

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. 26/19

Date to Members: 28/06/2019

Member's Deadline: 04/07/2019 (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:

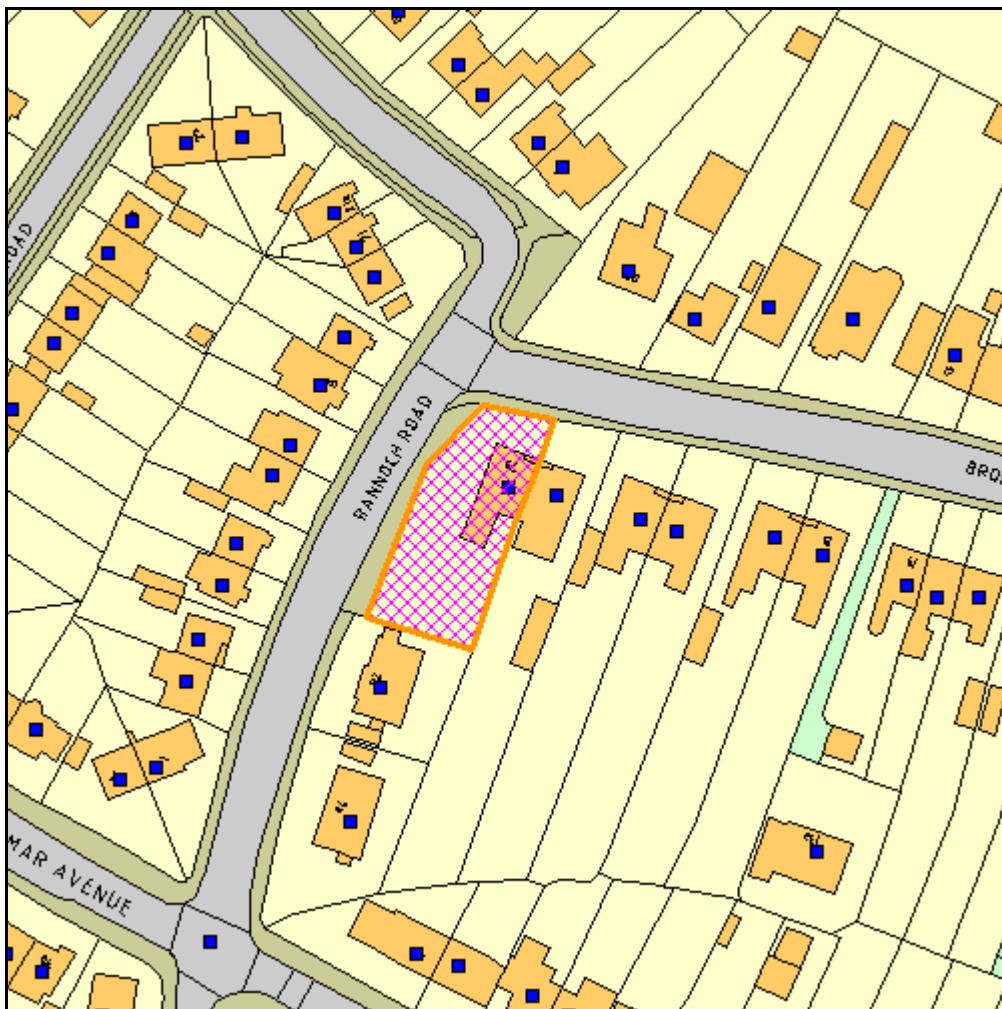
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 28 June 2019

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/0615/F	Approve with Conditions	25 Broncksea Road Filton South Gloucestershire BS7 0SE	Filton	Filton Town Council
2	P19/1132/F	Approve with Conditions	8 Whittucks Road Hanham South Gloucestershire BS15 3PD	Hanham	Hanham Parish Council
3	P19/3312/F	Approve with Conditions	Trees R Us Filton Road Winterbourne Hambrook South Gloucestershire BS16 1EJ	Frenchay And Downend	Winterbourne Parish Council
4	P19/3568/LB	Approve with Conditions	Land At The Former Frenchay Hospital Frenchay Park Road Frenchay South Gloucestershire BS16 1UU	Frenchay And Downend	Winterbourne Parish Council
5	P19/3609/F	Approve with Conditions	Half Acre Lodge Tanhouse Lane Yate South Gloucestershire BS37 7QL	Chipping Sodbury And Cotswold Edge	Wickwar Parish Council
6	P19/3661/F	Approve with Conditions	293 Badminton Road Downend South Gloucestershire BS16 6NU	Frenchay And Downend	Downend And Bromley Heath Parish Council
7	P19/5000/O	Approve with Conditions	Land Rear Of 15 Greenhill Road Alveston South Gloucestershire BS35 3LS	Severn Vale	Alveston Parish Council
8	P19/5201/F	Approve	Field House 127 Bristol Road Frampton Cotterell South Gloucestershire BS36 2AU	Frampton Cotterell	Frampton Cotterell Parish Council
9	PK18/5781/RM	Approve with Conditions	The Shant Crown Road Kingswood South Gloucestershire BS15 1PR	Kingswood	None

CIRCULATED SCHEDULE NO. 26/19 – 28 JUNE 2019

App No.:	P19/0615/F	Applicant:	Mr Hassan Nematpour
Site:	25 Broncksea Road Filton Bristol South Gloucestershire BS7 0SE	Date Reg:	21st January 2019
Proposal:	Demolition of existing lean-to and erection of single storey rear extension to facilitate conversion of existing dwelling into 3 No. flats.	Parish:	Filton Town Council
Map Ref:	359741 178392	Ward:	Filton
Application Category:	Minor	Target Date:	15th March 2019



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

P19/0615/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 REFERRAL TO CIRCULATED SCHEDULE

This application is referred to circulated schedule due to an objection received from Filton Town Council, which is contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the demolition of an existing lean to and the erection of a single storey rear extension to facilitate the conversion of an existing dwelling into 3no. flats at 25 Broncksea Road near Filton.
- 1.2 The property itself sits on a corner plot between Broncksea Road/Rannoch Road. It is a semi-detached 'villa' which is locally listed as a group alongside the other two 'villas' in this part of the road. Its materials comprise contrasting brick and render with distinct painted timber detailing. The property is located in a relatively large plot with front, rear and side gardens. It also benefits from an area of hardstanding to the front/rear which is used for parking cars.
- 1.3 The site is located within a built up residential area of Filton and within part of the North Fringe of Bristol Urban Area. An area wide Tree Protection Order has been placed on the site. There are no statutory land designations although the verge to the west of the site is maintained by the council.
- 1.4 This is a re-submission of previously withdrawn, and previously refused applications; refs. PT18/0113/F and PT18/4235/F respectively. These schemes involved a much larger extension and the creation of 5no. flats. There was also insufficient information submitted to assess the impact on protected trees at the site. This scheme has been reduced in size and a revised arboricultural report and tree protection plan submitted.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework Feb 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
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP39	Residential Conversions, Sub-divisions and Houses in Multiple Occupation.
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

Waste Collection: Guidance for New Development SPD (Adopted) January 2015

CIL Charging Schedule and the CIL and S106 SPD (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|-------------|----------------------|--|
| 3.1 | PRE17/0759 | 04.10.2017 | Conversion of existing dwelling into 3no. flats. Erection of side extension to provide 2no. flats and erection of new detached dwelling to provide a further 2no. flats with parking and associated works. |
| 3.2 | PT18/0113/F | Withdrawn 21.08.2018 | Erection of two storey side/rear extension to facilitate conversion of 1no. dwelling into 5 no. flats with associated works. |
| 3.3 | PT18/0507/F | Withdrawn 23.03.2018 | Erection of 1 no. dwelling with new access and associated works. |
| 3.4 | PT18/4235/F | Refusal 19.11.2018 | Erection of a two storey side/rear extension to facilitate the conversion of 1no dwelling in to 5no flats. (re-submission of PT18/0113/F). |

4. CONSULTATION RESPONSES

4.1 Filton Parish Council

Objection. Comments summarised as follows:

- arboricultural report relates to previous planning application
- only 5no. parking spaces – should 6 be proposed?

- parking to front of site would dramatically change the appearance of the front elevation and streetscene.
 - concerns about manoeuvring and damaging trees and hedging
 - bike and bin stores seem inadequate for the number of flats
 - concerns regarding area to the rear of the site which is excluded from the development – and how this would be accessed in the future.
 - proposed temporary protection of trees should be made permanent
 - it should be clearly stated that no access will be allowed on to Rannoch Road
 - what guarantee is there that off-street parking will be provided. Concerns about enforcement.
 - concerns amount of debris in the garden and that some is asbestos.
- 4.2 Sustainable Transport
No objections subject to conditions and informative.
- 4.3 Lead Local Flood Authority
No objection
- 4.4 Highway Structures
No comment
- 4.5 Conservation Officer
No objection to the proposed sub-division and rear extension. Some concerns of future development to the rear of the site.
- 4.6 Archaeology
No comment
- 4.7 Tree Officer
A revised tree report has been submitted has been submitted. No objection, subject to conditions.

Other Representations

- 4.8 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Planning permission is sought for the erection of a single storey rear extension to facilitate the conversion of 1no. dwelling into 3no. flats as well as associated works, in a built up residential area of Filton.
- 5.2 The site is within part of the defined North Fringe of Bristol Urban Area. Policy CS5 directs development to established urban areas and defined settlement boundaries. As such, based solely on the location of the site, the principle of the development is acceptable.

- 5.3 This development would be located within part of an existing residential curtilage of No.25 Broncksea Road. PSP38 states that new dwellings within existing residential curtilages are acceptable in principle but should respect the overall design and character of the street and surrounding area, would not prejudice the amenities of neighbours, would not prejudice highway safety or provisions of an acceptable level of parking provision for any new and existing buildings, would not prejudice the provision of adequate private amenity space, and would not lead to the loss of gardens that form part of a settlement pattern that contributes to local character.
- 5.4 Whilst the principle of the proposed development is acceptable under the provisions of the policies outlined above, the impacts of the development require further assessment. These detailed matters are discussed below.
- 5.5 Design, Visual Amenity and Heritage
Policy CS1 only permits new development where the “highest standards” of site planning and design are achieved. This policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.
- 5.6 The existing dwelling is set within a large corner plot with front and side gardens. There is also a large area of hardstanding for parking cars to the side of the dwelling, off the existing access from Broncksea Road. The property itself is a large, semi-detached, 2.5 storey, distinctive locally listed ‘villa’. The adjacent dwelling is also locally listed (No.23), and reflects the design of the host dwelling, albeit it has been altered and updated. It is a ‘leafy’ site with a mature oak tree to the front corner of the plot and other mature vegetation and trees along northern and western boundaries. There is an existing single storey extension to the rear of the dwelling, which would be demolished as part of this development.
- 5.7 The application site is located within a mixed character area, with smaller semi-detached and terraced properties, as well as large detached properties of differing designs. Having said this, there are another two pairs of ‘villas’ directly to the east of site. These properties, together, form a distinct design group with contrasting brick and painted elevations, alongside timber detailing. The mature oak tree to the front boundary forms an important positive feature within the streetscene.
- 5.8 It is proposed to introduce a single storey extension to the rear of the property. The property would otherwise retain its existing appearance, albeit all existing windows would be replaced. Parking would be introduced to the front and side of the property. Bin and bike stores would be located toward the rear of the site. Plans show that 2no. 2-bedroom flats and 1no. 1-bedroom flat would be created.

- 5.9 Given the scale of the extension proposed, and that the conversion would result in minimal alterations to the existing building it is considered that it would be acceptable with regards to design and visual amenity. Further, the scheme is considered to preserve the architectural and historic interest of this locally listed building.
- 5.10 The town council raised concerns with the creation of a dropped kerb to the front of the property, and the impact this would have on the streetscene. These comments are understood as it would involve the removal of a small section of hedgerow. However, Officers note that there are numerous examples of dropped kerbs in the locality and an objection cannot be sustained on this basis.
- 5.11 Residential Amenity
Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties.
- 5.11 Given the scale of the extension proposed it is not considered that the development would result in harmful residential amenity impacts. It is noted that other dwellings in the vicinity would also likely notice the intensification of the site and the introduction of parking within the existing rear garden, but it is not considered that it would be harmful to their residential amenity.
- 5.12 In terms of private amenity space provision, PSP43 sets out standards based on the number of bedrooms at a property. The development would involve 2no. 2-bedroom flats and 1no. 1-bedroom flat. PSP43 sets out that 5m² of private amenity space should be provided for each dwelling and some private shared community space. Plans show that the ground floor 2-bedroom flat would have an area of private amenity space measuring 55m². However, the first floor 2-bedroom flat and the second floor 1-bedroom flat would have no provision. Whilst it is noted that this is sub-standard, PSP43 sets out that the standards are just a guide and that in certain locations the standards can be relaxed. In this instance, the site is in walking distance to a number of green open spaces. This is considered to mitigate for the lack of private amenity space, and no objection is raised.
- 5.13 Parking and Highway Safety
A number of concerns from the town council related to parking and highway safety concerns. This development would create 2no. 2-bedroom flats and 1no. 1-bedroom flat. PSP16 sets out parking standards for all new residential units. In this instance, the standards indicate that at least 3no. parking spaces should be provided. It is proposed that 3no. parking spaces would be introduced to the side of the dwelling and 2no. parking spaces would be introduced to the front. This is in excess of the expected standards and is considered acceptable.
- 5.14 The Highways Authority have reviewed the scheme and have not raised an objection. This is subject to conditions which are recommended to be included on any decision notice.

- 5.15 The town council raised concerns that 'based on previous developments in Filton...there is a failure to enforce the terms of planning conditions'. This comment is noted. Officers will ensure that any conditions imposed on the decision notice will be enforceable, in accordance with para. 55 of the NPPF.
- 5.16 Trees
PSP3 sets that development proposals should include; the protection of trees, and where tree loss or damage is essential, replacement trees of an appropriate size and species, additional tree planting and new planting schemes that retain and integrate healthy, mature trees and hedgerows.
- 5.17 The site has an area wide tree protection order. There is a mature oak tree to the front of the site, and also a number of trees/mature hedgerow to the western boundary. Throughout the course of this application a revised arboricultural report and tree protection plan have been submitted. The tree officer has reviewed this and has confirmed that this is acceptable. It is recommended that an arboricultural watching brief should be conditioned to ensure the protection of the trees as part of the development.
- 5.18 The town council raised concerns that manoeuvring of cars would damage trees and hedgerows and that tree protection should be installed on a permanent basis. The arboricultural report has not raised concerns in these respects, and accordingly it is not deemed necessary to impose conditions to this effect.
- 5.19 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.
- 5.20 With regards to the above this planning application is considered to have a neutral impact on equality.
- 5.21 Other matters
Comments received raised concerns with an area to the rear of the site which is not included as part of the development. There are concerns that this could be developed in the future and how it would be accessed. These comments are understood, however, Officers are assessing the application in hand. Any future development would require full planning permission in its own right.
- 5.22 The town council also raised concerns regarding existing debris in the garden of the site and that some appeared to be formed of asbestos. Whilst these concerns can be appreciated, this is not a planning consideration. It is for the

applicant to ensure the safe removal of any hazardous waste. They will be informed on the decision notice of best practice in this respect.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That the application be **APPROVED SUBJECT TO THE CONDITIONS BELOW.**

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

To ensure a satisfactory standard of external appearance and to protect the character of the locally listed building, in accordance with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

3. The off-street parking facilities for all vehicles, including cycles shown on the Block Plan - Proposed (dwg no: 25/BR/F/115/P) hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

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.

4. The development hereby permitted shall proceed in accordance with the Arboricultural Report and Tree Protection Plan (Silverback consultancy, dated May 2019).

