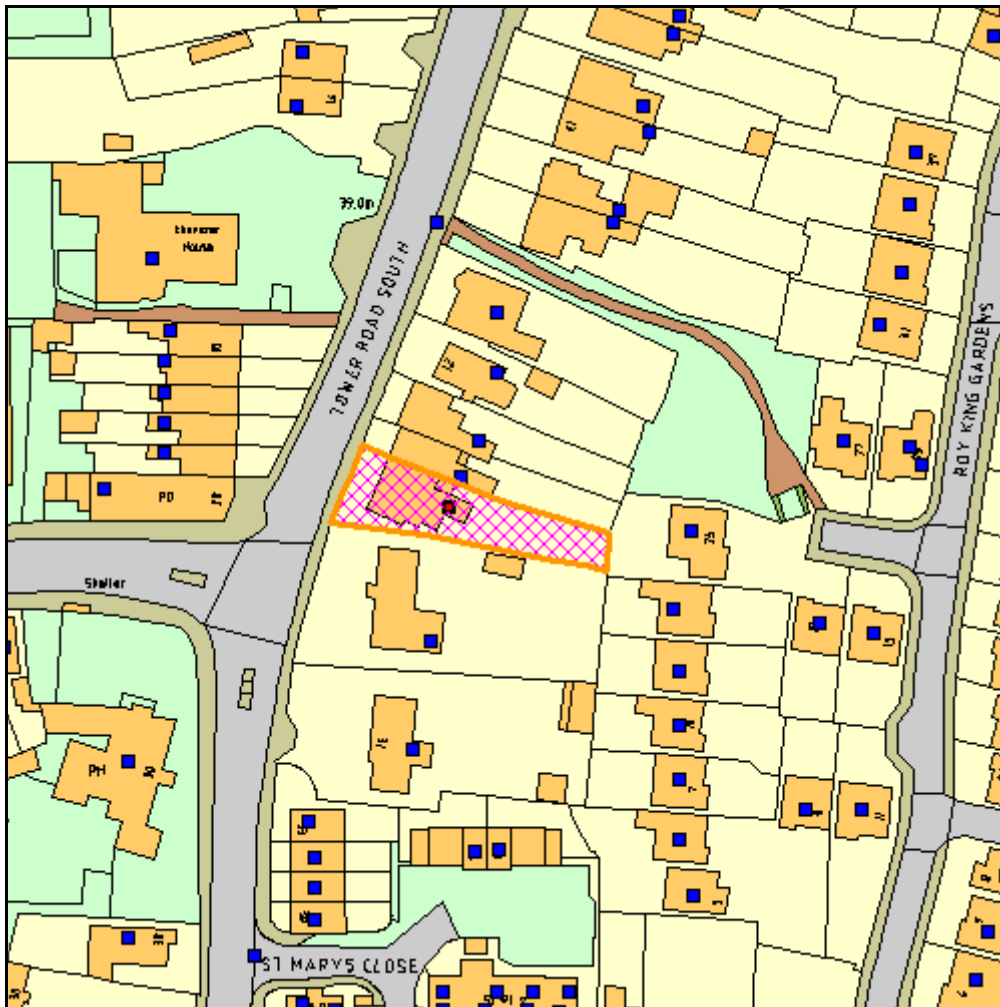
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 14/19 – 5 APRIL 2019

App No.:	P19/1882/F	Applicant:	Mr Jason Fuller
Site:	27 Tower Road South Warmley Bristol South Gloucestershire BS30 8BJ	Date Reg:	22nd February 2019
Proposal:	Widening of existing access drive.	Parish:	Oldland Parish Council
Map Ref:	366937 172574	Ward:	Parkwall
Application Category:	Householder	Target Date:	18th April 2019



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P19/1882/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This application has been submitted to the Councils Circulated Schedule procedure as comments received from the local Parish Council have been contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the widening of an existing access at 27 Tower Road South, Warmley.
- 1.2 The application site relates to an end terrace property with an existing access and paved driveway, located within a residential area of Warmley.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework February 2019
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

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

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

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

3.1 PK02/1287/F

Erection of two storey side extension to form garage and study with additional bedroom above.

Approved with conditions: 16th May 2002

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

The Parish Council objects to this application in support of the Transport Officer's Comments.

4.2 DC Transport

The Transportation Officer has raised an objection to the application and their comments are summarised as follows:

- When parking up against a boundary such as a house, a length of 5.3 in required
- Insufficient length is available for vehicles to park without overhanging onto the highway
- Due to this potential obstruction, Transportation DC cannot support the application
- Would have no objection to extending the dropped kerb no further than the pedestrian gate

Other Representations

4.3 Local Residents

No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP38 of the PSP Plan (Adopted November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Policy CS1 seeks that the proposal is informed by, respects and enhances the character, distinctiveness and amenity of both the application site and its context. Furthermore, Policy CS8 of the Core Strategy seeks that car parking and vehicular access should be well integrated and situated so it supports the street scene and does not compromise walking, cycling, public transport infrastructure and highway safety. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

The application seeks to widen the existing access to the driveway and extend the dropped kerb. Many other properties in the vicinity have dropped kerbs and driveways and there is a mix in terms of the form of the boundary frontage. As such, it is not considered that the proposal will have a detrimental impact on the character of the area and is acceptable in this regard.

5.3 Residential Amenity

Policy PSP8 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

- 5.4 Due to the nature of the proposal, it is not considered that the proposal will have a material impact on the residential amenity of the neighbouring or surrounding occupiers and it therefore complies with policy PSP8 of the Policies Sites and Places Plan.

5.4 Transport

The Transport Officer has raised an objection to the application; this objection is supported by the Parish Council. The Transport Officer has stated that because the parking spaces on the driveway will abut a boundary 5.3 metres needs to be available on the driveway. However, the existing driveway space with the current access does not have an available length of 5.3 metres. Whilst it is acknowledged that widening the access may cause a car to slightly overhang the highway, this is an arrangement occurs at other properties in the street, due to the short driveways in the area. In addition to this, the application site already has an access; it is not considered that widening the access would create an impact which is unacceptable to a level which would warrant a refusal. Indeed, paragraph 109 of the NPPF states that “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”. Although there would be some impact on highway safety in terms of vehicles potentially overhanging the highway, the widening of the access if not thought to create an unacceptable impact. As existing, the applicants could knock down the wall to the front of the property and use the existing access to park at the left hand side of the driveway. Widening the access will allow for more off-street parking. Given this consideration, it is not thought that the proposed widening of the existing access will have an unacceptable impact on highway safety, which would be contrary to local policy and the NPPF. As such, the case officer considers the proposal to be acceptable in highway terms.

5.5 Consideration of likely impact on Equalities

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

- 5.6 With regards to the above this planning application it 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 on the decision notice.

Contact Officer: Isabel Daone
Tel. No. 01454 863787

CONDITIONS

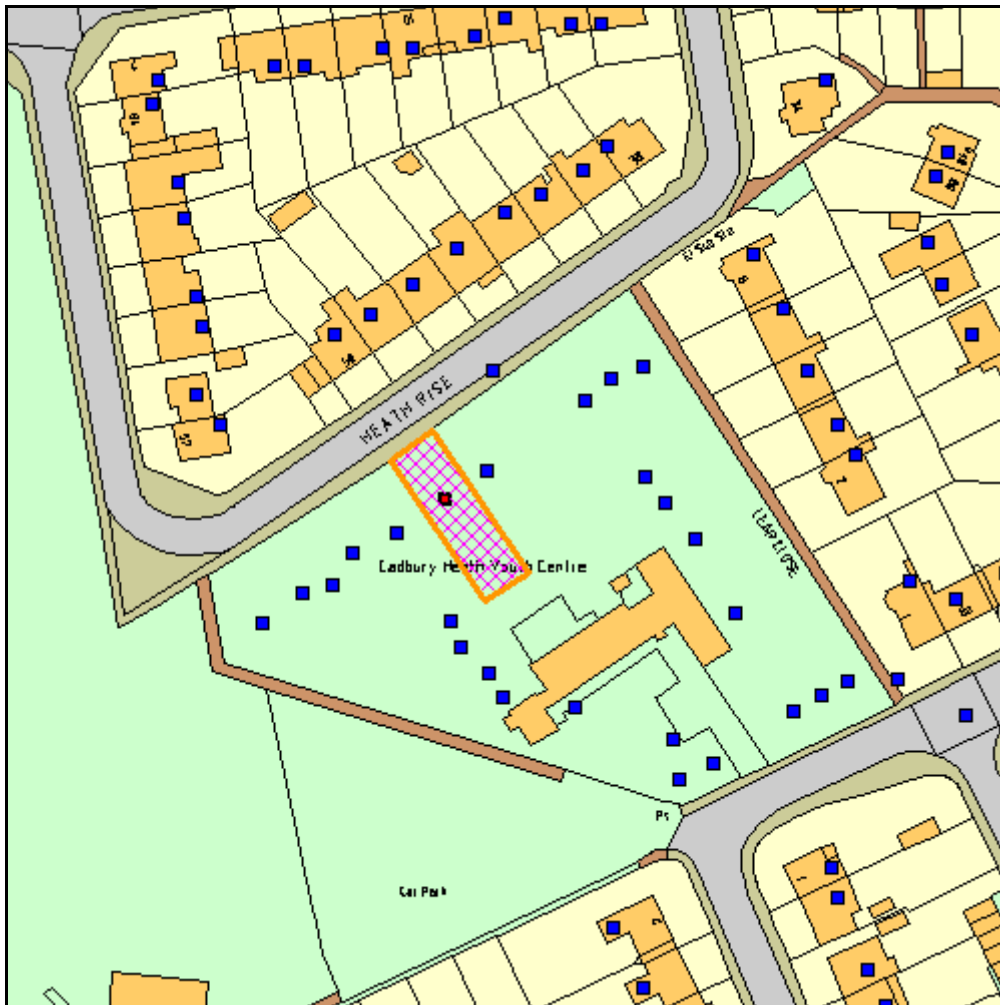
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 14/19 – 5 APRIL 2019