Reason

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

5. Prior to the relevant stage of development, an Arboricultural Watching Brief shall be submitted and approved by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason

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

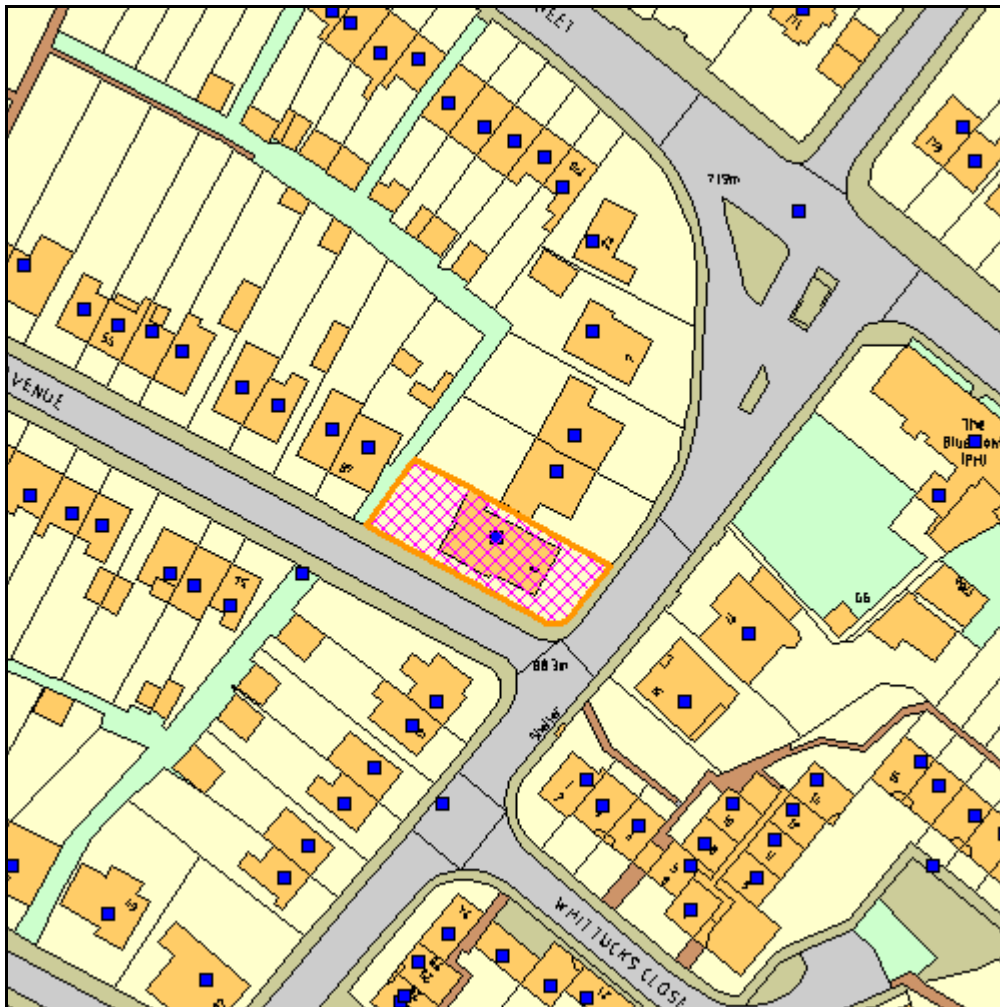
6. The waste storage facilities as shown on the Block Plan - Proposed (dwg no: 25/BR/F/115/P) hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of waste storage facilities and in the interest of highway safety and to accord with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Council Waste Collection: Guidance for new developments SPD (Adopted) January 2015.

CIRCULATED SCHEDULE NO. 26/19 – 28 JUNE 2019

App No.:	P19/1132/F	Applicant:	Mr And Mrs Seegum
Site:	8 Whittucks Road Hanham Bristol South Gloucestershire BS15 3PD	Date Reg:	5th February 2019
Proposal:	Change of Use from nursing home (Class C2) to 8no. bedroom HMO (Suis Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (retrospective).	Parish:	Hanham Parish Council
Map Ref:	364666 172023	Ward:	Hanham
Application Category:	Minor	Target Date:	29th March 2019



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

P19/1132/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 REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Councils Circulated Schedule as three or more letters of Objection have been received.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a change of use from a nursing home (Class C2) to an 8.no bedroom House in Multiple Occupation (HMO) (Suis Generis).
- 1.2 The proposed HMO is for 8.no people to share and therefore it does not fall in Use Class C4 (HMO).
- 1.3 The application site is a two -storey detached property within an established residential estate in Hanham. The building is sited on a corner plot adjacent to Grange Avenue and Whittucks Road. The building was previously used as a care home, so internally it already contains a number of different rooms including a dayroom; a staff room and bedrooms. A small area of hardstanding is located within the properties boundary that facilitates the parking of approximately 4.no vehicles.
- 1.4 No internal or external alterations are proposed to the dwelling, so this application will purely consider the use of the dwelling as a HMO. Currently, the building is in use as a 6.no bed HMO with an approved licence from the Councils Private Sector Housing Team. Planning permission has not, however, been granted for this current use.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2019
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS17 Housing Diversity
CS25 Communities of the North Fringe of Bristol Urban Area

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP39 Houses in Multiple Occupation
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Residential Parking Standards SPD (Adopted) December 2013
Waste Collection SPD (Adopted) January 2015

3. **RELEVANT PLANNING HISTORY**

- 3.1 PRE18/0802 - Change of Use from care home to HMO. *Pending Consideration*
- 3.2 PK13/0093/F - Erection of two storey rear extension to provide 4no. additional en-suite bedrooms, fire escape and associated works. *Refused 09.04.2013*
- 3.3 EK12/1420 - Pre-application: extension to nursing home. *Pending Decision.*

4. **CONSULTATION RESPONSES**

4.1 Hanham Parish Council

'This application was considered at a meeting of Hanham Parish Council's planning committee on 18th February 2019.

Comments. Plans provided are incomplete; however from what is shown there are concerns over adequate provision of parking spaces, cycle and bin stores'.

4.2 Other Consultees

Sustainable Transportation Development Control – summarised

- Based on the Councils parking standards for HMO's, a minimum of 0.5 car parking spaces required per bedroom. Plans submitted show 4.no parking spaces.
- It is considered the proposed change of use would not significantly increase traffic movements or parking demand compared to the extant use.
- The building is conveniently located, both in relation to links to frequent public transport services to the city centre and other shopping and employment locations as well as safe cycle routes.
- On a balance judgement decision; in the context of paragraph 109 of the new (revised) National Planning Policy Framework, it is concluded that the impact of this development could not be considered to be 'severe' to justify the refusal of this application on highway safety.

Other Representations

4.3 Local Residents

5 letters of objection have been received and are summarised below:

- Parking on Whittucks Road is already an issue – for a HMO that could potentially be 18 more cars in and around grange and Whittucks Road.
- The road is already congested. Property only has 4 spaces and they involve blocking each other.
- Volume of rubbish – currently used as a HMO & at Christmas time excess waste was all over the parking area and not cleared for days.
- Do not know who is residing at the property.
- Having a HMO property will add to parking issues and contribute to even less parking for residents of Grange Avenue.
- Would like to question the use of the property. Home office personnel have been seen entering the property, and youths seem to come and go continuously.
- This area does not need a HMO at the former nursing home.
- This is a residential area and does not have student or bedsits. It is not close to a college or university.
- The building is not large and to have 9 individual bedsits is not desirable.

4 letters have been received neither objecting or supporting the application. These are summarised below:

- We have concerns that if there will be more residents the noise may increase especially in the summer.
- Upkeep of the garden as it never gets cut.
- Why has this only just been applied for? The property has been used as a HMO for at least 2 to 3 months
- Would like to know who will be residing at the property and whether this would affect the local area.
- I would also like to know if there would be ample off street parking as this is a problem at this end of Grange Avenue.
- Plans provided are incomplete; however from what is shown there are concerns over adequate provision of parking spaces, cycle and bin stores.

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 The proposal is for a change of use of a care home to an 8.no bed HMO. The property was last used as a care home in 2017 but has been used as a HMO for approximately six months for 6.no residents. This application is the result of a planning enforcement investigation. It is acknowledged that South Gloucestershire Council is in need of small care homes for vulnerable groups and individuals, however, there is no local plan policy seeking to retain care homes and nonetheless, the planning authority cannot require that the care home business is reinstated.

- 5.2 Policy CS17 of the Core Strategy supports mixed communities, where new housing types are provided to accommodate different households, including families, single persons, older persons and low income households. In order to accord with Policy PSP39 of the Policies, Sites and Places Plan, a proposal to convert a building into a HMO should ensure there would be no harm to the character and amenity of the area; not prejudice the amenity of neighbouring occupiers; provide adequate amenity space and refuse storage; provide adequate parking in accordance with the Councils parking standards.
- 5.3 It is considered that the proposal is acceptable in principle, subject to the consideration of the matters below.

Impact on the character of the area

- 5.4 Policies PSP1 and CS1 require development proposals to respect and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.5 The dwelling is a detached two – storey property that occupies a corner position along Whittucks Road and Grange Avenue. Whilst being located near to Hanham High Street, this area is a predominantly residential area with a range of detached and semi – detached properties. The property used to operate as a nursing home which results in the building having a number of rooms which include bedrooms; staff rooms; bathrooms and a day room.
- 5.6 No external or internal alterations are sought; it is proposed to use the care home building as in situ. The proposal would therefore have a limited impact on the character and visual amenity of the area.

Residential Amenity of Neighbours

- 5.7 No physical alteration to the property is proposed. The buildings former use as a nursing home created activity through use of the building by staff, residents and external visitors. The property is located within a relatively dense urban area, where a number of residential properties are located near to the application site and the area is predominantly residential in character.
- 5.8 Local residents have raised concerns of increased levels of noise produced from residents. The outside amenity areas of the property (front and rear) could be used by the proposed residents at any one point in time; this could be more frequent than that a private residential home, however, the former care home would have likely also generated more activity than a private family home. However, the number of occupants, the level of activity and the likely use of the property are not in excess of that currently authorised by the care home planning permission. In the event of excessive noise or disturbance being created by individuals at the property; the appropriate legislation to resolve this matter would be environmental protection and/or anti – social behaviour tools.
- 5.9 On balance, the proposed use of the building as a HMO for 8.no bedrooms will likely give rise to a level of activity above that the other residential dwellings located within the area; but the impact of residents occupying the property would unlikely justify a refusal on grounds of harm to the amenity of

neighbouring occupiers in accordance with Policy PSP39 of the Policies, Sites and Places Plan.

Residential Amenity of Occupiers

- 5.10 Policy PSP8 provides development proposals will be acceptable provided they do not create unacceptable living conditions or have an unacceptable impact on the amenity of occupiers of the development or of nearby occupiers.
- 5.11 Policy PSP39 states HMO's should have adequate private amenity space. Further to this, policy PSP43 sets out a requirement for amenity space based on the amount of bedrooms at the property; for a property with 4+ bedrooms, 70m² of amenity space should be provided. Whilst 70m² is not required by policy it is a useful indicator of an appropriate size. As this proposal is for 8.no residents, outdoor recreational space within the grounds of the property should be suitable to cater for the total number of residents at the property.
- 5.12 The applicant has not proposed any alterations to the property but instead proposes to use the property as it is. The amenity space at the property consists of a small garden to the front of the property and a small patio area to the rear and side of the building. The total amenity space provided amounts to approximately 75m².
- 5.13 While the level of space provided is accordance with this policy PSP43, officers consider the amenity space at the property is not suitable for a HMO property. The front garden, by virtue of its size, would not be of a suitable size for all residents to use at any one point in time. The patio area is contained to the rear and side of the building. It is next to the old dayroom that was used in association with the buildings former use as a care home, this was likely the part of the building that was used for outdoor recreation. Measuring approximately 37 m², it is considered the patio is not of sufficient size to accommodate 8.no residents. Whilst technically appearing to be of a suitable size; the make-up of the external amenity space is restricted by its design and location; private amenity space is extremely limited.
- 5.14 Overall, while the amenity space provides a good calculation of outdoor space, reflecting the guidance of PSP43 in terms space provided, officers consider it is not of a sufficient size and functional shape to meet the needs of the likely number of occupiers. Accordingly, it is recommended that the proposed change of use does not clearly meet the requirements of policy PSP39.

Transportation

- 5.15 PSP16 of the Policies, Sites and Places Plan sets out the minimum number of car parking spaces for a HMO property is 0.5 spaces. In order to accord with PSP16, a minimum of 4.no spaces should be provided. This proposal must ensure the residential use does not have an adverse impact on the free flow of traffic, cause highway safety issues or unacceptably increase on –street parking levels.

- 5.16 The site has enough room for 4.no tandem parking spaces located on an area of hardstanding to the rear of the property and adjacent to Grange Avenue. The arrangement of parking at the site will mean two vehicles will have to park behind other vehicles. One space will be in front of the other, such that one car will have to pull out in order to allow access to Grange Avenue.
- 5.17 Up to 8.no occupants will live at the property independently from one another that could result in up to 8.no vehicles being associated to the property. Vehicle movements and residents entering and into and out of the property from a HMO would likely be above what one would usually expect from a private family home. This is due to residents living independently from one another. Due to the parking arrangement, there is a potential to disrupt the free flow of traffic as vehicles will have to manoeuvre out into the highway.
- 5.18 Local residents have raised concerns that a HMO building will result in increased issues relating to parking, particularly if many of the residents use vehicles. The transportation officer has assessed this proposal and has determined that the proposed change of use would not significantly increase traffic movements or parking demand compared to its former use as a care home. Whilst not supporting the proposed parking layout, the transport officer has advised that this is not a defensible reason to refuse planning permission. Furthermore, the location of the building is near to public transport services serving the city centre and to safe cycle routes. This offers the opportunity for residents to use sustainable modes of transportation.
- 5.19 The applicant has stated the shed currently located to the rear of the property can provide storage for 4.no bicycles. As the proposed use is for a large HMO property, it is appropriate to add a condition which requests information for further cycle storage facilities to be provided in the event of planning permission being approved. This would benefit occupiers and promote sustainable travel.
- 5.20 Overall, on balance of the factors raised above, it is considered the property will be able to operate as a HMO without there being adverse effect on the free flow of traffic or be detrimental to the convenience and safety of local residents and highway users.

Waste storage and recycling provision

- 5.21 HMO properties should ensure that adequate waste storage provision and recycling provision is provided to ensure the needs of all present and future occupiers. The applicant has identified within this application that bins would be stored on the area of hardstanding to the rear of the dwelling. There is adequate space for bins to be easily moved to a collection point along Grange Avenue. Accordingly, officers considered that waste storage and recycling provision is sufficient and that in the event of planning permission being granted, it would not be appropriate to require additional facilities to be provided.

Planning Balance

- 5.22 The proposed development, containing up to 8.no bedrooms for residents, will likely operate at a greater intensity than those residential properties in the locality but not necessarily that of the former use of the building as a care home.
- 5.23 The return of the building to its former use of a care home is the Councils desired outcome, however, it is acknowledged from discussions with the applicant that the business was no longer a viable enterprise. There is no obligation for the applicant to restart this use, and this may lead to the building potentially becoming vacant.
- 5.24 Overall, on balance of the factors discussed above, whilst there are some concerns regarding private amenity space and vehicle movements, it is considered there is insufficient justification to refuse this application. It is determined a residential use of the property for a HMO subject to conditions restricting the number of residents to 8.no would be both proportionate and in accordance with the South Gloucestershire Local Plan.

Consideration of likely impact on Equalities

- 5.25 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.
- 5.26 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 planning permission is GRANTED subject to conditions.

Contact Officer: Sam Garland
Tel. No. 01454 863587

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 and Country Planning Act 1990 (as amended).

2. Notwithstanding the provisions of the Town and Country (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order with or without modification), the development hereby permitted shall be limited to 8.no bedrooms.

Reason

The further division or alteration to the property to create more than eight bedrooms would require a further assessment of the impact on the character of the area, provision of adequate waste sorting and storage facilities; and to accord with policy CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) November 2017.

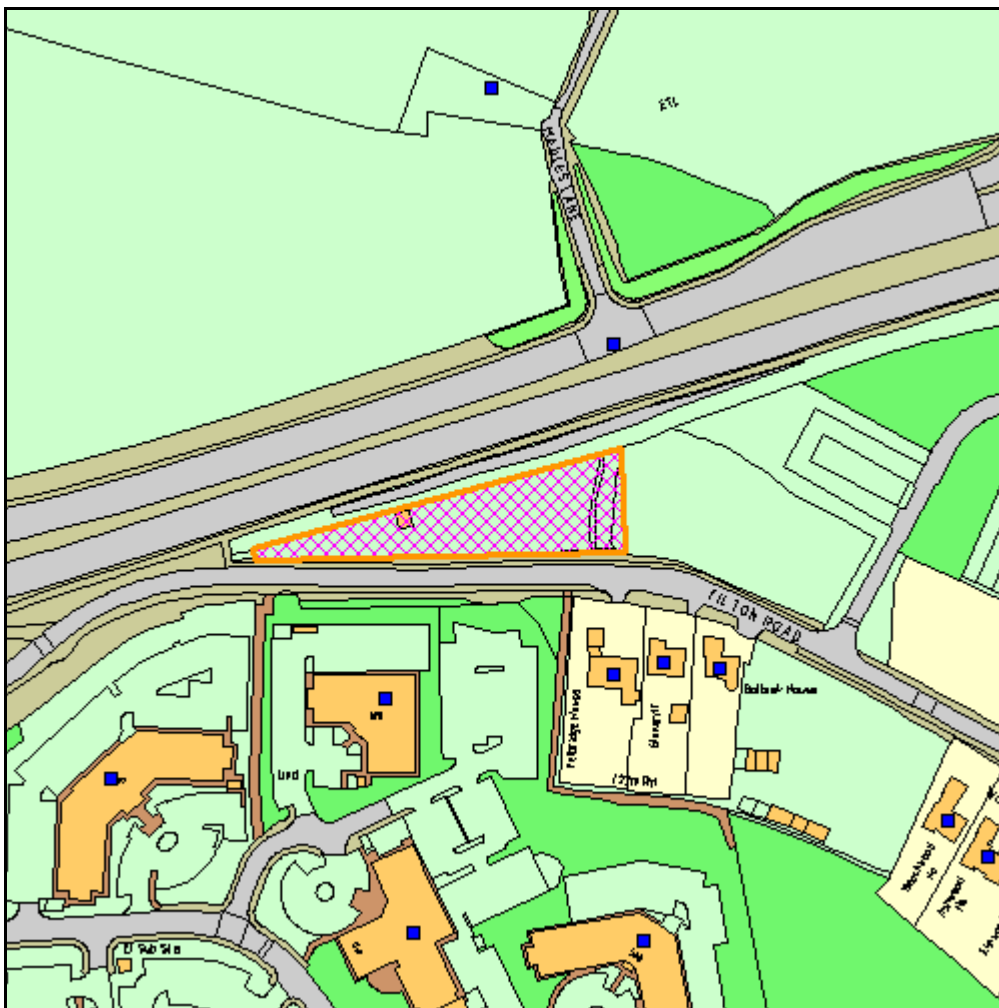
3. Within two months of this consent, detailed plans showing the provision for additional cycle storage shall be submitted to the Local Planning Authority for approval. Thereafter, the development of the cycle store shall proceed in accordance with the agreed scheme and shall be completed no later than 1 month after those details have been approved by the LPA. The cycle store provision shall be retained for that purpose.

Reason

To ensure the satisfactory provision of cycle storage facilities and to protect the character and appearance of the area to accord with Policies CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policies PSP1, PSP16 and PSP39 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017.

CIRCULATED SCHEDULE NO. 26/19 – 28 JUNE 2019

App No.:	P19/3312/F	Applicant:	Premier Building Contracts (Bristol) Ltd
Site:	Trees R Us Filton Road Winterbourne Hambrook South Gloucestershire BS16 1EJ	Date Reg:	2nd April 2019
Proposal:	Erection of 9 No. detached dwellings with garages, creation of access and associated works.	Parish:	Winterbourne Parish Council
Map Ref:	362597 178554	Ward:	Frenchay And Downend
Application Category:	Minor	Target Date:	24th May 2019



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

N.T.S.

P19/3312/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 an objection from Winterbourne Parish Council; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The site, which comprises a 0.23ha triangular plot of land is bounded by the A4174 Ring Road to the north, a footpath to the west, Filton Road to the south and the grounds of the Holiday Inn Hotel to the east. On the opposite side of Filton Road is the Land at Coldharbour Road Employment Area, which is an office development.
- 1.2 The site has no special designations and lies within the Urban Area (Bristol North Fringe) but not within the East of Harry Stoke New Neighbourhood, which lies to the north of the A4174; the site does lie adjacent to but not within, the Bristol and Bath Green Belt. Vehicular access to the site is currently via a gated access off Filton Road. There are existing green buffers to the north and east.
- 1.3 The site is temporarily used for the storage and sale of Christmas Trees but officers could find no planning permissions that permit this use, although this could fall under permitted development rights for temporary use of land.
- 1.4 Outline Planning consent was granted in Sept. 2017 for the erection of a single, four-storey, 'L' shaped building with a footprint of 450 sq.m. to contain 20no. student cluster flats with 92no. bedrooms.
- 1.5 The current application seeks a full planning permission for the erection of 9no. detached dwellings with garages and the creation of a new access.
- 1.6 The application is supported by the following documents:
 - Arboricultural Method Statement
 - Residential Planning Noise Assessment

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework Feb. 2019
National Planning Practice guidance 2014
- 2.2 Development Plans

The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013
CS1 - High Quality Design
CS2 - Green Infrastructure
CS4A - Presumption in Favour of Sustainable Development

CS5 - Location of Development
 CS7 - Strategic Transport Infrastructure
 CS8 - Improving Accessibility
 CS9 - Managing the Environment and Heritage
 CS15 - Housing Distribution
 CS16 - Housing Density
 CS17 - Housing Diversity
 CS18 - Affordable Housing
 CS25 - Communities of the North Fringe of Bristol Urban Area

The South Gloucestershire Local Plan : Policies, Sites and Places Plan
 (Adopted) Nov. 2017

PSP1 - Local Distinctiveness
 PSP2 - Landscape
 PSP3 - Trees and Woodland
 PSP8 - Residential Amenity
 PSP11 - Transport Impact Management
 PSP16 - Parking Standards
 PSP17 - Heritage Assets and the Historic Environment
 PSP19 - Wider Biodiversity
 PSP20 - Flood Risk, Surface Water and Watercourse Management
 PSP21 - Environmental Pollution and Impacts
 PSP43 - Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005
 South Gloucestershire Council Residential Parking Standards (SPD) Adopted
 Waste Collection : guidance for new developments (SPD) Adopted Jan. 2015
 Affordable Housing and extra care SPD (Adopted) May 2014
 Community Infrastructure Levy (CIL) & Section 106 Planning Obligations
 Guide.

3. RELEVANT PLANNING HISTORY

- 3.1 P90/2181 - Residential development on approximately 0.2ha; construction of new pedestrian and vehicular access.
 Refused 3rd October 1990
- 3.2 PT17/0217/O - Erection of four storey building (Outline) to form 20no. student cluster flats (sui generis) providing 92no. bedrooms with access, layout and scale to be determined. All other matters reserved.
 Approved 22nd Sept. 2017
- 3.3 PT18/3206/O - Erection of six storey building (Outline) to form 35no. student cluster flats (sui generis) providing 206 bedrooms with access, layout and scale to be determined. All other matters reserved (Amendments to approved outline permission PT17/0217/O)
 Refused 14th Nov. 2018

4. **CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council

The comments from the Parish Council are Objection. Not enough visitor car parking space given the nature of the site and road situation. Future residents will suffer a lot of noise from the A4174.

Stoke Gifford Parish Council

No response

4.2 Other Consultees

Environmental Protection

The proposed site for residential development is located in very close proximity to the A4174 and therefore is subjected to high noise levels. Without mitigation this site is not suitable for development of this kind. I have read the Acoustic report by Ion Acoustics Dated 28th February 2019, Ref: A1306 R02a. The report highlights that the site is subjected to very high noise levels and although appropriate acoustic conditions can be achieved, this is only with large acoustic barriers and significant façade treatments including acoustic glazing, external wall and roof enhancements.

The report states that the maximum external noise levels of 55dB cannot be achieved in the majority of gardens even with the 3m high acoustic barrier however this level is predicted to be exceeded by only 2dB which whilst not ideal, this alone should not prevent development.

I would recommend that a condition be added to the decision notice to ensure that the recommendations included in the acoustic report regarding the external barrier and acoustic façade treatments are carried out in accordance with those specified in the acoustic report in Sections 7 and 8.

Transportation D.C.

No objection to the revised plans.

Lead Local Flood Authority

No objection subject to a condition to secure a SUDS scheme of drainage.

Community Services

As this application falls below the POS threshold of 10 dwellings or more and/or is below 0.5ha and there appears to be no POS on site, it would not trigger policy CS24 requirement. We have therefore no comment to make

Historic Environment – Archaeology Officer

The site is adjacent to a former military camp and the HER implies that some aspects of this may have extended to the north. Due to this potential I recommend an HC11 condition for a programme of archaeological work during construction to monitor and record any archaeology encountered.

Tree Officer

No response

Landscape Officer

No objection subject to a condition to secure an appropriate landscape scheme.

Children and Young People

No response

Housing Enabling

There is no requirement for Affordable Housing on this scheme under Policy CS18 of the Council's adopted Core Strategy Development Plan Document.

Highway Structures

No objection – standard informative.

Wales and West Utilities

Standard informative

Other Representations

4.3 Local Residents

2no. letters/e.mails of objection have been received from local residents. The concerns raised are summarised as follows:

- No visitor parking.
- Increased on-street parking.
- Adverse impact on the character of the area.
- Danger to cyclists using cycle path.
- Excessive scale.
- Impact on sewers.
- Overdevelopment
- Too many access points.
- Gardens too small.
- Insufficient parking provision.
- In Green Belt?

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 2012 (NPPF). The Policies, Sites & Places Plan was adopted in Nov. 2017 and now forms part of the Development Plan.

- 5.3 It has recently been established through the 'Land South of Gloucester Road' Appeal that South Gloucestershire can now demonstrate a 5 year housing land supply. The revised NPPF (para. 11) reiterates that; at the heart of the Framework is the presumption in favour of sustainable development. At para. 11 c) the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay.
- 5.4 Furthermore The South Gloucestershire Local Plan Core Strategy adopted (Dec 2013) Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with the NPPF para. 38, 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. 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.
- 5.5 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 North Fringe and as such is acceptable in principle. The site does not lie within the Green Belt as suggested by a local resident. Furthermore the acceptance of student cluster flats on much of this site was recently established with the approval of application PT17/0217/O.
- 5.6 It is considered likely that the proposed development would begin to contribute towards housing supply in the district within a period of 5 years.
- 5.7 Chapter 9 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.8 It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings. The NPPF encourages efficient use of land and requires (para.59) the need to boost significantly the supply of homes.
- 5.9 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.
- 5.10 Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.

- 5.11 The remainder of this report will therefore conduct the exercise of applying national guidance and policies in the Development Plan to the proposed development.

Analysis

- 5.12 South Gloucestershire Council can currently demonstrate that it has a five-year supply of deliverable housing land. In this instance, the NPPF makes a presumption in favour of approving sustainable development. Notwithstanding this position, the site is located within the Urban Area where new residential development is acceptable in principle.

- 5.13 The site has for some years been used for the sale of Christmas trees and maintains a generally developed appearance. It lies in a sustainable location close to public transport routes, shops, leisure facilities and close to the UWE campus.

- 5.14 There are no designations on this site that preclude its development for housing and the NPPF is clear that there is a presumption in favour of sustainable development, indeed the acceptance of residential development in the form of student cluster flats on this site, has already been established with the approval of outline consent PT17/0217/O. On this basis, there is a presumption in favour of approving this current application for 9no. dwellings. However, it is necessary to consider the benefit of this proposal against any adverse impact and weigh these factors in the planning balance. The issues for consideration are discussed as follows:

- 5.15 Scale and Design

Core Strategy Policy CS1 only permits new development where “*the highest possible standards of site planning and design are achieved*”. The Policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality; this policy is fully compliant with the design guidance in the NPPF.

- 5.16 The proposal is considered to make efficient use of a previously developed site within the settlement boundary and Urban Area. The location has no special architectural character or vernacular that needs to be adhered to within the scheme. Indeed, there are a variety of building styles and types within the locality which nevertheless set the context for any proposed new development in the locality. Immediately to the south of Filton Road and directly opposite the site is the Bristol Business Park which contains a number of 3-4 storey buildings. Further west is the UWE campus which contains a variety of building types; the more recent student accommodation blocks dominate the skyline when viewed from the application site but are contained entirely within the UWE campus to which they relate. To the east lies The Holiday Inn Hotel and associated extensive car park, which is much larger in foot-print than the buildings now proposed. To the south-east of the application site, along Filton Road, is sporadic residential development in the form of two-storey housing on individual plots. Further afield, large housing estates are being developed such as at East of Harry Stoke. There are a number of sporting facilities nearby e.g. Frenchay Cricket Club and associated tennis courts and adjacent Golf Range;

floodlit sports pitches have recently been approved to the south of Filton Road for use by UWE students and the local community; Dings RFC are also developing a new ground to the east of the M32.

- 5.17 Having regard to these developments, the locality is clearly one of mixed architectural character. The scale and form of the 4-storey building approved under PT17/0217/O was not in officer opinion, considered to be out of place in this location. Officers consider that what was approved under PT17/0217/O was in terms of scale, an optimum development for the site. What is now proposed is a housing development with a density of 39 d.p.h, which is considered to make efficient use of the site and is appropriate for the area.
- 5.18 The houses now proposed would be predominantly only 2-storey in height with 4 bedrooms, in common with other dwellings in the wider location. The materials to be used in construction are listed on the submitted plans and comprise; reconstituted stone walls with yellow brick detailing; white upvc doors and windows and Redland Breckland Black roof tiles. On balance officers consider that in overall design terms this scheme is superior to the Student Cluster Flats previously approved.

Landscape

- 5.19 Policy PSP2 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) Nov 2017 seeks to conserve and where appropriate, enhance the quality, amenity, and distinctiveness of the landscape. Policy CS9 of the South Gloucestershire Local Plan Core Strategy expects new development to conserve and enhance the character, quality, distinctiveness and amenity of the landscape.
- 5.20 The site has no special landscape designation and there are no protected (TPO'd) trees on the site. Any landscaping shown on the submitted plans is, at this stage, indicative only. The site is not considered to be an open space that contributes significantly to the character of the area.
- 5.21 The site is a triangular pocket of land bounded by the dual carriageway to the north, Filton Road to the south and a pocket of meadow with trees to the east. The site is bounded on three sides by tall hedgerow planting which helps to screen the site. It is proposed where possible, to retain these hedgerows. If the scheme is approved, full landscape details would be secured by condition. There are no landscape objections in principle to the proposal as submitted.

Transportation Issues

- 5.22 The site is located on Filton Road, which runs parallel to the A4174 Ring Road, Filton Road is characterised by the provision of on-carriageway cycle lanes and double yellow lines prohibiting parking. Along the frontage of the site is a 1.5m wide footpath. The surrounding private commercial estates also have parking restrictions on them, as does the adjacent hotel. There is a cycle lane adjacent to the A4174 that leads to supermarkets and shops approx. 1mile to the west. There are numerous public transport routes including the Metrobus within walking distance on the adjacent highways, with a bus interchange at UWE within 800m south west of the site. Due to existing parking constraints in the

vicinity there is unlikely to be on-street car parking available within ½ mile of the site.

- 5.23 Whilst the site currently has extant planning permission for use as student accommodation courtesy of planning application PT17/0217/O, the approved development is materially different to that now proposed in terms of scale and facilities. The erection of 9 detached 4 bedroom dwellings on this site is balanced from a transportation perspective, against the extant permission for student flats at the same site. Clearly at certain times the student flats (20 x 6 cluster flats) would have generated significantly more movements than the current proposal, but for the majority of the time this proposal would generate more movements than the flats due to their occupancy agreements prohibiting cars on site.
- 5.24 Concerns were raised about the scheme as originally proposed, by both the Transportation Officer and local residents, in relation to the lack of visitor parking and the number of access points onto Filton Road. A revised plan has subsequently been submitted now showing the inclusion of 2 visitor parking spaces, a reduction in access points and the inclusion of a bin storage area at the head of the private drive. In all other respects the scheme meets the Council's minimum parking standards. There are therefore no transportation objections.
- 5.25 Residential Amenity
The nearest residential properties lie on the opposite side of Filton Road (the nearest being Felbridge House) but are not directly opposite the site but more to the south-east. The scale of the proposed buildings has been significantly decreased in the current scheme and the buildings would not be any closer to the residential properties than in the previously approved scheme PT17/0217/O. Given the location, scale and orientation of the proposed buildings, officers do not consider that the scheme would result in a level of overbearing impact, loss of privacy from overlooking or significant overshadowing for local residents' that would justify refusal on this issue.
- 5.26 Notwithstanding the local facilities available to the future occupants of the dwellings, the future occupants would have access to private rear gardens all of which exceed the space standards (70 sq.m.) required in PSP43 for 4 bedroom dwellings.
- 5.27 There would be no significant adverse impact on the residential amenity of future or neighbouring occupiers. The scheme is therefore considered to accord with policy CS1 of the Core Strategy (Adopted) December 2013, Policy PSP43 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov 2017 and the NPPF.