App No.:	P19/2084/PDR	Applicant:	Mr Gareth Leakey
Site:	76 Heath Rise Cadbury Heath South Gloucestershire BS30 8DD	Date Reg:	27th February 2019
Proposal:	Replace garage door with window to facilitate garage conversion.	Parish:	Oldland Parish Council
Map Ref:	366794 172200	Ward:	Parkwall
Application Category:	Householder	Target Date:	24th April 2019



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P19/2084/PDR

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

CIRCULATED SCHEDULE

This application has been submitted to the Council's circulated schedule procedure as the Parish has objected to the proposal.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the replacement of the garage door with a window to facilitate a garage conversion at 76 Heath Rise, Cadbury Heath.
- 1.2 The application relates to a detached new build, as part of a 2015 development for 25 new houses. Older style properties can be found directly opposite.
- 1.1 Ordinarily, the proposal would constitute permitted development under the criteria set out in the Town and Country Planning (General Permitted Development) (England) Order 2015. However, permitted development rights have been removed by condition under the original application for the development.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework February 2019
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport Impact Management
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 PK15/1260/F
Erection of 25 no. dwellings to include flats and two and three storey houses with associated car parking, landscaping and vehicular access.
Approved: 31/03/2016

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
We have received an objection from the Parish Council on the grounds that there will be a loss of off street parking.
- 4.2 Transport
Transport have no objections to the proposal.

Other Representations

- 4.3 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 proposed development is limited to the replacement of an up and over garage door with a window and brickwork surrounding to facilitate a garage conversion.
- 5.3 The proposed window is considered to be appropriately positioned on the principle elevation to result in a well-balanced appearance. The materials proposed and brickwork would match that of the host dwelling. As such, the proposal is not considered to be harmful to the character of the surrounding area and is of acceptable standard of design. It is therefore deemed to comply with Policy CS1 of the Core Strategy.
- 5.4 Residential Amenity
Policy PSP8 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

5.5 Considering the siting of the development at the front of the property, the proposed garage conversion is not thought to result in any adverse impacts to the residential amenity of any surrounding occupiers. The proposal is therefore deemed to comply with Policy PSP8 of the PSP Plan.

5.6 Sustainable Transport and Parking Provision

The Transport officer had no objections to the proposal and stated that whilst they would be losing the garage there is enough space at the front of the property for 2 cars which would comply with South Gloucestershire Council's parking standards for a 4 bed house. The submitted plans show that there is sufficient parking at the front of the property to comply with these standards. It is also considered that the internal dimensions of the existing garage would be sub-standard at 5.7m by 2.7m and would therefore not be considered as an off street parking provision. Therefore there are no objections raised in terms of transport.

5.7 Equalities

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

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

5.8 Other comments

The objection comments received by the Parish Council have been noted however as previously mentioned in the report, under paragraph 5.6, the property is able to provide sufficient parking for a 4 bedroom dwelling. It is also mentioned that the garage is sub-standard and would not constitute off street parking provisions therefore, it is considered that off street parking will not be effected by the proposal.

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: Jake Horwood
Tel. No. 01454 868400

CONDITIONS

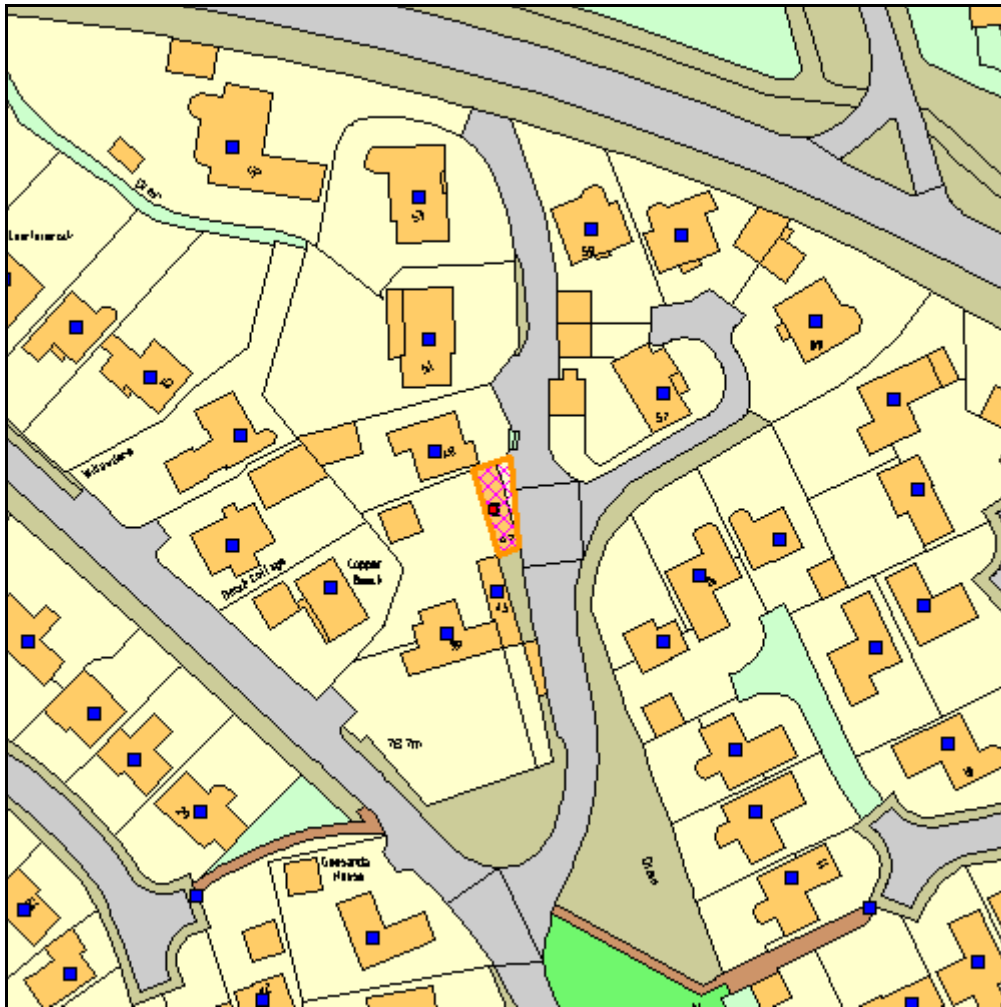
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 14/19 – 5 APRIL 2019

App No.:	P19/2697/CLE	Applicant:	Mrs Louise Williams
Site:	47 Goose Green Yate Bristol South Gloucestershire BS37 5BL	Date Reg:	11th March 2019
Proposal:	Erection of front porch and siting of shed.	Parish:	Yate Town Council
Map Ref:	371356 183620	Ward:	Yate North
Application Category:	Certificate of Lawfulness	Target Date:	6th May 2019



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P19/2697/CLE

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application is submitted by the wife of an Officer who works for South Gloucestershire Council in Planning 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 erection of a front porch and the siting of a shed in the area to the front of the property. The application therefore seeks to determine that these are lawful under Section 191 of the Town and Country Planning Act 1990. 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.
- 1.2 The application site relates to a two storey, detached property which is located within the settlement boundary.
- 1.3 There is no enforcement investigation on this property.

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 Yate Town Council
No comment
- 4.2 Councillor
No comment received

Other Representations

- 4.3 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

5.1 In support of the application:

- Photographs
- Signed declarations (from 6 neighbours). Those signing the declaration confirm that:

A Shed was erected and has resided continuously on land forward of the principal elevation of 47 Goose Green, Yate, South Gloucestershire (BS37 5BL) since December 2014

A porch was erected on the principal elevation of 47 Goose Green, Yate, South Gloucestershire (BS37 5BL) in February 2015)

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 structures are lawful, on balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.
- 7.2 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. Supporting information has included photographs as well as signed declarations by a number of individuals. The guidance contained within the National Planning Practice Guidance states that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application. This is however with the provision that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
- 7.3 The basis of the argument for lawfulness is based on the assertion that after 4 years operational development within the curtilage of a dwellinghouse would benefit from a deemed consent and would be immune from enforcement action. No enforcement investigation or action has taken place.