Environmental and Drainage Issues

- 5.28 Whilst there would inevitably be some disturbance for neighbours during the development phase, this could be adequately addressed by imposing a condition to restrict the hours of working. For future occupiers, the site does lie

adjacent to the Avon Ring Road with potential for noise disturbance. A Noise Report has however been submitted to the Environmental Health Officer's satisfaction. Subject to a condition to secure the noise mitigation measures recommended in sections 7 & 8 of the report, there are no objections on environmental grounds. In terms of drainage, the site lies in Flood Zone 1 and the Council's Drainage Engineer has raised no objection to the proposal subject to a condition to secure the prior submission and approval of a SUDS scheme of drainage. The site does not lie within a Coal Referral Area, there are no objections relating to this issue.

5.29 Affordable Housing

The National Planning Policy Guidance states that '*provision of Affordable Housing should only be sought for residential developments for **major developments**, other than in designated rural areas (where policies may set out a lower threshold of 5 units or lower).*' **Major development** being defined as -'*For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.*

- 5.30 As the site size is stated as 0.24ha there is no requirement for Affordable Housing on this scheme under Policy CS18 of the Council's adopted Core Strategy Development Plan Document.

5.31 Community Services

As this application falls below the POS threshold of 10 dwellings or more and/or is below 0.5ha and there appears to be no POS on site, it would not trigger a policy CS24 requirement.

Community Infrastructure Levy (CIL)

- 5.32 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. The introduction of CIL charging commenced on 1st August 2015. In the event that a decision to approve this application is issued the scheme would most likely be liable to CIL charging.

5.33 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.

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

Planning Balance

- 5.35 The NPPF para. 10 is clear that *inter alia* housing applications should be considered in the context of the presumption in favour of sustainable development. According to the Framework, where a Council can demonstrate a 5-YHLS sustainable development that accords with an up-to-date Development Plan, should be approved without delay.
- 5.36 In this case there are some clear benefits to the proposal. The provision of 9no. 4-bed open market houses would positively contribute to the ongoing housing need in the area. The economic benefits for local builders, suppliers of building materials and for local services would be a further small benefit. The proposal makes efficient use of land for housing where it is needed and within a sustainable area within the Urban Area, which is a further benefit.
- 5.37 Weighed against this would be the loss of the open area, such as it is, but given the level of vegetation retained, any harm would not be great. Similarly, any impact on the amenity of existing residents, can be adequately addressed by conditions. The residual cumulative transportation impacts of the development, are not considered to be 'severe'.
- 5.38 The harm identified above would not be so great as to outweigh the benefits when assessed against the policies in the Development Plan or the Framework as a whole. On balance therefore, officers consider that in their judgement, the proposal is sustainable development and planning permission should be granted.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant 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 conditions listed below:

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

Existing Site Plan Drawing No. 2792/500 received 25th March 2019

Proposed Site Plan Drawing No. 2792/501 Rev A received 29th April 2019

Proposed Plans and Elevations Plot 1 Drawing No. 2792/502 received 25th March 2019

Proposed Plans and Elevations Plots 2, 4, 5, 6 and 7 Drawing No. 2792/503 received 25th March 2019

Proposed Plans and Elevations Plot 3 Drawing No. 2792/504 received 25th March 2019

Proposed Plans and Elevations Plot 8 Drawing No. 2792/505 received 25th March 2019

Proposed Plans and Elevations Plot 9 Drawing No. 2792/506 received 25th March 2019

Proposed Plans and Elevations Garages Drawing No. 2792/507 received 25th March 2019

Location Plan Drawing No. 2792/508 received 25th March 2019

Proposed Strip Elevation Drawing No. 2792/510 received 25th March 2019

Proposed Foul Water Outfall Sewer Drawing No. 11185sk0007 Rev C received 25th March 2019

Proposed Drainage Layout Drawing No. 11185sk0004 Rev F received 25th March 2019

Reason

For the avoidance of doubt.

3. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP17 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017 and the National Planning Policy Framework. This is a prior commencement condition to ensure that archaeological remains, if present, are not destroyed without appropriate recording or preservation.

4. No development shall commence until surface water and foul 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 to and approved by the Local Planning Authority.

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

- The discharge rate for the development will be limited to the Greenfield Qbar rate.
- Confirmation that Main River consent has been approved is required to be submitted.
- Confirmation of the adoption by Wessex Water of the foul sewer from the proposed development site through to its connection with an existing foul sewer.
- A clearly labelled drainage layout plan showing the pipe networks and any attenuation features.
- Drainage calculations to show there is no flooding on site in 1 in 30 year storm events (winter and summer); and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus an allowance for climate change storm event (winter and summer).
- A plan showing the cross sections and design of the attenuation pond and its components.
- The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding (where applicable).
- The plan should also show any pipe node numbers referred to within the drainage calculations.
- A manhole / inspection chamber schedule to include cover and invert levels.
- Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation/Infiltration features and Flow Control Devices where applicable.

Reason

To comply with the Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and National Planning Policy Framework 2018.

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

Reason

In the interests of the residential amenity of neighbouring occupiers and to accord with Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013; and PSP8 and PSP21 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017 and the requirements of the NPPF.

6. All access and car parking facilities shall be provided in accordance with the approved plans and prior to the first occupation of the dwellings hereby approved.

Reason

To ensure the satisfactory provision of access, turning and parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies PSP11 and PSP16 of The 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 and The South Gloucestershire Council Residential Parking Standards (SPD) Adopted.

7. The development hereby approved shall be carried out in full accordance with the noise mitigation measures outlined in sections 7 and 8 of the submitted Noise Report prepared by iON Acoustics dated 28th Feb 2019. The noise mitigation measures shall be implemented in full prior to the first occupation of any of the dwellings hereby approved and maintained as such thereafter.

Reason

In the interests of the residential amenity of future occupiers and to accord with Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013; and PSP8 and PSP21 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017 and the requirements of the NPPF.

8. Prior to the first occupation of the building hereby approved, the bin storage facilities shall be implemented in accordance with the approved Proposed Site Plan Drawing No. 2792/501 Rev A and maintained as such thereafter.

Reason

To ensure adequate provision of bin storage to accord with Policy CS1 of The South Gloucestershire Local Plan (Adopted) Dec. 2013 and to accord with the South Gloucestershire Council Waste Collection ; guidance for new developments SPD Adopted Jan. 2015

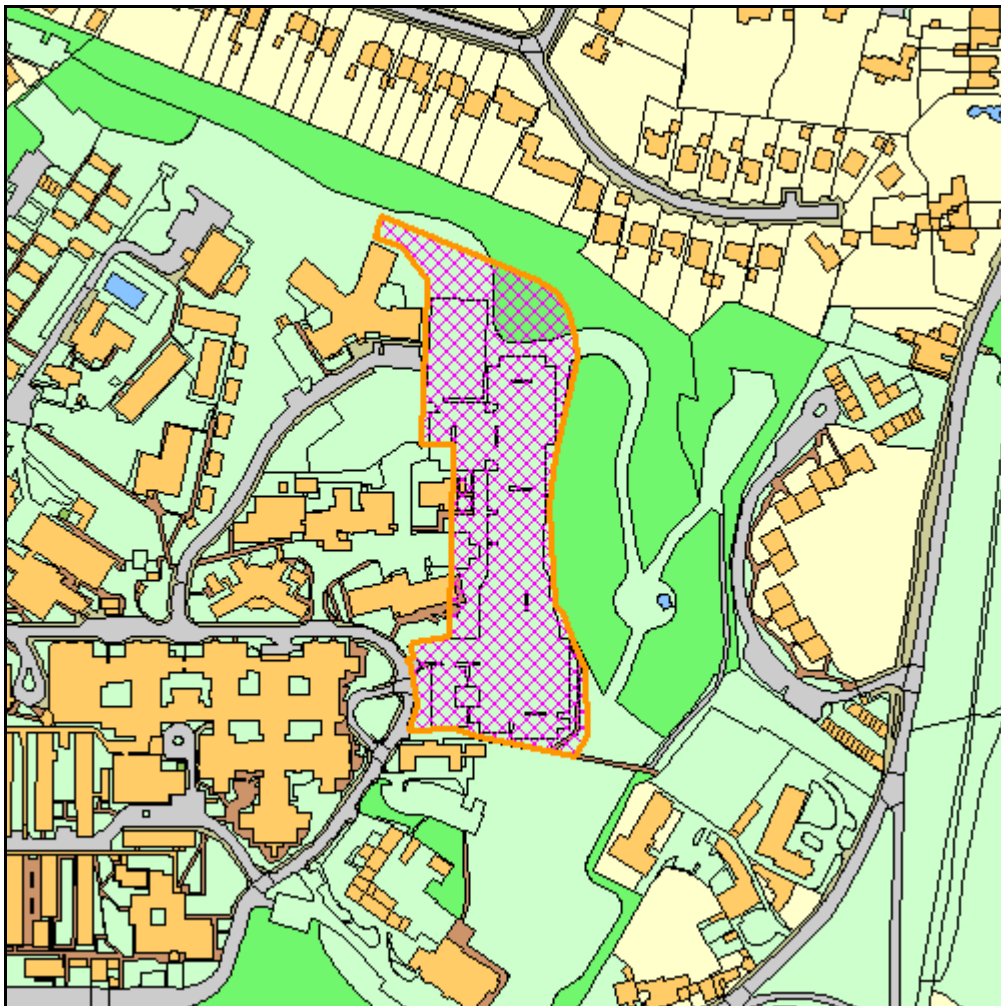
9. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting);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

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP2 of the South Gloucestershire Policies, Sites and Places Plan (adopted) Nov. 2017 and the National Planning Policy Framework. This is a pre-commencement condition to ensure adequate protection from the outset to boundary vegetation and to ensure adequate landscaping of the site can be fully implemented.

CIRCULATED SCHEDULE NO. 26/19 – 28 JUNE 2019

App No.:	P19/3568/LB	Applicant:	South Gloucestershire Council
Site:	Land At The Former Frenchay Hospital Frenchay Park Road Frenchay South Gloucestershire BS16 1UU	Date Reg:	4th April 2019
Proposal:	Partial demolition of curtilage listed wall.	Parish:	Winterbourne Parish Council
Map Ref:	363880 177705	Ward:	Frenchay And Downend
Application Category:	Minor	Target Date:	30th May 2019



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

N.T.S.

P19/3568/LB

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

The application is on the Circulated Schedule as South Gloucestershire Council is the applicant.

1. THE PROPOSAL

- 1.1 This is a listed building application for the partial demolition of a wall. The wall forms part of the curtilage of the Grade II Sister's House (formerly known as Frenchay Park House). The property dates from the mid eighteenth century. The wall formed part of the walled garden of the property. It is currently in a state of disrepair.
- 1.2 The site forms part of the former Frenchay Hospital site, which has outline planning permission for the provision of up to 490 dwellings, a health and social care centre, a 1 form entry primary school and associated works. The wall is on part of the site allocated within the approved masterplan for the primary school. There is a current planning application for the erection of a 2 form entry primary school (P19/3567/F) on the site.
- 1.3 The wall is on a part of the site that will form part of the school playing field. It is proposed to removed approx. 15m of wall, which is approx. 0.5m high, which is to the boundary of the site.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework February 2019
Planning Practice Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan Policies, Sites and Places Plan Adopted November 2017
PSP17 Heritage Assets and the Historic Environment
- 2.3 Supplementary Planning Guidance
Frenchay Conservation Area SPD

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT13/0002/O - Redevelopment of hospital site to facilitate the construction of up to 490 residential units; a new health and social care centre and; a 1 form entry primary school, all with associated works. Outline application with access to be determined: all other matters reserved – Permitted 5th December 2014
- 3.2 P19/3567/F - Erection of a 2 form entry primary school and associated works. – Pending consideration

4. **CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council
No objection to the proposal and the request a gap is left between the wall and the school fence.
- 4.2 Other Consultees
Conservation Officer – No objection
Historic England – No comments received

Other Representations

- 4.3 Local Residents
1 letter of objection received, raising the following points;
- Residents would want to be able to walk along the back of the school and round to the reserve from Gloucester Road.
 - Will there be a gap between the school fence and the existing wall so people can still walk around the wall?
- 3 letters of comment received, raising the following points;
- Unclear whether there would be a gap between the fence and the wall
 - Forms part of a long and popular route for local residents to get all around the nature reserve and the voluntary village green
 - Ideal conclusion would be to take the wall back far enough to form a ground level walkway between the wall and the school fence
 - Retaining the loop will help the South Glos Health and well-being strategy to be delivered and aid physical and mental health
 - Very important that there is access for the public behind the school from the nature reserve to Bristol Road
 - Without access from Bristol Road, the use of the nature reserve would be severely curtailed, reducing the benefit of this community asset

5. **ANALYSIS OF PROPOSAL**

- 5.1 There is a duty placed on the Council under s16 of the Planning (Listed Buildings and Conservation Areas) Act to pay special regard to the preservation of the building or its setting. Under the provisions of the Act, consideration can only be given to the impact of the works on the listed building and its setting.

- 5.2 The proposed development would result in the loss of part of the wall. This would result in a degree of harm caused to the significance of the listed building as part of the wall from the walled garden would be lost.
- 5.3 The significance of the wall has been compromised as it is in a state of disrepair, with the part that is being removed being approx. 0.5m in height. This is significantly lower than the part of the wall that is outside of the site. The harm is therefore considered to be less than substantial.
- 5.4 Paragraph 196 of the NPPF states that when proposal leave to *“less than substantial harm, this should be weighed against the public benefits of the proposal.”* The site has been allocated for the erection of a primary school. Due to the constrained nature of the site, the only available space that would be large enough for a football pitch is this part of the site and this requires the removal of the wall. As the significance of the wall has been compromised previously and the purpose of its removal, it is considered that the public benefits of the scheme outweigh the harm to the historic environment. It is therefore considered that the Council’s statutory duty under the Act has been fulfilled.
- 5.5 The representations make reference to the relationship between the proposed fence for the primary school and the remaining wall, which would close part of the circular walk around the site. This is not a consideration in the determination of this application, which is solely for the removal of the wall. These matters will be considered as part of the planning application for the new primary school (ref: P19/3567/F).
- 5.6 Consideration of likely impact on Equalities
- The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.7 With regards to the above this planning application it is considered to have a neutral impact on equality.

6. CONCLUSION

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

7. RECOMMENDATION

7.1 Listed building consent be APPROVED, subject to the conditions set out below.

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

CONDITIONS

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

Reason

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

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

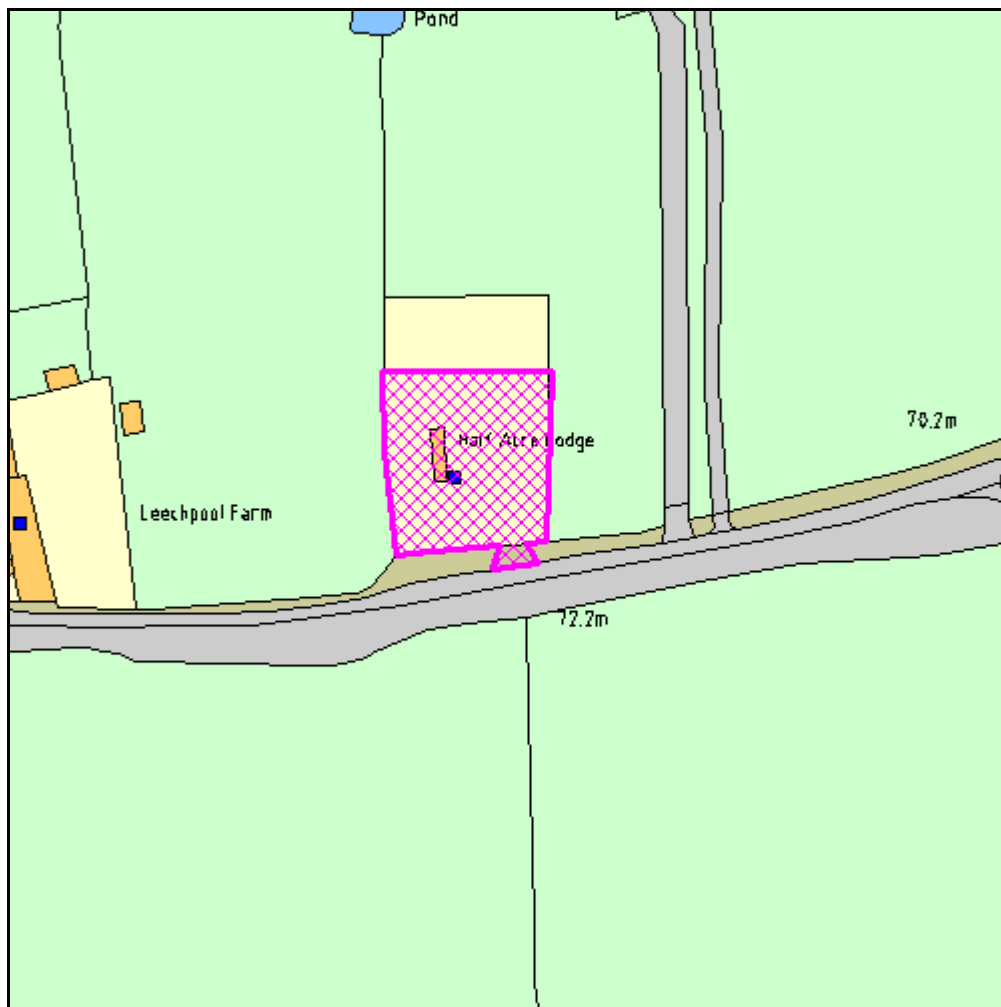
Drawings numbered 013B and L100, received by the Council on 15th April 2019 and drawing numbered 010, received by the Council on 25th April 2019.

Reason

To define the terms and extent of the permission.

CIRCULATED SCHEDULE NO. 26/19 – 28 JUNE 2019

App No.:	P19/3609/F	Applicant:	Mr S Janes
Site:	Half Acre Lodge Tanhouse Lane Yate Bristol South Gloucestershire BS37 7QL	Date Reg:	5th April 2019
Proposal:	Erection of 1no replacement detached dwelling, creation of access with associated works (resubmission of PK18/5110/F).	Parish:	Wickwar Parish Council
Map Ref:	370869 185207	Ward:	Chipping Sodbury And Cotswold Edge
Application Category:	Minor	Target Date:	30th May 2019



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

P19/3609/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 REPORTING TO THE CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following an objection from Yate Town Council and from Wickwar Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the Erection of 1no replacement detached dwelling, creation of access with associated works. This is a resubmission of PK18/5110/F – the erection of one dwelling, which was refused for the following reasons:

Reason 1:

The site would be located outside an established settlement boundary and as such would be contrary to Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013; Policy PSP40 of the Policies Sites and Places Plan (Adopted) 2017 and the NPPF in general.

Reason 2:

The proposed new dwelling would not be in-keeping with the character of the area or reflect the closest existing dwellings along this rural lane. It would fail to represent the highest standards of design and site planning and as such it would be contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013; Policy PSP1 of the Policies Sites and Places Plan (Adopted) 2017 and the NPPF in general.

Reason 3:

The proposal would make no provision for residential amenity space for the new dwelling and as such would fail to accord with Policy PSP43 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.

Reason 4:

The proposal identifies the parking provision as being located on an agricultural field some distance away from the mobile home. No justification has been given for the use of this area for parking. The absence of on-site parking would have an adverse impact on highway safety on this narrow single track lane contrary to Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopt) 2013 and the NPPF.

- 1.2 The application site relates to a field off Tanhouse Lane, Yate. It is outside the settlement boundary and therefore in the open countryside. The site is occupied by a mobile home which was subject to a certificate of lawfulness application in August 2018. That application established the use of the mobile home as residential.

- 1.3 Since the decision for PK18/5110/F the applicant has submitted and received advice on a pre-application scheme which has formed the basis of this current application and which has sought to overcome the previous refusal reasons.
- 1.4 During the course of the application revisions were requested and received regarding the proposed entrance and on the pipe within the ditch alongside the lane and with regards to the position of the access and associated visibility splays.

2. **POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework February 2019
National Planning Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

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

Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
SPD – (Adopted) March 2015
SPD: Development in the Green Belt (Adopted) 2007#
South Gloucestershire Council Waste Collection: guidance for new
developments SPD (Adopted) Jan 2015
Landscape Character Assessment: LC8 Yate Vale (Adopted) 2014

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|------------------------------|---|
| 3.1 | PK03/3604/F
Approved | Creation of vehicular access and associated works.
13.2.04 |
| 3.2 | PK18/3186/CLE
Approved | Continued use as C3 (Residential).
29.8.18 |
| 3.3 | PK18/5110/F
Refused | Erection of one dwelling
4.1.19 |
| 3.4 | PRE19/0049
Response given | Erection of one dwelling
26.2.19 |

4. CONSULTATION RESPONSES

- 4.1 Wickwar Parish Council
Objection: inappropriate development in the countryside

Internal Consultees

- 4.2 Highway Structures
No objection. Informative required if scheme considered acceptable.
- 4.3 Conservation Officer
Due to the remote nature of the site from the Grade II listed Leechpool Farmhouse, it is not considered that the proposal would result in a change in landscape character sufficient as to cause harm to the special significance of the designated heritage asset. Considering its current use, whether permitted development rights could be removed is not clear, but the domestication of the field that still retains an agricultural character needs to be controlled.

Statutory / External Consultees

- 4.4 Drainage
No objection subject to the following:
*No public foul sewers are readily available. A Package Treatment plant is specified but **its location must be shown. The method of irrigation for the effluent overflow must be indicated.** A percolation test for discharge to a soakaway is necessary. The applicant must consult the Environment Agency for the need to obtain an 'Environmental Permit' and produce a copy if required. Building Regulation approval must also be obtained.*

Note: Package Treatment Plants must be located 10 metres away from any watercourse and structures including the public highway.

4.5 Transport

More information needed regarding visibility splay from the site and regarding the condition of the ditch adjacent to the highway.

Updated comment:

Following submission of revised plans the proposed access is considered acceptable.

4.6 Yate Town Council

1. Formation of new access along country lane - we note the concerns from highways. But our concern goes beyond whether the design of the new access is or is not technically acceptable. This is a country lane, and the introduction of new gated entrance drives to properties changes the nature of the lane substantially.

2. Although the building sought is not much bigger than the current mobile home, it is proposed to give it a large curtilage, which would facilitate considerable extension or the development of additional dwellings within that curtilage.

3. This sort of ribbon development of putting a permanent dwelling onto a green field site is precisely the sort of ribbon development that planning law was introduced to prevent.

4. It sets an unacceptable precedent. Tanhouse Lane has for over 25 years been accepted by planners and the local council as the northern edge of development in Yate. The whole Brimsham development was designed to preserve the rural character of Tanhouse Lane with landscape bunding and no vehicular access from the new housing to the lane. By permitting ribbon development along the northern edge of Tanhouse Lane the entire principle of keeping this as the green edge of Yate is undermined and a precedent set which could lead to complete ribbon infill along Tanhouse Lane. That in turn will make it harder to resist future large development on the land to the North. We see it as critical that we seek to preserve the rural character of the lane.

Other Representations

4.7 Local Residents

One letter has been received from a local resident. Normally the issues raised would be considered as objections however, the resident has contacted the LPA to make the point that this should not be counted as an objection to the scheme.

Points raised are summarised as:

- extent of residential curtilage
- development in open countryside setting a precedent
- cutting through existing hedge and trees onto lane

5. ANALYSIS OF PROPOSAL

5.1 This application is for the erection of one replacement dwelling.

5.2 **Principle of Development**

The application stands to be assessed against the above listed policies and all material considerations. The recent certificate of lawfulness application for the continued residential use of the mobile home on the site is material. Other matters to consider include the introduction of a new house in the countryside, the impact this would have on the character of the area, on the highway and the proposed parking provision, the amount of residential amenity and the impact on the nearby listed building.

5.3 Policy CS5 indicates that development in villages and other settlements without defined settlement boundaries will be strictly controlled and may only come forward in certain circumstances such as Neighbouring Planning Initiatives or rural exception site policy.

5.4 Policy PSP40 indicates where residential development would be acceptable, and specifies size and scale must be similar for any replacement dwelling.

5.5 Policy PSP11 requires that safe, convenient and attractive access to key services and facilities be available by a variety of travel modes. The site is a considerable distance from bus stops and from the main town of Yate.

5.6 **Certificate of lawfulness application - PK18/3186/CLE**

In August 2018, the LPA assessed an application for the continued residential use of a mobile home on this site. On the information presented to the LPA, no objection was raised. These type of certificate of lawfulness applications are assessed on the balance of probability; there is no consideration of planning merit, the decision is based on the facts. In this case the assessment was whether the use of the land and structure on site as a residential unit (C3) would on the balance of probabilities be lawful development under Section 191 of the Town and Country Planning Act 1990, due to the passage of time.

5.7 It is interesting to note that the Officer report at the time stated at paragraph 1.4:

The red line boundary surrounds only the structure subject to this application, with no curtilage included.

5.8 This means only the structure itself has been found lawful as having residential use and not the surrounding field. Therefore, no garden or parking areas were included or associated with the assessment of the mobile home under the certification of lawfulness application.

5.9 This application has sought to address the concerns raised by increasing the red edge plan.

5.10 As the CLE established the residential use of the site, weight is given in favour of the proposal. It is therefore reasonable that an area of residential curtilage be provided for this residential use. The size of the curtilage is discussed below.

5.11 **Development in the Countryside**

Policy PSP40 states that development in the countryside will be strictly limited and to be acceptable, must fall within one of the categories summarised below as:

1. Rural housing exception
2. Rural workers dwelling in accordance with PSP41
3. Replacement of a single dwelling, where it is of a similar size and scale to the existing dwelling, within the same curtilage, and of a design in keeping with the locality, and minimises visual intrusion in the countryside
4. Conversion and reuse of existing buildings

5.12 The policy goes on to specifically declare that in all of the above, development proposals including any alterations, extensions or creation of a residential unit, will be acceptable where they do not have a harmful effect on the character of the countryside or the amenities of the surrounding area.

5.13 Following the pre-application discussions, this proposal would be for a modest two-storey dwelling to replace the existing mobile home structure. There would clearly be a difference from a mobile home to a two-storey dwelling. The policy requires design to be in keeping with the locality and one that minimises visual intrusion into the countryside. The design of the proposed house has been chosen to reflect other similar modest cottages in rural locations and overall given that it must function as a family home, the difference in size over and above the existing mobile home can be regarded as being acceptable in this particular instance and to accord with PSP40.

5.14 **Conclusion of principle of development**

The above has indicated that following alterations to the overall design the proposal is acceptable in principle subject to further assessment of specific issues regarding appearance, amenity and transport.

5.15 **Design and Visual Appearance**

The existing structure on site is a mobile home/caravan type building and therefore, a modest single storey structure. It is acknowledged that the new dwelling would also be a modest two-bedroom, two storey house occupying a similar footprint to the mobile home. Given the rural location is it important that the new dwelling should be in-keeping with its immediate surroundings, be respectful of its closest neighbours and reflect its countryside position.

5.16 Plans submitted with the application show the proposed footprint as being around 10.6 metres by 4.7 metres with an overall ridge height of about 6.35 metres. At ground floor the house would have a kitchen/diner and separate sitting room and at first floor two bedrooms and a bathroom. The house would occupy a north/south orientation presenting the main elevation to the road.

5.17 Openings in the front (south) elevation comprise the main entrance with windows either side, those at first floor being within small bonnet dormers. Openings to the rear (north) elevation would be of two sets of full height French doors at ground floor level. Three small rooflights, two to the rear and one to the front would introduce additional light into the first floor.

- 5.18 The NPPF and local adopted policy under CS1 places great emphasis on the importance of design. Good quality design must ensure it respects both the character of a property and the character of an area in general. The updated NPPF suggests good design should respond to and be sensitive to local character, should aim to raise standards of design and enhance the immediate setting. High quality design that takes into account local design standards continues to be important and poor design that fails to take opportunities to improve the quality of an area or to take this into account should be resisted.
- 5.19 Although the proposed new dwelling would be a modest structure, it still has to meet the tests of being high quality and responsive to its surroundings. Closest residential properties along Tanhouse Lane are substantial, older dwellinghouses, likely to have been or still are working farmhouses. It is noted that the proposed new house would be much smaller in size and simpler in style than these closest neighbours. It is assumed that the design has been chosen to reflect other typically modest cottages found in similar rural locations which is not unacceptable and on this basis be representative of small properties found in rural locations.
- 5.20 The proposal would thereby be in accordance with Policy CS1 and Policy PSP1 of the adopted Development Plan the NPPF in general.
- 5.21 **Residential Amenity**
Adopted Policy PSP43 specifies the amount of residential amenity space required for new development. A two-bed dwellinghouse needs, as a minimum 50 square metres of residential space. This space should be functional and private.
- 5.22 Concern has been raised by a number of parties regarding the proposed residential curtilage. In this application, the site location plan shows a red edge indicating the proposed new residential curtilage and a blue edge indicating the extent of ownership of land. The amount of residential amenity space will be contained within the red edge. Proposed new planting will delineate the two. It is acknowledged that this proposed scheme would result in a fairly large residential plot split essentially into garden to the rear and parking area and smaller garden to the front and two areas either side of the centrally positioned house. This overall size garden would not be unusual in rural locations.
- 5.23 Some comments have expressed concern that this scheme would set a precedent for other similar development. However, each application is assessed on its own merits and in this instance the residential use of the caravan as a residential dwelling had been previously established under the certificate of lawfulness application, primarily due to the time it had been occupied on the site. Another important factor is that the footprint of this proposed dwelling is comparable to that caravan/mobile home. These are material considerations in the assessment. However, it is considered important that the plans are conditioned to ensure the development proceeds in accordance with the assessed scheme and given the circumstances it is reasonable that permitted development rights are to be removed for the site.

- 5.24 The field adjacent to the site has an agricultural use. The area close to the entrance has been gravelled and a wide gravel path/driveway has replaced a once more informal path, leading through a high Laurel hedge to the caravan/mobile home. It has been confirmed the applicant does not own that field. During a recent Officer site visit, the area close to the of the field entrance was being used for the parking of a number of vehicles including a number of tractors, a number of transit vans/abandoned vehicles, other machinery, a pile of tyres, gas cylinders, storage containers and general domestic items such as a mattress and broken furniture.
- 5.25 Given that this falls outside the red edge of the application the removal of the rubbish cannot be conditioned. However, this matter will be referred to Enforcement Officers to investigate.
- 5.26 **Transport**
The site lies outside an established settlement boundary and therefore in the open countryside. It is located around 2.5km from the town centre of Yate (about 1.1km from the northern most boundary of houses). The closest bus stop is on North Road at around 1.12km away. There are no footways connecting the site to this service or to the town.
- 5.27 The area is rural in character with only very sporadic development to the north side of Tanhouse Lane. Open fields surround these properties which are in the main farms or larger detached properties set within substantial grounds. Immediately to the south of the site the fields are completely free from built form. The closest residential properties to the application site are the listed Leechpool Farmhouse about 80 metres to the west and Hartstrow Farm around 200metres to the east.
- 5.28 Although it is noted that a certificate of lawfulness established the residential use of the mobile home, the use class of the rest of the land, including the area set aside for parking, remains agricultural. The proposal must therefore considered under adopted planning policy.
- 5.29 *Parking:* Plans indicate the proposed parking area to the front of the proposed new dwelling along with a turning area to ensure vehicles can enter and leave the site in forward gear. The parking provision accords with adopted policy and there would be sufficient room within the site to accommodate visitor parking.
- 5.30 *Sustainability:* The existing certificate of lawfulness established a residential use, albeit only for the footprint of the mobile home. Nevertheless, it was being used as a dwelling and the proposal would therefore not result in an increase in the amount of traffic from this site. The scheme would not have an unacceptable impact on highway safety and as such there is no objection to the proposal.
- 5.31 During the course of the application, and following concerns expressed by Officers, revised plans were received to slightly alter the position of the access to better achieve adequate visibility splays from the site. Given the situation, the amount of traffic, the extant permission for the site, the access is

considered acceptable. It was also confirmed that there are not pipes at the head of the ditch.