- 7.4 The photographs purport to show that the structures were in place by January 2015 for the shed and April 2015 for the porch, although there is no direct evidence as to when these were taken. Unfortunately the Council does not have access to aerial photographs after 2008. The signed declarations are however from the immediate neighbours who would have been in a position to know when the structures were added and have confirmed the dates as set out in 5.1 above. There is no contrary evidence that has been obtained either by the Case Officer or submitted by third parties.
- 7.5 The changes, on the balance of probabilities are now immune from enforcement action and are lawful as they would accord with the provisions of Section 191 of the Town and Country Planning Act and that at least 4 years have passed since the substantial completion of the works.

8. **RECOMMENDATION**

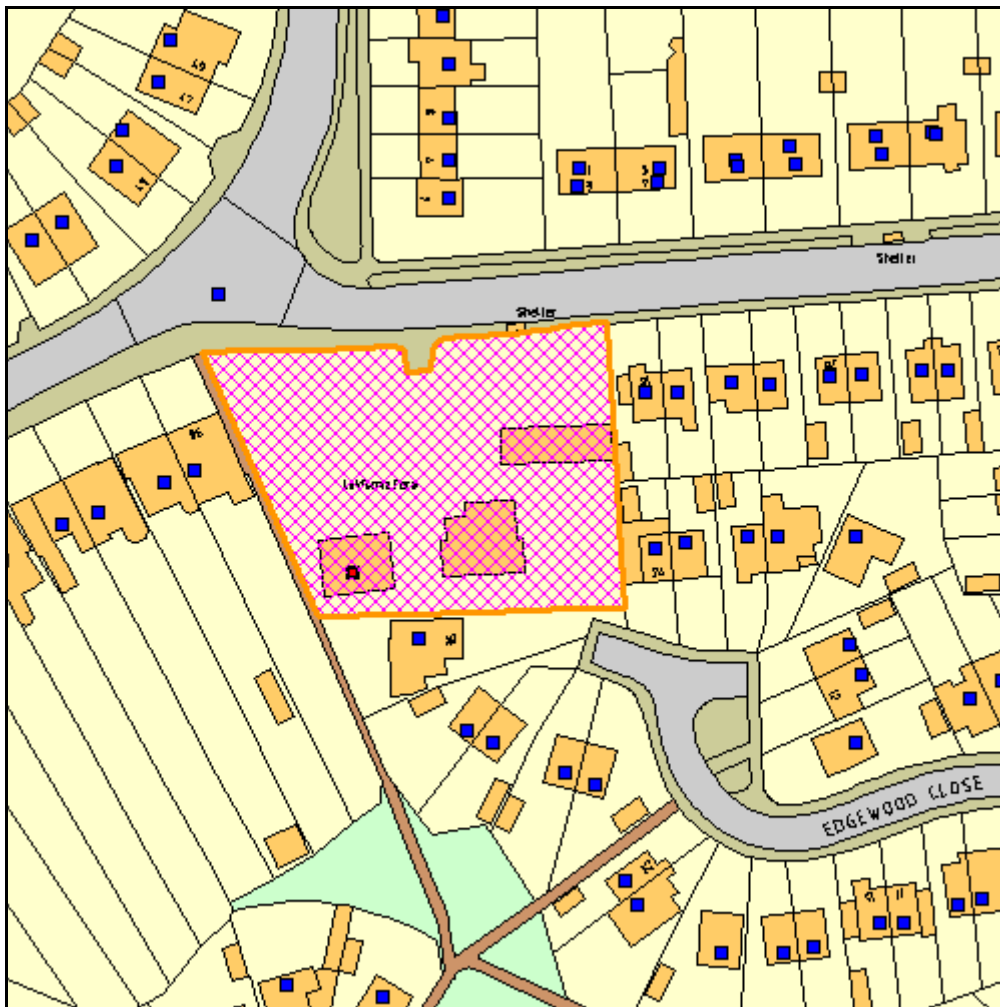
- 8.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities, the existing alterations would be considered to fall within the provisions of Section 191 of the Town and Country Planning Act 1990 (as amended) and would not require planning permission due to the passage of time.

Contact Officer: David Stockdale
Tel. No. 01454 866622

CIRCULATED SCHEDULE NO. 14/19 – 5 APRIL 2019

App No.:	PK18/5067/F	Applicant:	Mrs M Lynch
Site:	California Farm Shellards Road Longwell Green South Gloucestershire BS30 9DS	Date Reg:	21st November 2018
Proposal:	Demolition of existing outbuildings and erection of 4 no. detached dwellings with access, landscaping and associated works.	Parish:	Oldland Parish Council
Map Ref:	366006 171429	Ward:	Longwell Green
Application Category:	Minor	Target Date:	14th January 2019



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100023410, 2008. **N.T.S.** **PK18/5067/F**

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from 6no. local residents (3no being the threshold for referral); the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application site comprises the former California Farmhouse and its associated grounds and outbuildings. The site is located to the North-East of Longwell Green Centre, between Shellards Road and California Road. The site was previously part of a much larger landholding that was developed in 1985 to provide 2,000 dwellings.
- 1.2 Also within the site is a single-storey, detached, brick/render building and a garage, with large areas of hard-standing. There are trees within the site that are covered by Tree Preservation Order (TPO). The site is well enclosed by mature hedgerows, trees and fences. There is a single vehicular access onto California Road to the North.
- 1.3 It is proposed to retain California Farmhouse and demolish the garage and single-storey outbuilding and construct 4no. four-bedroom, detached dwellings with living accommodation over three storeys, the roof spaces being utilised for the 2nd floor accommodation. The existing access would be retained and slightly modified to provide the required visibility splay.
- 1.4 The application is supported by the following documents:
 - Arboricultural Report
 - Design & Access Statement
 - Noise Impact Assessment
 - Planning Statement
 - Surface Water Drainage Assessment
 - Transport Report
 - Ecological Survey Report
 - Landscape Scheme

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (NPPF) Feb. 2019
National Planning Practice Guidance (NPPG)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodland
PSP6 Onsite Renewable and Low Carbon Energy
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP17 Heritage Assets and the Historic Environment
PSP19 Wider Biodiversity
PSP20 Flood Risk, Surface Water, and Watercourse Management
PSP21 Environmental Pollution and Impacts
PSP37 Internal Space Standards
PSP43 Private Amenity Space Standards
PSP42 Self-build and Custom House Building
PSP44 Open Space, Sport and Recreation

2.3 Supplementary Planning Guidance

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

3. **RELEVANT PLANNING HISTORY**

There is a long planning history associated with California Farm. The most relevant history is listed as follows:

- 3.1 K.291/1 - Outline application for the erection of 4 semi-detached houses and one detached house. Construction of new vehicular access.
Refused 23rd Nov. 1978 for the following reason:

“The proposed development is unsatisfactorily related to the existing dwellinghouse and would result in the existing dwellinghouse being relegated to a backland site without adequate road frontage”.

- 3.2 K1088/6 - Residential development on approx.. 87 acres. Construction of estate roads & footpaths.
Approved 19th Aug. 1977
- 3.3 K1088/10 - Erection of 348 dwellinghouses. Construction of road and footpaths, associated garages, parking spaces & open space. Landscaping Scheme.
Approved 1st Nov. 1977
- 3.4 K291/3 - Erection of two detached dwelling houses with garages on approximately 0.46 acres (0.18ha). Construction of new vehicular access and pedestrian access. Outline.
Approved 16th July 1979
- 3.5 K291/4 - Erection of building for private recreational purposes.
Approved 11th Aug. 1983

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

No objection on condition that adequate provision is made for access and egress from the site once there are five properties on site instead of one as at present.

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 a SUDS drainage scheme.

Transportation D.C.

No objection subject to standard conditions.

Tree Officer

I am satisfied that the significant trees on the site will be properly safeguarded by the provisions within the Silverback Tree Report.

Please condition that the development is carried out in accordance with the Silverback Tree Report of October 2018, with particular reference to the provisions within the Arboricultural Method Statement at section 9.

Other Representations

4.3 Local Residents

6no. local residents have objected to the scheme. The concerns raised can be summarised as follows:

- Affects PROW from Parkwall Rd/Shellards Rd. over style into housing estate.
- Loss of privacy to 98 Shellards Rd from house no.3.
- Overbearing impact and loss of light to kitchen window of no.18 California Rd. from houses 1 & 2.
- 3-storey houses not in keeping with rest of estate.
- Proposed trees will overhang the boundary fence of no. 18 California Rd.
- Inadequate drainage.
- Presence of badgers.
- Boundary fence belongs to no.18 California Rd.
- Increased traffic.
- Disruption due to bin lorries stopping on the road.
- Busses stop outside the site.
- Set precedent for similar schemes.
- Overlooking of no. 35 Edgewood Close from house no.3.