5.32 The proposal is therefore acceptable in highway safety terms.

5.33 **Landscape:**

The site lies within Area 8 of the Landscape Character Area Assessment: Yale Vale. It is noted that a new access into the site is proposed. This would entail the removal of quite a large area of native hedgerow and verge. This has been justified due to highway safety issues but nevertheless the new access must be in-keeping with its rural location to respect its countryside location. Plans show the existing Laurel hedge is to be removed and replaced by a new native hedge. The proposed landscape scheme is, therefore, acceptable in terms of the proposed planting but it is requested that some hedgerow trees such as Oak be planted within the hedge to fully comply with the Landscape Character Assessment for that area. The new opening is to have a traditional five bar gate. To ensure this new planting, and to mitigate for the loss of the section of hedgerow adjacent to the lane, the submitted plans are to be conditioned.

5.34 **Listed building**

The grade II listed farmhouse, Leechpool Farm is located to the west of the application site at around 80metres distant. A field and a mature hedgerow lies between the two. At this degree of separation there would be no unacceptable impact on the listed building.

5.35 **Impact on Equalities**

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

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

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

5.38 **Planning Balance**

The proposed replacement of an existing residential dwelling in the form of a mobile home with a permanent two-storey dwelling at this particular location and in this particular instance has been found to accord with policy and on this basis can be supported. The proposed amount of amenity space is quite large but not unusual in a rural location where gardens can be of a good size. The proposed landscape plan is to be conditioned to ensure the existing Laurel hedge is replaced by a mixed native species and it is requested that additional specimen hedgerow trees, such as Oak, are included within the hedge.

Given the sensitive location, permitted development rights are to be removed. In highway terms there would be no adverse impact over and above the existing situation. The proposal is therefore recommended for approval.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 It is recommended that the application be **APPROVED**.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. Development shall proceed in accordance with the following plans:

As received by the Council on 1.4.19:

Existing site plan - 4363 EX 01

Existing dwelling plans and elevations - 4363 18 02

Proposed plans and elevations - 4363 PR 02

As received by the Council on 3.6.19:

Proposed site location plan showing amended red edge

Proposed landscape plan - PR 01 A

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; Policy PSP1 of the Policies Sites and Places Plan (Adopted) 2017 and the NPPF in general.

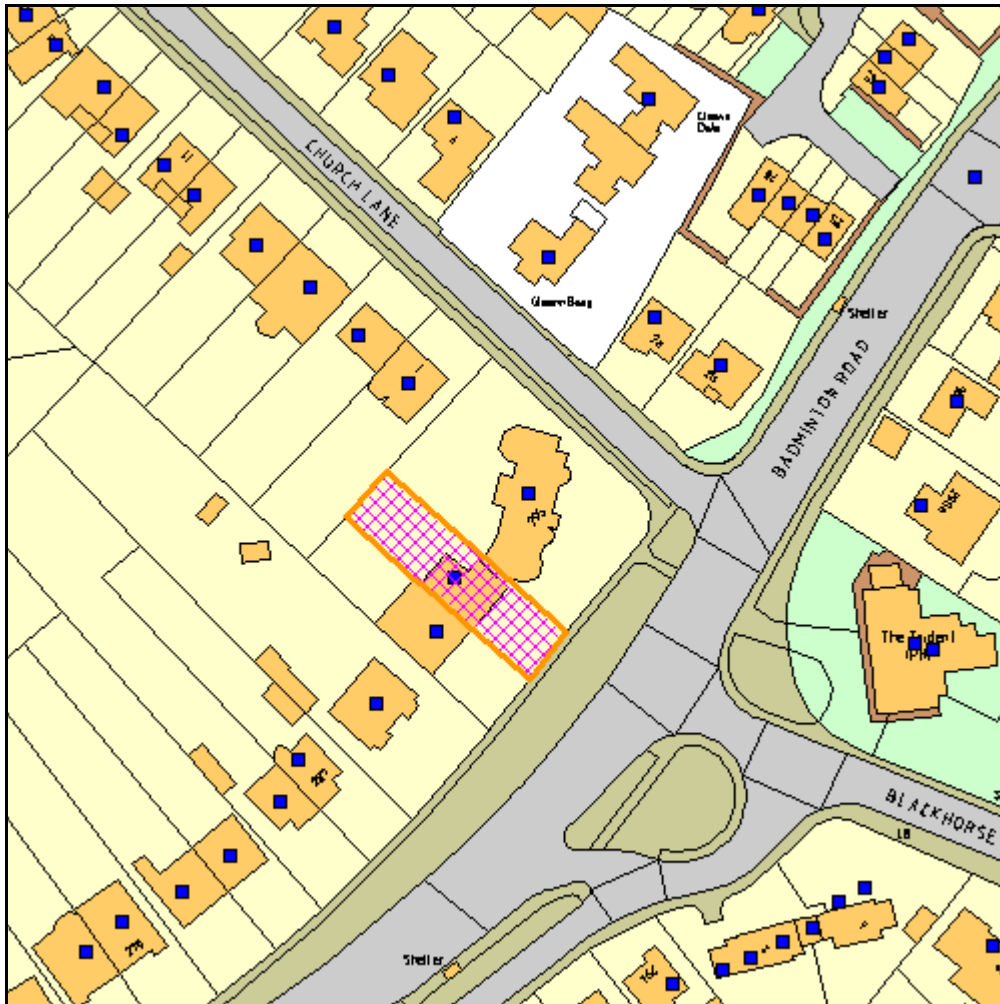
3. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E and F), or any minor operations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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 of the Policies Sites and Places Plan (Adopted) 2017 and the NPPF in general.

CIRCULATED SCHEDULE NO. 26/19 – 28 JUNE 2019

App No.:	P19/3661/F	Applicant:	Mr Nigel Platten
Site:	293 Badminton Road Downend Bristol South Gloucestershire BS16 6NU	Date Reg:	8th April 2019
Proposal:	Erection of two storey side extension to form additional living accommodation and alterations to roof of existing two storey side and single-storey rear extension	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365865 178069	Ward:	Frenchay And Downend
Application Category:	Householder	Target Date:	29th May 2019



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **P19/3661/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 received 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 and alterations to the roof of the existing two storey side extension to provide additional living accommodation a 293 Badminton Road, Downend.
- 1.2 The application site relates to a semi-detached, two storey property which is located in a residential area of Downend.
- 1.3 Revised plans were received on 24th of May. They included the addition of a small gabled ended projection to the front of the property, to match the existing gable end on the front elevation.

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

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
PSP34	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 No relevant planning history.

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council

No objection to the revised plans received on 24th May, provided the appropriate glass is used.

4.2 Emersons Green Town Council

No comments received.

4.3 DC Transport

No objection.

Other Representations

4.4 Local Residents

An objection was received from a local resident to the originally submitted plans. A further objection was received following the revisions as they did not address their concerns. The concerns are summarised as follows:

- No objection in principle to the proposed plans except in relation to the new and re-positioned windows and doors. Since they face 295 Badminton Road and have moved closer they overlook a bedroom and kitchen window and the garden. They should therefore be obscured glazed.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design and Visual Amenity

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.

5.3 The property benefits from an existing two storey side extension, with a flat roof. It is proposed that a hipped roof will be constructed over the existing extension. There is no objection to this as it is considered that it improves the appearance of the existing extension and better relates it to the existing

property. A gable end is also proposed on the front elevation of the property which is of a similar appearance to the existing. This will give the property a more symmetrical appearance and officers consider it appropriate given the existing detail to the frontage. The existing extension is to be extended from its rear elevation. The addition is considered moderate and is relatively hidden from view from the street-scene. The proposed materials will match the existing. It is therefore considered to be in keeping with the character of the existing dwelling and will not have a negative impact on its context. As such, it is considered to comply with policies CS1 and PSP38.

- 5.4 The property also has a single storey rear extension. The plans show that this will be altered to include a lean to roof. Again, this is screened from public view and is considered a better design than the existing. There is therefore no objection in this regard.
- 5.5 Residential Amenity
Policies PSP8 and PSP38 of the PSP Plan sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; overshadowing; overlooking; loss of light; loss of outlook; and loss of privacy of neighbouring occupiers.
- 5.6 A local resident has raised concerns regarding increased overlooking and consequent loss of privacy as a result of the proposed windows in the side elevation and rear elevation; the Parish Council has no objection subject to appropriate glazing being used. The proposed plans show that the two side facing windows will be obscure glazed. This will be conditioned, to ensure that this is the case. However, the proposed study window will be clear glazed. Officers have considered the impact of overlooking from this window. Whilst it will increase the overlooking into the garden area of no.295, there is a degree of separation between the two dwellings. It will not have a direct view into any habitable rooms. As such, officers consider this window to be acceptable. It is noted that this may contradict the Parish Council's comments and as such the application will be put on the Council's Circulated Schedule.
- 5.7 The proposal may create some additional shadowing to the garden area of no.295. However, it is set away from the boundary and the hipped roof will slope towards the neighbouring garden area. This has the advantage of reducing the impact to a level which would be considered acceptable. A refusal reason on this basis would be unreasonable.
- 5.8 The proposal will occupy additional floors space, however sufficient private amenity space is considered to remain after the development and there is no objection in this regard.
- 5.9 Overall, whilst it is acknowledged that the proposal may have some impact on the neighbouring occupiers it is not considered that this impact will be unacceptable and the proposal is considered to accord with policy PSP8 of the Policies, Sites and Places Plans.

5.10 Transport

The proposed block plan shows that 3 car parking spaces can be accommodated on the driveway. This accords with South Gloucestershire Parking Standards and there is no objection in this regard.

5.11 Consideration of likely impact on Equalities

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

5.12 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).

2. The glazing to the existing WC on the ground floor and proposed bathroom on the first floor on Side Elevation D shall be obscure glazed to a level 3 standard or above as shown on plan no.813-P3 received by the Local Planning Authority on 24th May 2019.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policies PSP8 and PSP38 of the Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

3. The development hereby approved shall be implemented strictly in accordance with the following plans:

Proposed Ground Floor Plan. 813-P1 Revision A. Received by the Local Planning Authority 24th May 2019

Proposed First Floor Plan. 813-P2 Revision A. Received by the Local Planning Authority 24th May 2019

Proposed Elevations. 813-P3. Received by the Local Planning Authority 24th May 2019

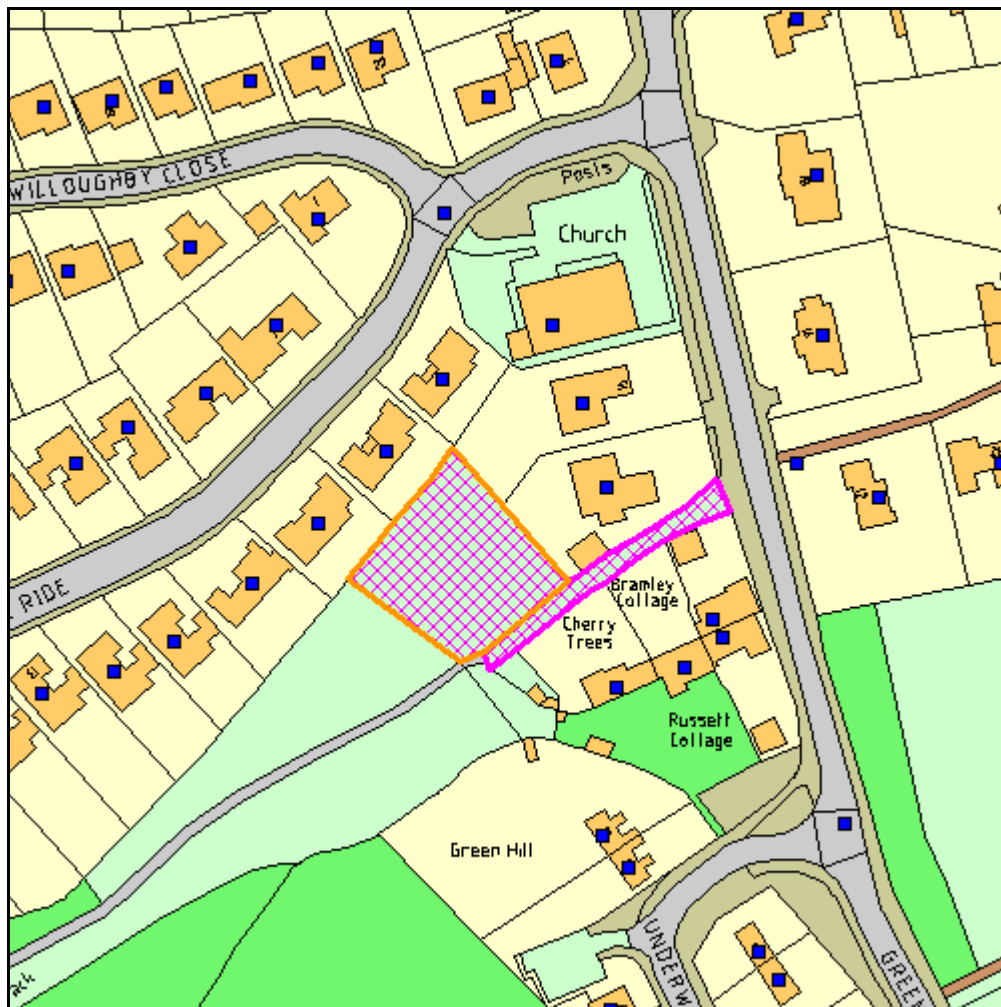
Block Plan & Site Location Plan. 813-P4. Received by the Local Planning Authority 3rd April 2019.

Reason

For the avoidance of doubt

CIRCULATED SCHEDULE NO. 26/19 – 28 JUNE 2019

App No.:	P19/5000/O	Applicant:	Mrs Gardner
Site:	Land Rear Of 15 Greenhill Road Alveston Bristol South Gloucestershire BS35 3LS	Date Reg:	10th May 2019
Proposal:	Erection of 2no. dwellings (Outline) with access to be determined and all other matters reserved. (Resubmission of P19/1040/O)	Parish:	Alveston Parish Council
Map Ref:	363235 187781	Ward:	Severn Vale
Application Category:	Minor	Target Date:	2nd July 2019



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

P19/5000/O

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 CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule due to a number of objections from local residents as well as the Parish Council which are contrary to the officer recommendation detailed within this report.

1. THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of 2 no. dwellings on land to the rear of 15 Greenhill, Alveston, with access to be determined and all other matters reserved.
- 1.2 The access to the site is proposed to incorporate a bridleway and Public Right of Way which runs between the site and Greenhill. The applicant does not own the bridleway and Certificate D has been submitted within the application form.
- 1.3 The site is outside of, but adjacent to, the established settlement boundary of Alveston, and is within the Bristol/Bath Green Belt.
- 1.4 During the course of the application, it has become apparent that the applicant made an error on the application stating that the site address is 'Land rear of 15 Greenhill Road' and should instead be 'Land rear of 15 Greenhill.' This has been corrected. A period of re-consultation was not deemed necessary as the Site Location Plan is correct and the site notice was put up on the correct road.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework Feb 2019
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
------	-----------------------

PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 P19/1040/O Withdrawn
Erection of 2no. dwellings (Outline) with access to be determined and all other matters reserved.

4. **CONSULTATION RESPONSES**

- 4.1 Alveston Parish Council
Objection – encroaching onto the Green Belt. Vehicular access is over the bridal path and is clearly marked on the plans and details within the application are misleading.

4.2 Other Consultees

Lead Local Flood Authority

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.

Reason: To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2018.

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

- A clearly labelled drainage layout plan showing the exact location of any soakaways.

- Evidence is required to confirm that the ground is suitable for soakaways. Percolation / Soakage test results in accordance with BRE Digest 365 and as described in Building Regs H – Drainage and Waste Disposal
- Evidence that the soakaway is appropriately sized in accordance with BRE Digest 365 Soakaway Design.
- Sp. Note; - Soakaways must be located 5 Metres from any structure including the Public Highway
- Sp. Note: - No surface water discharge will be permitted to an existing foul sewer without the expressed approval of the sewage undertaker.

Highway Structures

No comment.

Sustainable Transport

The bridleway is 4m wide at the access onto Greenhill Road and narrows down to just over 2m wide for most of its length up to the Application site and is surfaced with a gravel / stone material. The footway width at the junction of the bridleway and Greenhill Road tapers approximately between 4.5m and 5m. It appears that three garages and two existing hardstandings are currently accessed via the bridleway.

The proposal for two dwellings is likely to result in around an additional 8 to 10 vehicle trips a day or around 1 vehicle trip during each of the peak hours of 08:00 to 09:00 and 17:00 to 18:00hrs. There is space for vehicles to pass one another at the footway crossing on Greenhill Road and to the front of the proposed dwellings. The distance between the passing areas is about 45m. There are grass verges for pedestrians to step into should a vehicle approach. Vehicles would have to wait either end for a horse to pass. There is sufficient intervisibility between horse riders and drivers along the straight bridleway to enable this. The development includes a community turning and visibility area outside the proposed dwellings.

The future residents would be required to bring waste and recycling bins to Greenhill Road for collection. This involves a carry distance in excess of that recommended in the Councils Waste Collection SPD. This is less than ideal however in itself would not be a sufficient reason for refusal.

Sustainability.

The site is within a reasonable walking distance of the local facilities in Alveston. The 622 bus service some 260m to the north provides limited services to Thornbury, however there are more frequent services to the north fringe of Bristol around 480m to the south on the Gloucester Road.

I recommend no transport objections and the following conditions.

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

- (i) Measures to control the tracking of mud off-site from vehicles.
- (ii) Measures to control dust from the demolition and construction works approved.
- (iii) Adequate provision for the delivery and storage of materials.
- (iv) Measures to ensure vehicles do not reverse along the bridleway without a banksman.
- (v) Measures to ensure the bridleway is kept free of obstruction at all times.
- (vi) Measures to keep local residents and users of the Bridleway informed of deliveries and other activities affecting the Bridleway.
- (vii) Contact details of the Site Manager.

Reason: In the interests highway safety and to accord with Policies PSP11 of the adopted South Gloucestershire Policies, Sites and Places DPD.

The dwellings shall not be occupied until the access and parking arrangements have been provided in accordance with the submitted details.

Reason: In the interest of highway safety and to accord with SGC Policy PSP11 and PSP16.

The dwellings shall not be occupied until provision has been made for charging electric or other ultra - low emission vehicles in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable transport choices and to accord with SGC Policy CS8 and SGC Residential car parking standards SPD.

The dwellings shall not be occupied until two covered and secure cycle parking spaces have been provided for each dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable transport choices and to accord with SGC Policy PSP16.

Informative: The Applicant must establish that they have a lawful right to drive a motor vehicle on the bridleway. To do so without the owner's permission is a criminal offence.

Public Rights of Way

This application will affect public bridleway OAN/12 which is proposed to be the access for the proposed development. I previously pointed out that the applicant would require permission from the landowner of the bridleway for vehicular access otherwise it would be unlawful. It appears that a notice has been placed on site seeking owners of the site to come forward and no one has.

Therefore, without the permission of the owner or a prescriptive right of access based on long use, the bridleway cannot be used for access - this is a criminal offence. The owners have sought to suggest that there has been access to the track by installing a (pedestrian) gate in the new fence. However, this fence

replaces a long standing continuous wire fence in which there was no gap or access. There is no established use.

I therefore strongly object to the application, the attempt to imply that a vehicular access has been shown to exist and the statement that there is no objection from highways officers - a bridleway is a highway and I do object.

Open Spaces Society

No comment.

Archaeology

No comment.

Landscape

Previous comments on P19/1040/O apply.

Ecology

No objection subject to conditions.

Environmental Protection

There is information to suggest historic use of land within 250m of the site as a former quarry, now filled ground, could give rise to unacceptable risks to the proposed development. Condition recommended to investigate and mitigate.

Other Representations

4.3 Local Residents

Twenty-eight letters of objection have been received from local residents. Some of the letters are particularly lengthy and every point cannot be listed here, however all letters have been read in full and taken into consideration. In summary, the main points raised are below:

Principle of Development

- Green Belt land should be protected and there is already too much development in Alveston
- Not infill in the Green Belt as it is not between built form
- Development is outside of the settlement boundary and this should be given full weight as Council can demonstrate 5 year housing land supply
- Infilling in Alveston is changing the nature of the village
- Development is unnecessary and not needed, it is greedy
- Would rather see the space used for children to play in a safe space
- Many important village sites have been built on already such as Wolfridge Woods and the village pub has been lost, once it is gone it is gone forever
- Development is out of budget for local young people
- Previous planning permission was not granted and it should not be now
- Green Belt is historic
- There will be consequences for wildlife
- Conditional approval of nearby bungalow in 1981 required the land to remain for open space purposes

Design

- Area has always been an open space
- Beautiful, semi-rural character of village will be ruined
- Bungalows would be out of character and would face old cottages which have character
- Plot has been cleared of trees, some of which were flourishing fruit trees, shrubs and grass during 2018

Access/Bridleway

- Applicant does not have permission to use the bridleway for vehicular access and any use without permission is a criminal offence.
- Installation of utilities would severely disrupt and prevent access to the bridleway
- I use bridleway regularly
- Access is insufficient, it is an unmade track with no passing points
- Site is landlocked
- Bridleway is used by children on their way to school, dog walkers, ramblers, joggers, horse riders all day everyday and this would put them in physical danger
- Bridleway is not wide enough to allow a horse and a car to pass each other safety and visibility onto the main road is usually restricted by parked cars
- Access would cross footpath along Greenhill Road, footpath is used by locals including children to access village community buildings, sports fields and churches
- Views along bridleway are restricted by a wall and a fence when in a vehicle
- Will increase congestion
- Access for delivery, emergency vehicles etc is difficult
- Nearest supermarket, main shops, doctors, dentist, employment etc is in Thornbury and development is contrary to policy PSP11. There is a post office and one pub within the village

Amenity

- Peace and quiet in area will be disturbed during construction

Procedural comments

- The application form and planning statement are incorrect and contradictory and application should be invalid
- Address is incorrect, and application site is not within the garden of any property. Fence has been recently put up to make it look like this
- Can't a final decision be made, or will there be repeated applications until one slips through like Alveston House Hotel?

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS5 of the Core Strategy establishes the spatial strategy for development in the district. Under this policy, new development is directed to the existing urban areas, market towns, and defined rural settlements. Residential development outside of these locations is strictly controlled. Furthermore, policy CS34 of the Core Strategy seeks to protect the character of the rural areas, with residential development outside of a defined settlement

resisted. Policy PSP40 of the Policies, Sites and Places Plan allows only for specific forms of residential development in the open countryside. The proposed development does not fall within any of the allowable forms of development contained within policy PSP40.

- 5.2 Following the publication in December 2018 of an extract from the Authority Monitoring Report, South Gloucestershire Council can 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.
- 5.3 Under the spatial strategy set out above, development of this nature should therefore be permitted only in the urban areas or defined settlements. The site is not within a defined settlement and nor does the built form in this location represent a village.
- 5.4 It therefore follows that there is an in principle objection to the proposed development as it does not accord with the spatial strategy as expressed in the Development Plan.
- 5.5 Notwithstanding this, and whilst the majority of applications for new residential development outside of settlement boundaries should be resisted in accordance with the Council's spatial strategy, the Local Planning Authority do consider that it may be suitable, in a few circumstances, to recommend approval of dwellings outside of the settlement boundary.
- 5.6 This will only apply when the site lies close to the edge of the defined settlement boundary and has a direct relationship with it (for example, may be linked to the settlement boundary by other buildings, or have good footpath links to the settlement boundary). Essentially, it should read as a natural extension to the settlement boundary. However in the interests of the Council's overall spatial strategy for new housing, this should only apply to very small development proposals of 1-2 dwellings.
- 5.7 *Location of Development – Relationship with Nearest Defined Settlement*
The site is located within a clutch of residential properties that sit within the settlement of Alveston, with residential units immediately to the north, north-west, east and south-east of the site. The proposed access to the site along the bridleway is within the settlement boundary and provides easy pedestrian access from the site directly into the village, and is approximately a three minute walk from the post office/shop in the centre of the village. The site is therefore considered to relate very well to the settlement boundary, which circles the site on three sides and as such the proposal does form one of the few cases where development could be allowed. Therefore, notwithstanding the Green Belt designation which is discussed in detail below, the development is acceptable in principle.

5.8 *Sustainability*

As previously mentioned, the site is within a reasonable walking distance of the local facilities in Alveston. The 622 bus service, which provides limited services to Thornbury, is closest to the site, however there are more frequent services to the north fringe of Bristol around 480m to the south on the Gloucester Road. The location is considered to be sustainable.

5.9 *Green Belt*

The NPPF confirms that inappropriate development is by definition harmful to the Green Belt and should not be approved unless there are very special circumstances. Moreover, substantial weight should be given to any harm to the Green Belt. Paragraph 133 confirms that the essential characteristic of the Green Belt is that it is permanently open, and Paragraph 134 lists the five purposes including safeguarding the countryside from encroachment, preventing urban sprawl, preventing towns from merging together, preserving the setting of historic towns and to assist in urban regeneration opportunities. Contrary to comments received from members of the public, the Green Belt is not designated because of its own beauty, historic or landscape value. Paragraphs 145 and 146 of the NPPF state that, other than the types of development listed as exceptions in that paragraph, the construction of new buildings in the Green Belt is inappropriate, subject to five exceptions, including *'limited infilling in villages'* and *'the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.'*

5.10 Many objection letters received made reference to the fact that the application form stated the site was 'residential curtilage' associated with 15 Greenhill, however officers are aware this is not the case. The application site is not previously developed for residential use, and until just before the application was submitted and the site was cleared and a fence erected around the boundary, the site was an open paddock. The proposal therefore cannot be considered to constitute the *'redevelopment of previously developed land.'*

5.11 The scheme has also been assessed against the exception *'limited infilling in villages'*. Officers do not dispute that the proposal is limited, as it is for only two units. The Core Strategy defines infilling as 'the development of a relatively small gap between existing buildings, normally within a built up area'. The proposed development would clearly infill in between other houses to the east, south-east, north and north-west, and the surrounding built form can be considered to be a 'built up area' as the other houses are situated within the settlement boundary of Alveston. Furthermore, the site is well related to the village, with the village boundary enclosing the site on three sides and being only a three minute walk to the centre of the village. Officers therefore consider the proposal to represent *'limited infilling in a village'*.

5.12 As the proposal represents *'limited infilling in a village'* in accordance with paragraph 145 of the NPPF, an assessment of the impact on the openness of the Green Belt is not required, and the development is acceptable in Green Belt terms.

5.13 Design and Landscape

The application is for outline planning permission with only the access to be determined, however indicative drawings have been submitted. These indicative drawings show 2 no. modest detached bungalows, possibly with a gable roofline and a forward facing feature gable. Considering the 2 no. detached bungalows immediately to the east which have a very similar design, and the bungalows along Wolfridge Ride to the north, officers consider that a bungalow is considered to be an appropriate scale for the development, and in order to ensure this is followed through to the reserved matters stage, a condition restricting the ridge height of the building to 5.5 metres will be attached to any planning permission. This will also stop the development competing with the row of stone cottages to the south-east, which local residents have highlighted through the consultation process as making a positive impact on the visual amenity of the area.

- 5.14 In terms of layout, the site is of an adequate size for 2 no. detached units, and the indicative plans show there is adequate space for parking, turning and adequate private amenity space. A landscape buffer is proposed to along the north-west boundary, and although the landscaping and layout of the site is a reserved matter it has been suggested by the Landscape officer that this be moved to the south-western boundary as this is the one most visible from the open countryside, whilst the north-west boundary where it is currently located is adjacent to an existing built up area. Furthermore the indicative plan shows the parking and turning area is open to the bridleway with no planted boundary or soft landscape frontage. The reserved matters application should address this and put in a landscaped boundary so that the visual amenity for users of the bridleway is maintained, as well as implementing a wider landscaping scheme across the site. This would still need to allow space for access, turning and passing however. Subject to this, the development is acceptable in terms of policies PSP1, PSP2, PSP3, and PSP40 of the Policies Sites and Places Plan, and policy CS1, CS9 and CS34 of the Core Strategy.

5.15 Residential Amenity

The application is outline with access to be determined, and all other matters reserved, so only a limited assessment can be made. The site is large enough to accommodate 2 no. three-bedroom bungalows whilst still providing the 60sqm of amenity space per dwelling that is required by policy PSP43. This amenity space will be good quality and useable and not overlooked by any of the surrounding units, as those with the potential for long distance views are also bungalows.

- 5.16 Turning to the amenities of the surrounding occupiers, the bungalows will be restricted to 5.5metres in height and therefore will not significantly overshadow or overlook any neighbouring occupiers. A slight loss of light may occur within the garden of the existing bungalow immediately to the north-east, however this would affect part of their garden only and would not be detrimental to their residential amenity. Comments have been received stating a loss of privacy in the rear gardens along Wolfridge Ride to the north-west would occur, however the smallest window to window distance shown on the indicative plans is 20 metres at single storey level and at an angle. This would not be detrimental to

the residential amenity of any of the surrounding occupiers. The development accords with policy PSP8.

5.17 Public Rights of Way

The applicant does not own the bridleway (OAN/12) which is proposed for access to the proposed development. The applicant requires permission from the landowner of the bridleway, otherwise using the bridleway to access the development is unlawful. Whilst the Public Rights of Way team are objecting on this basis, land ownership falls outside of the remit of the planning application and does not affect its determination. Were the planning application to be implemented, then the applicant must establish that they have the lawful right to drive a motor vehicle on the bridleway, and an informative on the decision notice will remind the applicant of this responsibility.

5.18 Highway Safety and Parking

The bridleway proposed to be used for access is 4m wide when used to access Greenhill, then narrows down to 2.2 metres wide for most of its length up to the application site and is surface with a loose material (gravel and stone).

5.19 The bridleway is already in use as an access to three existing garages serving the adjacent cottages and also two areas of hardstanding, so the use of the bridleway as an access is existing (in planning terms – the applicant would still need to establish they have the legal right to use it as such). The proposal for 2 no. dwellings is likely to result in around 8-10 additional vehicles trips per day, and one of these is likely to occur during the morning rush hour and another during the evening rush hour. There is a passing place at the junction of the bridleway and Greenhill and also outside of the proposed dwellings, and this is approximately 45m between the two along a straight line where one vehicle can easily see the other approaching. Therefore in the unlikely event that two vehicles wish to pass on this very lightly trafficked bridleway, then they would be able to.

5.20 There are grass verges for pedestrians to step in should a vehicle approach, and as only 45m of the bridleway is affected, their wider experience of using the Public Right of Way would still be traffic free on the most part. Should a horse and a rider come along the bridleway at the same time as a vehicle, then there is sufficient inter-visibility between horse riders and drivers along the straight bridleway to allow for the passing places to be utilised.

5.21 The future residents would be required to bring their waste to Greenhill for collection. This is in excess of the maximum carry distance recommended within the Council's Waste Collection SPD, however would not result in a severe highway safety impact that means the application should be refused. In terms of parking, two off-street parking spaces per dwelling can easily be accommodated within the site, although the exact layout is subject to the reserved matters application.

5.22 A condition requiring a Construction Environmental Management Plan to be submitted prior to commencement is required in order to reduce the impact of the construction period on the surrounding occupiers and users of the bridleway. The Transport officer has also requested conditions to ensure that

development is not occupied until parking and turning areas, cycle parking and electric vehicle charging points are implemented, however as these relate more to layout the need for these conditions will be assessed under the necessary reserved matters application.

5.23 Ecology

An Ecological Appraisal (Smart Ecology, September 2019) has been submitted alongside the application, and confirms there is little potential for protected species and no further surveys are required. Ecological enhancement will be sought by condition including using the landscaping bund as a wildlife area with a pond and hibernaculum, hedgehog fences and bird nest boxes. Subject to this, the development is in accordance with policy PSP19.

5.24 Environmental Impacts

In the absence of a Sustainable Urban Drainage System due to the layout being only indicative, a condition will be attached to any approval to ensure that drainage details are submitted.

5.25 The site is within 250m of a site used historically as a quarry and then the ground was filled in. This former land use may have given rise to contamination and a pre-commencement condition will ensure that any risks are investigated and mitigated against

5.26 Other Issues

Whilst some objections would rather see the space used as a children's play area, the Council must determine the application in front of them against current planning policy.