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the Council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2019 (NPPF). The Policies, Sites & Places Plan was adopted in Nov. 2017 and now forms part of the Development Plan.
- 5.3 In accordance with para.38 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions, so that sustainable development can be approved wherever possible. NPPF Para. 38 states that Local Planning Authorities should approach decisions on proposed development in a positive and creative way.

Decision makers at every level should seek to approve applications for sustainable development where possible. Policy CS17 of the Core Strategy sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities.

- 5.4 The locational strategy for the District is set out in policy CS5. Under this policy, new residential development is directed to the strategic housing allocations, existing urban areas, and defined rural settlements as shown on the proposals maps, with most new development being on the North and East Fringes of Bristol. This application proposes development within the designated Urban Area on the East Fringe and as such is acceptable in principle.
- 5.5 Following the publication in December 2018 of an extract from the Authority Monitoring Report, South Gloucestershire Council can now demonstrate a 5-year housing land supply. Policies that restrict the supply of housing should no longer be considered out of date and should be afforded full weight in decision taking. The tilted balance – on the basis of housing supply policies – should no longer be applied.

Density, Scale and Design

- 5.6 NPPF para. 122 seeks to ensure that development makes the most efficient use of land taking into account:
- a) The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - b) Local market conditions and viability;
 - c) The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvements and the scope to promote sustainable travel modes that limit future car use;
 - d) The desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
 - e) The importance of securing well-designed, attractive and healthy places.
- 5.7 NPPF para. 123 goes on to say that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances inter alia the NPPF requires the optimal use of land for housing development. LPA's should refuse applications which they consider fail to make efficient use of land, taking into account the policies within the Framework.
- 5.8 This accords with Core Strategy Policy CS16 which states that:
- The density of new development should be informed by the character of the local area and contribute to:
- 1. The high quality design objectives set out in Policy CS1
 - 2. Improving the mix of housing types in the locality; and

3. Providing adequate levels of public open space, semi-private communal open space and private outdoor space.
- 5.9 Furthermore both the NPPF and Core Strategy Policy CS1 require that the highest possible standards of design and site planning are achieved with information being proportionate to the scale, significance and impact of the proposal. Policy CS1 includes a requirement that proposals are informed by, and respect and enhance the character, distinctiveness and amenity of the site and its context.
- 5.10 Local Plan policy PSP1 is concerned with local distinctiveness and requires an understanding of and constructive response to the buildings and characteristics that make a positive contribution to the distinctiveness of the area or locality.
- 5.11 The site lies in a highly sustainable location having a good range of facilities close-by and bus stops within easy walking distance. With the outbuildings removed, the introduction of 4no. new houses would ensure the most efficient use of the site in the urban area whilst still retaining the key vegetation within and around the site. Given the site constraints, officers do not consider that it would be feasible to build a higher density scheme within the site.
- 5.12 Whilst the scale i.e. four-bedroomed dwellings accommodated over three storeys, of the proposed houses is atypical of those houses within the surrounding estate, they have been designed having regard to the scale of the existing farmhouse. The site itself is well enclosed and somewhat distinct from the rest of the estate. Given the retention of the main trees and boundary vegetation/fences the proposed houses would not adversely affect the street scene and would generally conform to the established grain of development and building lines. The scheme would provide an acceptable street frontage to California Road. The proposed layout is logical given the position of the existing farmhouse, access and TPO'd trees. The houses would be adequately spaced with generous areas of amenity space retained for each dwelling.
- 5.13 The design of the proposed dwellings is influenced by the existing farmhouse. Likewise the materials to be used reflect the host dwelling and surrounding built form, which encompasses a simple palette of redbrick with Bath stone string courses to the gables and Bath stone lintels. Windows and doors would include dark grey metal to match houses on a nearby new development; the roofs would be red tiles.

Landscape and Tree Issues

- 5.14 The site benefits from mature trees in and around the site, as well as mature hedges. It is necessary as part of the scheme to remove several trees, as set out in the Arboricultural Report. The main trees, including those protected by TPO will be retained and protected accordingly. A landscape scheme accompanies the submission, which mitigates the loss of any trees and hedges. The scheme will retain the verdant character of the site. The Council's Tree Officer is satisfied that the significant trees on the site will be properly safeguarded by the provisions within the Silverback Tree Report. Subject to the development being carried out in accordance with the recommendations of the

submitted Tree Report and Arboricultural Method Statement, there are no objections on landscape or tree grounds.

Transportation Issues

- 5.15 Para. 109 of the NPPF states that 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.
- 5.16 A Transportation Statement has been submitted in support of the application. The site is located to the North-East of Longwell Green and forms a large area of land sandwiched between the built development of Shellards Road and California Road. There is an existing vehicular access to the site located off California Road. It is proposed that the development utilises the existing access although this would be slightly amended to the boundary in order to provide the required visibility splays in both direction i.e. 2.4m x 43m.
- 5.17 The road outside, California Road is primarily a residential road and has a footway on both sides and is subject to 30mph speed limit. The closest shops are some 400m walk away at the Tesco Express on the A431 Bath Road, where there is also an Aldi, and takeaways. The nearest primary school is Longwell Green Primary School, some 8 minutes' walk to the south-west. The closest bus stops to the site are immediately outside the site, and are served by the no. 45 service linking Cadbury Heath to Bristol City Centre every 20 minutes during the day. Overall, the site is considered to be in a sustainable location.
- 5.18 The plans submitted with the application show 2no. parking spaces for each house – some of the spaces are in the form of garages of adequate dimensions. A visitor parking space is also provided on site; this meets the S.Glos Council Parking Standards. Secure cycle parking would also be provided for the existing and proposed dwellings. The plans submitted with this application include vehicular auto-track details showing that vehicles can access and egress the site entrance in forward gear safely and this is considered acceptable. A bin collection point would be provided within the site adjacent to the access.
- 5.19 Based on TRICS data, the four proposed houses would generate just two vehicular trips in the morning peak and evening peak hour, which would be imperceptible on the local highway network.
- 5.20 Subject to a condition to secure the access, parking and bin store facilities prior to first occupation, there are no objections on transportation grounds.

Natural Environment

- 5.21 Whilst tree and landscape considerations have been discussed, natural environment also includes consideration of: ecology and biodiversity; drainage and water management; and environmental effects, including requirements for renewable and low-carbon energy generation.

Ecology and Biodiversity

- 5.22 An ecological appraisal has been submitted to support this application. Officers have considered the appraisal and concluded that there is no ecological objection to this application subject to an appropriate condition to secure the recommendations of the appraisal. There are no Badger Setts on the site and bats do not pose a constraint to the development proposed.

Drainage and Water Management

- 5.23 Drainage of the site following development is a technical matter. In terms of planning considerations, it must be demonstrated that the site can be adequately drained and would not lead to an increased risk of flooding elsewhere. A Surface Water Drainage Assessment has been submitted with the application. The application site lies within Flood Zone 1 and is therefore not at risk of flooding itself.

- 5.24 Given the scale of development, a SUDS scheme could be achieved. The Lead Local Flood Authority consider a SUDS scheme to be appropriate. Subject to a satisfactory SUDS scheme being presented to the authority at a later date and secured by condition, drainage and water management are not a constraint to development.

Environmental Effects

- 5.24 The proposal itself would not pose any undesirable environmental impact; it would not lead to industrial processes or emissions. However, the undertaking of the development may have the potential to effect the environment. There would appear to be limited potential sources for contamination and this should not act as a constraint to development.
- 5.26 Construction work can have an impact on amenity. The development should be subject to a condition on construction hours to protect both the environment and the amenity of nearby residents.

On-site Renewable and Low-Carbon Energy

- 5.27 Under policy PSP6, all development proposals will be expected to minimise end-user energy requirements over and above those required by the current building regulations through energy reduction and efficiency measures.
- 5.28 The site layout optimises solar orientation, with rooms facing south. Windows are placed and sized to optimise glazing on the south side and achieve good natural lighting in all the rooms. PV panels or solar thermal could be installed on some units.
- 5.29 The project is also designed to address other sustainability criteria including the following issues:
- Provision of adequate storage for waste and recycling
 - Sustainable surface water drainage system

Social Considerations

- 5.30 Social considerations have a relatively wide scope. This section will consider: affordable housing provision; public open space provision; and residential amenity and living conditions.

Affordable Housing

- 5.31 Policy CS18 requires the provision of affordable housing on developments of a certain scale. The proposal falls below the threshold for an affordable housing contribution both in terms of numbers of dwellings and floor area.

Public Open Space

- 5.32 The number of dwellings falls below the threshold for contributions towards and/or provision of public open space.

Residential Amenity and Living Conditions

- 5.33 Development should not be permitted that has a prejudicial impact on the residential amenities of nearby occupiers or which provides less than acceptable living conditions for future occupiers of the proposal. Some concerns have been raised by local residents' about possible overbearing impact, loss of daylight and loss of privacy, most notably for the occupants of 98 Shellards Rd, 18 California Rd. and 35 Edgewood Close, all of which bound the site to the West, East and South respectively.
- 5.34 Officers are however satisfied that despite the proximity of neighbouring dwellings, the scheme provides adequate separation distances between the existing and proposed dwellings and adequate setbacks from the site boundaries. It is inevitable that there will be some degree of overlooking of neighbouring gardens in densely populated urban areas, especially where schemes are expected to make the most efficient use of land, as is the case here. Appropriate boundary treatments and additional screen planting would be secured by condition.
- 5.35 The proposal makes adequate provision for the living conditions of the future occupiers of the development. In accordance with Policy PSP43 the new dwellings would be provided with sufficient private amenity space and the layout provides few opportunities for inter-visibility between the proposed homes. A condition to prevent the insertion of additional windows at first or second floor level in the proposed houses is considered justified in the interests of neighbouring residential amenity.
- 5.36 The applicant commissioned Acoustic Consultants Ltd. to prepare an Environmental Noise Assessment to accompany the application. The report establishes the impact of external noise sources whilst identifying relevant noise guidance. The primary noise source addressed is road traffic noise from the junction of California Road and Shellards Road.
- 5.37 The report concludes that Houses 2 and 3 require no noise mitigation measures and can be ventilated by open window. Only the western, northern and eastern elevations of houses 1 and 4 should carry the sound insulation performances as set out in paragraph 7.1 to 7.4 of the report, which can be secured by condition.

- 5.38 Should this development proceed, subject to the conditions outlined above, there would not be a significant adverse impact on residential amenity or the quality of living conditions and therefore, this should not be considered a constraint to development.

Sustainable Development

- 5.39 The NPPF, when taken as a whole, is the government's written statement of what constitutes sustainable development in planning terms. The government recognises that there are three strands to sustainable development: economic, environmental, and social.

Economic

- 5.40 The development would have economic benefit in providing housing to support a higher population. It would lead to the direct provision of construction jobs (although these are temporary in nature and therefore can be afforded limited weight). It would also enable greater economic spending in the region through additional population growth. A greater population would also help support local goods, services and facilities. Therefore, the economic benefit of development attracts substantial weight in favour of granting planning permission.

Environmental

- 5.41 There would be some benefit to biodiversity through landscape planting and specific mitigation measures. However, while there is some benefit, it can only be considered limited as it seeks to minimise any impact of the development itself through loss of trees and habitat. In terms of weight attribution, this factor is considered neutral.

Social

- 5.42 The development would result in some significant benefit by the provision of market housing in a sustainable area, for which there is an identified need. This is a factor of importance and weighs in favour of granting planning permission. Whilst there would be some impact on neighbouring amenity, this would not be significant.

Planning Balance

- 5.43 It is considered that the provision of 4 new dwellings in a highly sustainable location, is considered to be in the public interest. Whilst there would be some adverse impact on residential amenity, the cumulative impact would not be so great as to outweigh the wider public benefits of the scheme.

- 5.44 It therefore follows that planning permission should be GRANTED.

- 5.45 Consideration of likely impact on Equalities

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

positively contribute to the advancement of equality and good relations. It requires considerations to be reflected into the design of policies and the delivery of services.

- 5.46 With regards to the above this planning application is considered to have a neutral impact on equality. Equalities have been given due consideration in the application of planning policy as discussed in this report.

CIL

- 5.47 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. CIL charging commenced on 1st August 2015 and this development would be subject to CIL.

Other Matters

- 5.48 Whilst there is a footpath running along the western boundary of the site, this lies outside the development site and is not affected by the proposed development. The scheme will not set a precedent as each application must be determined on its individual merits.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission be GRANTED subject to the following conditions:

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

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

3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP2 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the National Planning Policy Framework.

4. The development hereby approved shall be carried out in strict accordance with the Arboricultural Report by Silverback Oct. 2018 in particular the Arboricultural Method Statement included in section 9..

Reason

To protect the TPO'd Trees and character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP2 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the National Planning Policy Framework.

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

Reason

To ensure the satisfactory provision of access, car parking, manoeuvring facilities and bin store, in the interest of highway safety and the amenity of the area, and to accord with Policies PSP11 and PSP16 of the The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013.

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

A detailed development layout showing the location of surface water proposals is required along with results of percolation tests and infiltration calculations to demonstrate that the proposal is suitable for this site.

Reason

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

7. The development shall be carried out in accordance with the recommendations of the submitted Ecology Survey Report by Acorn Ecology dated Sept. 2018.

Reason

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

8. The development hereby approved shall be constructed in accordance with the noise mitigation measures outlined in the submitted Acoustic Report by Acoustic Consultants Ltd. Ref 7355/JA/BL dated OCT 2018.

Reason

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

9. The boundary treatments for each dwelling hereby approved shall be completed before the building(s) is/are first occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

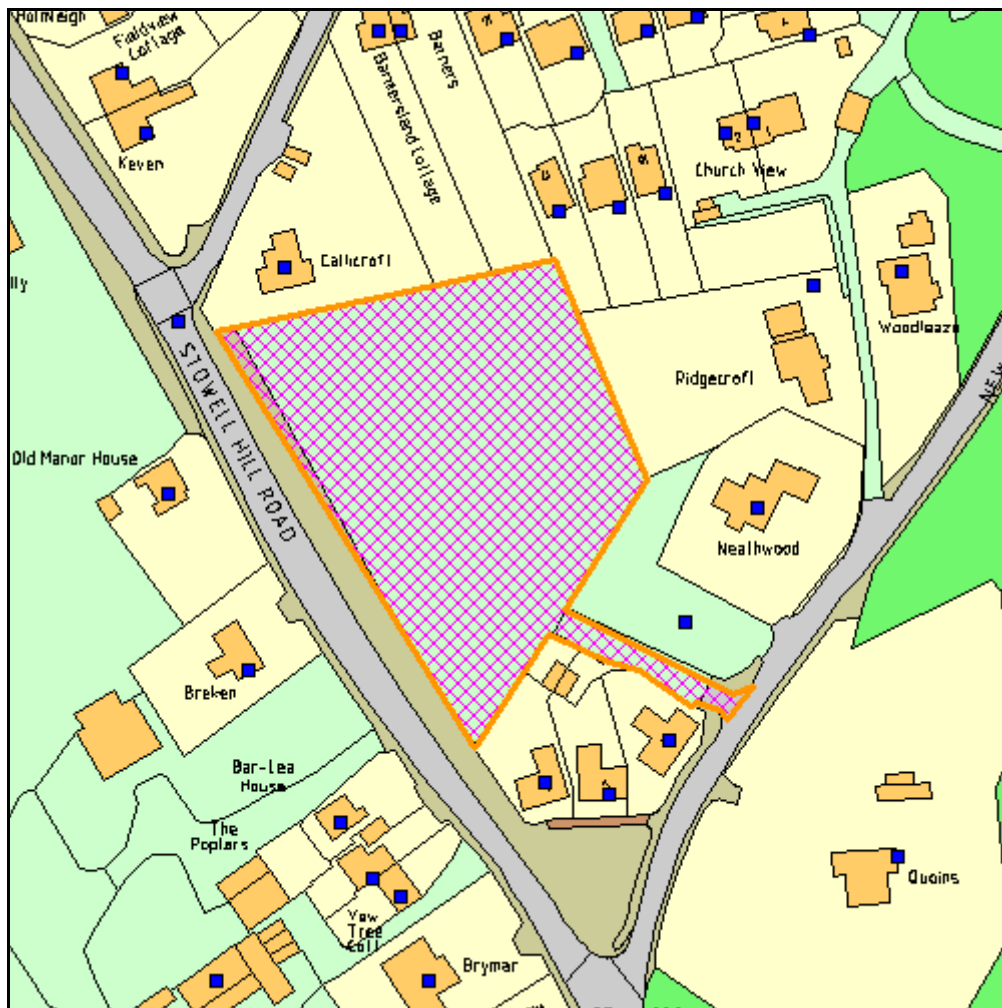
10. No windows other than those shown on the plans hereby approved shall be inserted at any time in the first or second floor elevations of the dwellings hereby approved.

Reason

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

CIRCULATED SCHEDULE NO. 14/19 – 5 APRIL 2019

App No.:	PT18/5155/F	Applicant:	Mr Hammond
Site:	Land At New Road Tytherington South Gloucestershire GL12 8UP	Date Reg:	16th November 2018
Proposal:	Erection of 7 no. dwellings, creation of new access and associated works.	Parish:	Tytherington Parish Council
Map Ref:	366808 188491	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	11th January 2019



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South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

INTRODUCTION

This planning application is referred to the Circulated Schedule as there are a total of three objections contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The site an open paddock located due East of Stowell Hill Road and between Woodlands Road and New Road. The site is located within Tytherington Village Settlement Boundary and is within the Tytherington conservation area. For the avoidance of doubt, the site is not within the Green Belt.
- 1.2 The site is accessed from New Road via an existing access drive associate with existing development at the junction of New Road and Stowell Hill Road. There are no public rights of way through the site.
- 1.3 There are a number of trees on or adjacent to the site. The group of Horse-Chestnut Trees located centrally on the site are protected under a Tree Preservation Order, whilst two Beach Trees located on the Northern boundary of the site are also protected under a Tree Preservation Order which is yet to be confirmed (for the purpose of the TPO this serves to protect the trees unless the order is not confirmed). The Western boundary of the site is enclosed by substantial Leylandii Cypress trees, which are proposed to be removed as part of this development proposal.
- 1.4 The planning application proposes the construction of 7 new dwellings (5 detached dwellings and 2 semi-detached dwellings) with private parking and new access road. Access to the site is from New Road utilising the existing access. This is a resubmission of the previously approved planning application (PT16/4657/F) as detailed in section 3 of this report.

Key changes are to plots 3 to 7 which propose different house types

Garage to plots 6 and 7 removed

Revised parking/access to plot 6 and 7

Access onto Stowell Hill unchanged as is link between Stowell Hill Road and existing field gate into site.

However, the access road within the site generally follows the same route as approved.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework February 2019.
Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS2 Green infrastructure
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS34 Rural Areas

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP17 Heritage Assets and Historic Environment
PSP19 Wider Biodiversity
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP36 Telecommunications Infrastructure
PSP37 Internal Space and Accessibility Standards for Dwellings
PSP40 Residential Development in the Countryside
PSP43 Private Amenity Space Standards
PSP44 Open Space, Sport and Recreation.

2.4 Supplementary Planning Guidance

Development in the Green Belt SPD
South Gloucestershire Design Checklist
Affordable Housing and Extra Care (May 2014)

2.5 Other Material Considerations

South Gloucestershire Sustainable Access Profiles (released for Public Consultation January 2017)

3. RELEVANT PLANNING HISTORY

- 3.1 P90/2936 Erection of 4 detached dwellings on approx. 0.2 ha (0.5 acres); alterations to existing vehicular and pedestrian access and construction of estate road (outline).

Refused 20 Feb 1991

- 3.2 PT02/1895/F Erection of three dwellings.
Approved 8 May 2003
- 3.3 PT02/3075/F Erection of detached dwelling and garage.
Refused 7 April 2003
- 3.4 PT04/1930/TCA Felling of 10 fir trees (mixed larch and spruce) in Conservation Area
No objection 29 June 2004
- 3.5 PT06/1198/F Change of use of paddock to residential curtilage
Approved 2 June 2006
- 3.6 PT10/2133/TRE Various works to 3no. pine trees, 3no. silver birch and 1no. eucalyptus tree covered by TPO 0507 dated 10th April 2008.
Split Decision 8 Oct. 2010
- 3.7 PT12/2488/F Erection of 1no. detached dwelling and associated works.
Approved 17 Sept. 2012
- 3.8 PT13/2411/F Erection of 1no. detached dwelling with detached garage, access, landscaping and associated works. (Resubmission of PT12/2488/F).
Approved 9 Sept. 2013
- 3.9 PT13/2787/F Erection of 9 detached dwellings and garages, new access and associated works.
Refused 27th September 2013
Appeal (APP/P0119/A/13/2206578) dismissed 2nd June 2014.
- 3.10 PT13/3637/F Erection of 4no. detached dwellings with new access and associated works. (Resubmission of PT13/2787/F).
Refused 25th November 2013
Appeal (APP/P0119/A/14/2211554) dismissed 2nd June 2014.
- 3.11 PT14/3019/F Erection of 2 no detached dwellings with garages and associated works.
Refused 4th November 2014
- 3.12 PT16/4657/F Erection of seven dwellings, garages, roadway and associated works

4. **CONSULTATION RESPONSES**

4.1 Tytherington Parish Council

No comment has been received

4.2 Conservation Officer

Initial proposal

The Conservation Officer notes that there is an extant planning consent for 7 dwellings on the site and as such has commented only in the context of the proposed changes to the design and layout of the dwellings.

Concern is raised that the changes would result in a material loss in character due to the increased scale of the proposed dwellings on plots 3 to 7 resulting in harm to the character and appearance of the conservation area and the setting of the nearby listed building.

Revised proposal

Following consideration of the revised proposals, the Conservation Officer has confirmed that the development is now acceptable and that the changes have resolved the initial concerns. The Officer considers that the development will not result in an unacceptable impact upon the heritage assets (Tytherington Conservation Area and nearby Listed Buildings). A condition is requested to secure the facing materials to be used on the new buildings in the interests of local distinctiveness.

4.4 Archaeology Officer

No objection in principle, subject to a condition requiring that the results of a programme of archaeological investigation and recording and a scheme for post-excavation assessment, analysis and publication is submitted to the Local Planning Authority for written agreement.

4.5 Ecology Officer

The Ecology Officer acknowledges the submission of an updated Ecological Survey; and, has confirmed that there is no ecological constraint to granting planning consent subject to conditions relating to potential species on site and additional external lighting details.

4.6 Arboricultural Officer

No objection subject to the development proceeding in accordance with the submitted Arboricultural Report and BS5837:2012 (Tree Protection)

4.7 Lead Local Flood Authority

No objection in principle. Sustainable drainage details are required by condition.

4.8 Housing Enabling Team

The Housing Enabling Officer notes that the site size as 0.54ha and therefore affordable housing is sought in line with National Planning Policy Guidance and other requirements under Policy CS18 of the Council's adopted Core Strategy Development Plan Document. As such, the application for five new dwellings on the site triggers the requirement to provide 35% Affordable Housing on the site in line with the policy CS18 of the South Gloucestershire Local Plan, Core Strategy (adopted December 2013).

The Housing Enabling Officer sets out that the proposed development generates the requirement to provide 2 Affordable Units without public subsidy on the following basis;

- i) 2 x 2 bedroom homes at a minimum of 79m² (floor space)
- ii) Both homes to be provided on a social rent basis (tenure type)
- iii) Proposed Units 1 & 2 are requested subject to some design changes to meet part M of Building Regulations

The applicant has indicated that he does not intend to meet this requirement and this is addressed in the main body of this report.

4.9 Open Spaces Officer

Confirms that the site falls under the current threshold for POS contribution.

4.10 Highway Structures

No comment

4.11 Highway Authority

No objection, subject to the provision of the agreed access details by way of a Grampian Style condition. The junction of Stowell Hill Road and New Road is sufficient to cater for the proposed development.

4.12 Natural England

Wish to make no comment

Other Representations

4.13 Local Residents

3 sets of comments have received during the consultation period. The comments are made in objection and are summarised as follows;

The proposed access route is not sufficient to cater for the traffic generated by the proposed development, such as large waste collection vehicles;

The access would result in a health and safety risk to those living in the immediate vicinity;

Access to the site should be from Stowell Hill Road and not New Road.

Concern is raised that the proposal to re-profile the corners of the access lane to the rears of existing properties would affect land not owned by the applicant.

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed development details the construction of 7 new dwellings, parking and access from New Road. The site is located within the Tytherington Settlement Boundary.
- 5.2 Principle of Development
The application site is located within the defined settlement boundary for Tytherington. The site is not within the Green Belt. The starting point for the decision maker (the Local Planning Authority) when assessing this application is the adopted development plan. Policy CS5 of the South Gloucestershire Local Plan Core Strategy directs new residential development towards sites within the existing urban areas and defined settlements. Therefore, the proposed development would not conflict with the locational strategy as defined in the development plan.
- 5.3 As noted in section 1 and section 3 of this report, the site benefits from planning permission for the development of 7 dwellings under PT16/4657/F. The consent includes the use of the existing field gate access and existing driveway onto New Road. That permission has not been implemented, but remains valid until 11th January 2021. Accordingly, the principle of the development of the site for seven dwellings and associated access is established.
- 5.4 Since the extant planning permission was granted, South Gloucestershire Council are now able to demonstrate that it has a 5 year supply of housing land. Nonetheless, as set out above, the site is located within the Tytherington Village Development Boundary and as such complies with the locational strategy set out within Policy CS5 of the South Gloucestershire Local Plan Core Strategy. Accordingly, this does not materially alter the planning policy context of the proposed development and the principle of the development of this site remains established.
- 5.5 Design and Heritage Impact
The site is located within Tytherington Conservation Area. There are a number of statutory listed buildings and non-statutory listed buildings surrounding the site. In particular, The Manor House sites opposite the site (due West).
- 5.6 The proposed development is accessed from New Road, via the existing access road to the field gate onto the site. This is situated between houses associated with recent development also access from New Road. This allows the existing bank along the frontage of the site onto Stowell Hill Road to remain in its entirety and avoid the requirement to introduce a heavily engineered access at that point.

- 5.7 Officers acknowledge that local residents have expressed a preference to create a new access from Stowell Hill Road. However, officers consider that to do so would have an unacceptable impact upon the setting and character of the Tytherington Conservation Area and nearby listed buildings. Given that officers do not consider that the access as proposed under this application would result in unacceptable highway safety impacts (as set out below) and given that the access currently benefits from consent under the extant planning permission the alternative access is not explored further.
- 5.8 The proposed development is constrained by various trees within the site that are protected by Tree Preservation Orders. In particular, three horse chestnut trees are situated in the Southern corner of the site. The nature and position of these trees is such that the proposed development is pushed into the North and East areas of the site. This has the effect of creating an area of open ground (with the Horse Chestnut Trees located within it). The 7 proposed dwellings would be arranged in a 'crescent' facing towards that space which, in turn, is enclosed by the corresponding access road.
- 5.9 These constraints have resulted in the opportunity to provide an individual and distinct layout and form of development and officers consider that this is acceptable in broad terms. During the course of the assessment of this application, the applicant engaged with officers to overcome initial concerns relating to the design, scale and the general appearance of the proposed dwellings. The result of these discussions is that the development now proposed makes reference to the local Tytherington vernacular. The proposed buildings have now been designed to reflect the style of traditional cottages and larger houses and buildings seen throughout the village and within the conservation area. In broad design terms, officers are now satisfied that the proposed development would achieve a high standard of design.
- 5.10 Notwithstanding the above, paragraph 193 of the National Planning Policy Framework (February 2019) sets out that when considering the impact of a development in the context of a designated heritage asset (including Listed Buildings and Conservation areas) the Local Planning Authority should apply 'great weight' to the conservation of that asset.
- 5.11 Clearly, the proposed development would alter the appearance and setting of Tytherington Conservation Area and the setting of The Manor House (Grade II Listed Building). The extant planning permission was considered to be acceptable in the context of the heritage assets noted above. This application proposes relatively minor amendments to the design and position of the dwellings along with adjustments to the access within the site (no changes is proposed to the access where it continues between the existing houses adjacent to the site and onto New Road). The proposal continues to show that the Leylandii hedge would be removed and that the open area associated with the protected trees would be retained. In terms of the changes to the proposed dwellings, this is now considered acceptable (subject to a planning condition to secure the facing materials to be used in the construction of them).

- 5.12 Accordingly, officers consider that the effective amendments proposed by this application are acceptable and would continue to provide a high standard of design reflective of the character of the surrounding area and the setting of Tytherington Conservation Area and the Manor House.
- 5.13 Landscape and Arboricultural Considerations
As set out above, the proposed development would continue to facilitate the removal of Leylandii Cypress trees which enclose the Western boundary of the site facing onto Stowell Hill Road. This is considered to be a benefit in landscape terms. It is considered that the proposed development is well designed in terms of its layout and would be consistent with the general landscape character of the surrounding village.
- 5.14 The application shows that with the removal of the Leylandii Cypress trees, some native trees would be retained that are growing on this boundary. These trees would be allowed to grow and improve in visual amenity terms so enhancing the Stowell hill Road elevation of the site. Other trees (particularly the TPO trees within the site) would also be retained as part of the development. Further landscaping is also proposed as part of the development. However, although shown upon the submitted plans, further specific details of the species and management of new planting can be agreed by way of planning condition in the event that this application is approved.
- 5.15 The applicant has also provided details of the method for the protection of trees within the site which are to be retained during the construction period. This can be secured by way of condition in the event that the planning application is approved.
- 5.16 Ecological Considerations
The Ecology Officer has confirmed that there is no ecological constraint in respect of this development proposal. The application is supported by appropriate ecological survey information which was properly updated in support of this application. Whilst the survey shows that the likelihood of protected species being present in the site is low, in order to protect the potential for the presence of such species the ecological officer has suggested conditions to secure various mitigation strategies and lighting details.
- 5.17 Officers are satisfied that subject to the imposition of such conditions the proposed development would not result in an adverse ecological impact and is acceptable in that regard.
- 5.18 Archaeology Considerations
The site is known to potentially contain archaeological remains. Accordingly, the applicant has submitted an archaeological evaluation of the site in support of this application. In this instance, the Archaeology Officer acknowledges the content of the submitted information and notes that whilst the information shows that archaeology has survived, this is not considered to be of national significance. On this basis, the Archaeological Officer does not raise objection to the proposed development in archaeological terms. However, it is appropriate to apply an appropriately worded condition that will secure further archaeological work (including open excavation) to allow proper recording and

further understanding of the archaeology prior to any destruction of it through development; and in the interests of archaeological recording for the public benefit.

- 5.19 Subject to the use of this condition, there is no archaeological constraints to the redevelopment of the site.

5.20 Residential Amenity

The site is enclosed by existing residential properties to the North, East and West and the proposed dwellings and curtilages would effectively share boundaries with the existing residential properties. However, given the general relationship of the proposed dwellings and the existing dwellings close to the site, it is considered that there is sufficient separation to preclude any detrimental impact upon the amenity of the existing residents and potential occupiers of the development. Similarly, existing dwellings to the West are separated from the site by the open area of the development and Stowell Hill Road and sufficiently distanced to preclude any material impact in that regard.

- 5.21 Access to the proposed development would utilise the existing access to the site from New Road and is the same as the extant planning consent; and as such its use is established. This would pass between existing dwellings facing towards New Road. The access also provides vehicular access to the existing dwellings. Officer acknowledge that the proposed development would increase the movements of vehicles along the existing access. The highway safety impact of this is addressed later in this report. However, officer considered that the provision of 7 new dwellings would not raise the frequency of vehicular movements to a degree that would increase the level of noise to an unacceptable level. This proposal does not alter the position compared to the extant consent which is considered to be acceptable. As such it is not considered that the proposed development would result in an unacceptable level of traffic noise.

- 5.22 The proposed development is well spaced and there would be more than adequate private out door garden space for each of the proposed dwellings. Furthermore, the area of open land to the front of the proposed dwellings would be accessible to the residents of the development (and likely maintained in the ownership of the residents) so adding considerably to the amount of outdoor space associated with the dwellings

- 5.23 Accordingly officers consider that the proposed development is acceptable in residential amenity terms.

5.24 Transport and Highway Safety

The design of the access into the site from New Road is materially the same as that approved under the extant planning permission (PT16/4657/F) Whilst officer note that there continues to be objection in relation to this access, officers are satisfied that the design of the access to the site remains safe for the movement of vehicles into and from the proposed development without unacceptably compromising pedestrian safety. The access arrangement can be secured, prior to first occupation, by way of a 'Grampian' style condition.

- 5.25 As set out earlier, officers consider that the vehicular movements resulting from the proposed development would be low frequency. Speeds of vehicles along the access are also likely to be low. Furthermore, there is adequate forward visibility along the proposed access. It is acknowledged that local residents have raised concern about potential conflict with existing residents using the access, including reversing vehicles and children playing. However, given the above consideration, officers are satisfied that the access is safe in the context of the development being proposed.
- 5.26 Adequate private car parking is provided for each of the dwellings in the proposed development; and this complies with the South Gloucestershire Residential Parking Standards.
- 5.27 Accordingly, officers consider that the proposed development is acceptable in transportation and highway safety terms.
- 5.28 Officers note that concern has been raised by local residents in respect of the ownership of the access of the site and rights of use over it. The applicant has confirmed that a right of access onto the site is available and this is the same position indicated by the applicant at the time that the extant planning consent was considered at its application stage. Similarly the applicant has confirmed that the areas of the access road and junction onto New Road are within the applicants ownership such that officers are reasonably satisfied that the 'Grampian Style' condition (as set out in paragraph 5.24 above).
- 5.29 Notwithstanding this, matters of ownership are covered by civil legislation. It is the responsibility of the applicant to ensure that there is no trespass as a result of the development and that all relevant civil permissions to access land have been secured. The 'Grampian Style' condition requires that the provision of the access improvements detailed above are provided prior to the first occupation of the development. Whilst this would allow development to commence (in the event that this application is approved) the developer would need to address the civil ownership matters before it is possible to implement the access and subsequently comply with the condition. Whilst the civil ownership matters are not for consideration under this application it would not be possible to occupy the development until civil matters are resolved so allowing the developer to provide the access improvements. However, this does not form the basis for a refusal reason.
- 5.30 Planning Obligations
The extant planning consent secured obligations of the developer to contribute towards affordable housing provision and public open space. However, since the extant application was approved, there has been changes to relevant planning policy that must be addressed in the context of those obligations. It should be noted that any decision to approve this application would have the effect of superseding planning obligations secured under the extant planning permission. In this instance, the development no longer triggers a requirement to secure affordable housing and public open space and as such are not secured as part of this application. This is addressed in detail below.

5.31 *Affordable Housing*

The extant planning permission secured two units (out of seven) as affordable housing units on a social rent basis. This equates to a 35% contribution. At the time that the previous application was considered, the trigger for providing Affordable Housing on the site was 5 dwellings as it is located in the rural area.

5.32 In the context of changes to planning policy, the term 'rural area' was redefined such that the trigger is 5 dwellings or more where the site is in a 'protected location'. In the case of South Gloucestershire this is only triggered on a site that is within the Cotswold AONB that lies within South Gloucestershire. as the trigger is now where development can be defined as 'major development'. The effect of this change is that (within South Gloucestershire) the trigger is where a development can be defined as 'major development'.

5.33 Notwithstanding the previous decision, it is necessary to consider that request in the context of changes to the planning policy context and the South Gloucestershire Affordable Housing and Extra Care SPD (adopted 2014). The Housing Enabling Team has requested affordable housing contributions (i.e. 35% of the proposed dwellings) under this application. Essentially, the request is made on the basis that the development is 'major development'.

5.34 The National Planning Policy Framework sets out that (for housing development) 'Major Development' is development of 10 dwellings or more or where the site is in excess of 0.5 hectares. Whilst this development is less than 10 dwellings, the site area is 0.54 hectares and as such can be defined as 'major development'.

5.35 However, section 3.2 of the South Gloucestershire Affordable Housing and Extra Care SPD defines 'the site' in the context of housing development. In particular, the SPD sets out that 'where there are specific features or constraints that good design would normally require to be retained (such as important trees, ecological or conservation features), these should be taken into account and the gross site area reduced to developable area. In this instance, the site contains a group of protected trees (TPO's) which take up a considerable amount of the available site in terms of the area available for redevelopment. Officers consider that the amenity value of the trees and the longevity of them is such that the trees should be retained. Indeed, officers consider that the retention of the trees and associated open area are essential in achieving good design on this site. This has the effect of reducing the 'developable area' of the site to 0.38 hectares. Accordingly, in accordance with the SPD, officers are satisfied that specific site constraints are such that the 'developable area' is reduced to a level below the trigger for affordable housing.

5.36 As such, an 'affordable housing' contribution cannot be secured as part of this planning application.

5.37 *Public Open Space*

The Public Open Space officer has confirmed that the proposed development no longer triggers the threshold for Public Open Space contribution. As such, this obligation is no longer required under this application.

5.38 The Planning Balance

The proposed development is located within the settlement boundary of Tytherington where the adopted development plan policy indicates new residential development is acceptable in principle. Furthermore, the site benefits from an extant planning consent for the development of seven dwellings and access onto New Road. This factor is afforded substantial weight in the determination of this application.

5.39 Whilst South Gloucestershire Council can now demonstrate that it has a five year supply of housing land, the proposed development continues to make a modest but positive contribution towards the delivery of housing in the district. This is afforded modest weight in the determination of this application.

5.40 Officers have concluded that the proposed development would not result in a negative impact upon the setting of heritage assets and that the removal of the removal of the Leylandii hedgerow along Stowell Hill Road would improve the general visual amenity and character of the locality. This factor is also given modest weight in the determination of this application.

5.41 In respect of the highway safety/amenity impact as a result of the use of the existing access onto the site, officers acknowledge that there would be an increase in the level of vehicular movement. It is also a key consideration that there is an extant planning permission that utilises the same access as proposed under this application. Accordingly, officers attribute neutral weight to this factor.

5.42 Officers acknowledge that this application cannot secure planning obligations (affordable housing and public open space contributions) which have been secured under the extant planning permission. However, this is as a result of changes to the planning policy context affecting the site and the proposed development. On this basis, neutral weight is attributed to this factor.

5.43 Officers consider that the proposal would represent sustainable development and is development that is in accordance with the development plan. Furthermore, there is no identified adverse impact which would outweigh the positive benefits of the proposed development. Accordingly, the proposed development should be approved.

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 (Adopted) January 2006 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 proposed development is approved subject to the following conditions;

Contact Officer: Simon Penketh
Tel. No. 01454 863433

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. Facing Materials (Conservation Area)

Prior to the commencement of the development above foundation level, representative samples of all external facing materials for the houses and garage hereby approved shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt, sample panels of at least 1 metre square shall be erected on site showing the following;

Render - showing the colour, texture and finish

Stone Work and Brick Quoins - showing the stone, coursing, joints, quoins, coping (where applicable) and pointing mortar

The development shall be carried out in accordance with the approved details and thereafter retained as such.

Reason

In the interests of the visual amenity and local distinctiveness of the site and the surrounding locality and the setting of Tytherington Conservation Area and nearby listed buildings; and, to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP1 and PSP17 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

3. Provide Access Arrangements

The access and off street parking arrangements as detailed upon drawing numbered 184-PL-001 Rev G (as received by the Local Planning Authority on 15th March 2019) shall be fully implemented prior to the first occupation of the development hereby approved. Thereafter the development shall be retained as such.

Reason

In the interests of highway safety and amenity and to accord with Policy CS8 of the South Gloucestershire Local Plan, Core Strategy (Adopted) December 2013; and

policy PSP11 and PSP16 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

4. Provide Ecological Mitigation

The development hereby approved shall be implemented strictly in accordance with the Mitigation Measures identified within Chapter 7 of the Update Site Walkover (Acorn Ecology, dated March 2019 and received by the Local Planning Authority on 15th March 2019. Thereafter the development shall be retained as such.

For the avoidance of doubt, prior to the first occupation of the development hereby approved, evidence to demonstrate that ALL identified mitigation measures shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

In the interests of the ecological value of the Site and to accord with Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and Policy PSP19 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

5. Ecology - Reptile Translocation Method Statement

No development, demolition, ground works or site clearance shall commence until a method statement for the translocation of reptiles on the site has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development, demolition, ground works and site clearance shall proceed strictly in accordance with the agreed details. For the avoidance of doubt the method statement shall include an identified receptor site(s) for the reptiles to be translocated.

Reason

In the interests of the ecological value of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013, and Policy PSP19 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

This information is required prior to the commencement of the development in order to avoid any unnecessary remediation in the future

6. Ecology - Lighting Scheme

No street lighting or other external lighting shall be installed within the site until a Lighting Design Strategy for Biodiversity (LDSB) for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority.

For the avoidance of doubt the strategy shall;

Identify those areas/features on site that are particularly sensitive for bats, badgers and hedgehog 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 shall,

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.

Thereafter all external lighting installed within the site shall be installed strictly in accordance with the agreed LDSB and retained as such.

Reason

In the interests of the ecological value of the Site and to accord with Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and Policy PSP19 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

7. Landscaping Details

Prior to the first occupation of the development hereby approved, a Landscaping Scheme shall be submitted to and agreed by the Local Planning Authority. For the avoidance of doubt the Landscaping Plan shall include details of all existing trees and hedgerows on the land and details of any to be retained; all proposed planting (and times of planting); boundary treatments and areas of hard surfacing. Thereafter the development shall be implemented in accordance with the agreed details.

Reason

In the interests of the visual amenity and local distinctiveness of the site and the surrounding locality and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP1 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

8. Tree Protection

Development shall proceed strictly in accordance with the Arboricultural Report (Prepared by Silverback Arboricultural Consultancy) (as received by the Local Planning Authority on 13th November 2018; and the Arboricultural Impact Assessment and Tree Protection Plan (as received by the Local Planning Authority on 13th November 2018).

For the avoidance of doubt, prior to the commencement of the development hereby approved written confirmation shall be provided to the Local Planning Authority that the appropriate tree protection is secured, fit for purpose and correctly located; and complies with BS:5837:2012

Reason

In order to protect valuable trees within and adjacent to the development site and to protect the landscape value of the site and the surrounding area, and to accord with Policy CS9 of the South Gloucestershire Core Strategy (adopted) December 2013 and Policy PSP1 and PSP2 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

9. Archaeology

Prior to the commencement of development, including any groundworks, exempt infrastructure works or remediation works, the results of a programme of archaeological investigation and recording and a scheme for post-excavation assessment, analysis and publication must be submitted to and approved by the local planning authority. Thereafter the development shall proceed in accordance with the agreed details.

Reason

In order to ensure the adequate protection of archaeological remains, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP17 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

This information is required prior to the commencement of the development in order to avoid any unnecessary remediation in the future

10. Sustainable Drainage

Notwithstanding the submitted details, prior to the commencement of development hereby approved, 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 and PSP20 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017.

11. Plans List

Drawings Numbered

184-L-001 Rev A

184-PL-002 Rev A

184-PL-003 Rev B

184-PL-009 Rev A

184-PL-010 Rev A

As received by the Local Planning Authority on 13th November 2018

184-PL-001 Rev G

184-PL-004 Rev C

184-PL-005 Rev C

184-PL-008 Rev C

As received by the Local Planning Authority on 15th March 2019

Reason

For the avoidance of doubt.