5.27 Comments regarding the refusal of planning permission at the site in the 1980s have been submitted, however this was over 30 years ago and the national and local policy position has significantly changed since then. It has also been mentioned that the site is conditioned as 'open space' for another nearby bungalow approved in 1981, however officers could not find a record of this and even if the condition exists, a new planning permission can override an old condition provided the consequences of doing so are assessed against current planning policy.

5.28 An application for 2 no. units does not trigger a requirement for affordable housing on site, and therefore the Local Planning Authority cannot insist that the dwellings are within the budget of local young people.

5.29 Consideration of likely impact on Equalities

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

It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application 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 planning permission is **GRANTED** subject to the conditions on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 864735

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

To prevent flooding and risk of pollution and to comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012. This information is required prior to commencement to prevent remedial works later on.

6. No development shall commence until an assessment of the risks posed by any contamination shall have been carried out and submitted to and approved in writing by the local planning authority.

Where land affected by contamination is found which could pose unacceptable risks, no development shall commence until detailed site investigations of the areas affected have been carried out. The investigation shall include surveys/sampling and/or monitoring, to identify the extent, scale and nature of contamination. A report shall be submitted for the written approval of the local planning authority prior to commencement of development and include a conceptual model of the potential risks to human health; property/buildings and service pipes; adjoining land; ground waters and surface waters; and ecological systems. Where unacceptable risks are identified, the report submitted shall also include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the preferred remediation option(s). The programme of the works to be undertaken should be described in detail and the methodology that will be applied to verify the works have been satisfactorily completed.

The approved remediation scheme shall be carried out prior to first occupation of the development, and a report providing details of the verification demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority, prior to first occupation of the development.

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

These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason

In order to identify and mitigate against potential contamination risks, in order to accord with policy PSP21 of the Policies Sites and Places Plan (Adopted) 2017, policy CS9 of the Core Strategy (Adopted) 2013 and the National Planning Policy Framework. This information is required prior to commencement in order to prevent remedial works later on and in the interests of public safety.

7. A site specific Construction Environmental Management Plan (CEMP), shall be agreed in writing with the Local Planning Authority prior to commencement of development. The CEMP as approved by the Council shall be fully complied with at all times. The CEMP shall address the following matters:
 - (i) Measures to control the tracking of mud off-site from vehicles.
 - (ii) Measures to control dust from the demolition and construction works approved.
 - (iii) Adequate provision for the delivery and storage of materials.
 - (iv) Measures to ensure vehicles do not reverse along the bridleway without a banksman.
 - (v) Measures to ensure the bridleway is kept free of obstruction at all times.
 - (vi) Measures to keep local residents and users of the Bridleway informed of deliveries and other activities affecting the Bridleway.
 - (vii) Contact details of the Site Manager.

Reason

In the interests of highway safety and to protect the users of the public right of way during the construction period, in accordance with policy CS8 of the Core Strategy (Adopted) December 2013, policy PSP10, PSP11 and PSP16 of the Policies Sites and Places Plan (Adopted) Nov 2017 and the National Planning Policy Framework. This information is required prior to commencement as it relates to the construction phase.

8. The maximum height of the dwellings hereby approved will not exceed 5.5m from ground level.

Reason

To ensure the development is a similar scale to the surrounding bungalows, in the interests of visual amenity and to protect the rural character of the adjacent countryside and Green Belt and to accord with Policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP1, PSP2, PSP7 and PSP40 of the Policies Sites and Places Plan and the National Planning Policy Framework.

9. The development shall proceed in strict accordance with the Mitigation Measures provided in Chapter 6 of the Ecological Appraisal (Smart Ecology, Preliminary Ecological Appraisal 2018).

Reason

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

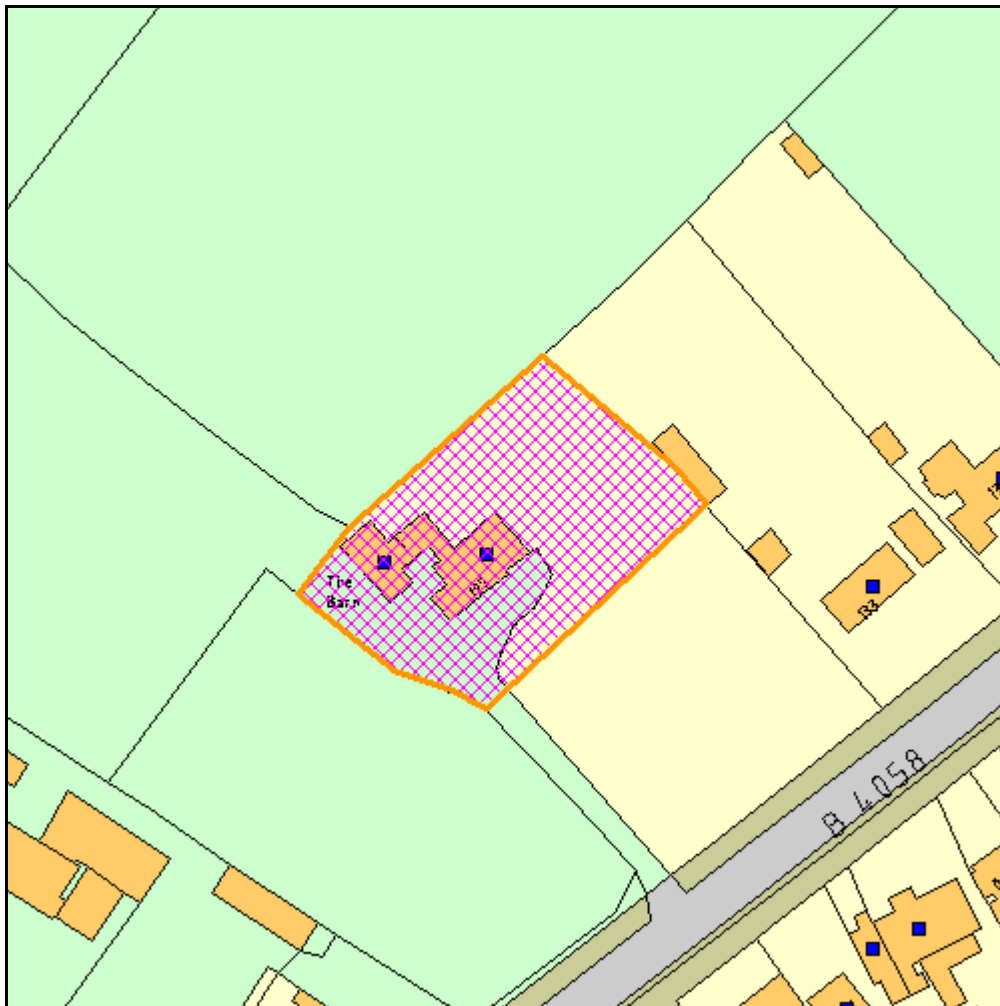
10. Prior to first occupation, evidence of the implementation of the ecological enhancement features recommended in the Ecological Assessment (Smart Ecology, Preliminary Ecological Appraisal 2018) shall be submitted to the Local Planning Authority for approval in writing. This shall include, but is not limited to, wildlife area including a pond and hibernaculum, hedgehog fences and bird nest boxes.

Reason

In order to seek ecological enhancement from the development in accordance with policy PSP19 of the Policy Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 26/19 – 28 JUNE 2019

App No.:	P19/5201/F	Applicant:	Mr David Cahill
Site:	Field House 127 Bristol Road Frampton Cotterell Bristol South Gloucestershire BS36 2AU	Date Reg:	22nd May 2019
Proposal:	Erection of detached building to form garage and first floor games room incidental to the main dwellinghouse (Amendment to previously approved scheme P19/0657/F) (Retrospective).	Parish:	Frampton Cotterell Parish Council
Map Ref:	365768 182048	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	11th July 2019



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

P19/5201/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 APPEARING ON THE CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following objections from the three local residents to the contrary of the officer recommendation within this report.

1. THE PROPOSAL

- 1.1 This application seeks retrospective planning permission for the erection of a detached triple garage at Field House, 127 Bristol Road, Frampton Cotterell. The garage will have first floor accommodation to be used as a games room.
- 1.2 The whole site is located in the Bristol/Bath Green Belt and is outside but adjoining the nearest settlement boundary of Frampton Cotterell which is not a washed over village. The site is in Flood Zone 1.
- 1.3 A previous application for a detached two-storey triple garage in the same location was refused in 2014 and the appeal dismissed in 2015 (PT14/3092/F) for the following reason:

The proposal constitutes a disproportionate addition to the original dwelling and combined with the proposed location away from the main dwelling is considered to be inappropriate development in the Green Belt. Inappropriate development is harmful to the openness of the Green Belt. Very Special Circumstances have not been demonstrated that clearly outweigh the harm of the proposed development. The proposal is therefore contrary to the provisions of the National Planning Policy Framework (2012), policy CS5 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and South Gloucestershire Council's 'Development in the Green Belt' SPD (Adopted) 2007.

- 1.4 The main difference between this application and the previously refused application is the removal of 2 no. pitched dormer windows and instead the installation of 3 no. rooflights, and that the playroom, gym and storage area previously proposed at first floor level is now proposed to be a games room. Furthermore there is a slight height reduction, from a ridge height of 5.58m to 5.31m, although the eaves have increased very slightly (by approximately 0.15m).
- 1.5 It should also be noted that a single storey triple garage was approved within the same location in March 2019 (P19/0657/F).

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework Feb 2019
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and heritage
CS34	Rural Areas

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
PSP19	Wider Biodiversity
PSP20	Drainage
PSP38	Development Within Residential Curtilages
PSP43	Private Amenity Space

2.3 Supplementary Planning Guidance

South Gloucestershire Development in the Green Belt (Supplementary Planning Document) Adopted May 2007

South Gloucestershire Design Checklist (Supplementary Planning Document) Adopted 2007

South Gloucestershire Landscape Character Assessment as amended and adopted Nov 2014

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|--|-------------------------|------------|
| 3.1 | P19/1885/RVC | Approve with Conditions | 15/04/2019 |
| | Variation of condition 6 (added to permission PT18/3128/F by P19/0661/NMA) to substitute drawings for plans 3054/7 Rev A and 3054/3 Rev B. | | |
| 3.2 | P19/0661/NMA | No Objection | 15/02/2019 |
| | Non material amendment to planning permission PT18/3128/F to list the approved plans as a condition. | | |
| 3.3 | PT18/3128/F | Approve with Conditions | 02/10/2018 |
| | Erection of 2 No. dwellings with garages and associated works. | | |
| 3.4 | PT15/0924/CLE | Approve | 12/08/2015 |
| | Use of building, as an independent residential dwelling-house. | | |
| 3.5 | PT14/3092/F | Refusal | 17/09/2014 |
| | | Appeal Dismissed | 19/05/2015 |
| | Erection of detached triple garage | | |

Refusal reason:

1- The proposal constitutes a disproportionate addition to the original dwelling and combined with the proposed location away from the main dwelling is considered to be inappropriate development in the Green Belt. Inappropriate development is harmful to the openness of the Green Belt. Very Special Circumstances have not been demonstrated that clearly outweigh the harm of the proposed development. The proposal is therefore contrary to the provisions of the National Planning Policy Framework (2012), policy CS5 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and South Gloucestershire Council's 'Development in the Green Belt' SPD (Adopted) 2007.

3.6 PT11/0559/F Approve with conditions 30/03/2011
Creation of new access from Bristol Road. Erection of 2 no entrance pillars with 2 metre high gates.

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council
No comment received.

4.2 Other Consultees

Sustainable Transport.
No objection.

Other Representations

4.3 Local Residents

Three letters of objection have been received making the following points in summary:

- Development proposed was previously refused due to location away from main dwelling, disproportionate addition to the original dwelling and inappropriate development in the Green Belt
- This area of Green Belt has already been further compromised by the new dwellings
- Application claims the development will not affect existing car parking arrangements. It is a garage so this cannot be true
- History of unauthorised developed at the site that then gets retrospective planning permission, demonstrating a lack of empathy and respect
- No opportunity to comment before it was built

One neutral letter has been received, stating the following:

- The two houses built in front of the proposed garage and games room virtually obscures the proposed development from my view and has no impact on my property. This is quite clearly infill between the existing Field House and the two new houses in the front garden. Therefore I have no reason to object.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application site is situated outside of any defined settlement, as identified on the proposals maps, and is therefore in the open countryside and rural area of the district. Policy CS5 directs new development to the existing urban areas and defined settlements unless it comes forward a neighbourhood plan. In relation to the Green Belt, policy CS5 requires development proposals to accord with the provisions of the NPPF. Policy CS34 considers development in the rural areas. This policy too seeks to direct development to the defined settlements whilst protecting the green belt from inappropriate development, and the impact on the Green Belt will be considered in greater detail below. Policy PSP38 allows for additions to new dwellings within existing residential curtilages subject to an acceptable design, protecting residential amenity and not prejudicing highway safety, as well as the provision of adequate amenity space.

- 5.2 There has been a change in policy since the refusal for the larger garage at the site in 2014, following the adoption of the Policies Sites and Places Plan in November 2017, which superseded the saved policies from the South Gloucestershire Local Plan 2006. Notwithstanding this, the requirements of PSP38 mirror those required by policy H4, and the national criteria for Green Belt policy has not changed and is reflected in new policy PSP7.

5.3 *Green Belt*

The NPPF allows for limited extensions to buildings within the Green Belt, providing they do not result in disproportionate additions over and above the size of the original building (the volume of the dwelling at construction, or its volumes on July 1st 1948.) Policy PSP7 states that an addition resulting in a volume of 30%-50% will be subject to careful consideration and assessment. Any proposed development over and above 50% or more of the original dwelling would be considered in excess of any reasonable definition of 'limited extension'. Whether an addition is considered disproportionate or not, depends on the individual circumstances and what type of addition is proposed.

- 5.4 The previously refused application (PT14/3092/F) for the garage with first floor facilities above it was calculated by officers at the time to represent a cumulative impact of approximately 45% over and above the original dwellinghouse, whilst the Inspector estimated it to be much less at around 38%. Both volumes can be acceptable in principle subject to careful consideration and assessment of the impact on the openness of the Green Belt, and the previous appeal was dismissed on the grounds that the two storey form and its separation from the host dwelling would result in the proposal failing to maintain the openness of the Green Belt, and is therefore a disproportionate addition.
- 5.5 This scheme shows the two-storey element of the proposal has been revised, and although there has been a marginal height reduction and the dormer windows have been removed, the overall scale and massing of the building is similar to the refused application from 2014. The dismissed appeal decision relating to the comparable development (PT14/3092/F) stated the following:

‘Although there is a large conifer hedge running along the boundaries of the site, the grounds of the property inside the site are open and uninterrupted. Due to its size and siting the proposed development therefore would disrupt these views, and thereby detract from its open character. Taking these factors in combination, the proposed garage would disturb the openness of the site and thereby the GB.’

Due to the erection of 5 no. new dwellings in the vicinity of the site, including 2 no. dwellings and associated garages within the curtilage of Field House (PT18/3128/F) the garage will no longer detract from the open character of the site, as the site is now developed and does not allow for any open and uninterrupted views into and from the open Green Belt. The development is therefore appropriate development in Green Belt terms.

5.6 Design

Field House is a two storey rendered property with a gable roofline and a lean-to porch spanning much of the principal elevation, and is attached to a stone dwelling known as ‘The Barn’ to the south-west. The proposed detached garage is a two-storey structure with a gable roofline at a perpendicular angle to the highway. Given the context of the surrounding recent development, and the slight reduction in overall height and the removal of dormer windows in favour of rooflights, officers do consider that the building is subservient to the host property. The materials chosen a mix of brick and oak boarding, a clay pantile roof and stone detailing. The development is acceptable in terms of policy CS1 of the Core Strategy.

5.7 Residential Amenity

Residential amenity should not be harmed as a result of development. Amenity should be considered in terms of the application site and all nearby occupiers. The proposed development will have little impact on the amenity of the application site, as the plot is substantial, even following the development of the front of the site to form 2 no. dwellings, and adequate private amenity space remains for the host dwelling.

- 5.8 The proposed triple garage is a sufficient distance from any neighbouring occupiers, including the north-eastern boundary which divides the site from no. 133. The garage may cause slight overshadowing of a small area of the rear garden of no. 133, however the property benefits from a very large area of amenity space and this will not be detrimental to their residential amenity. Rooflights are proposed and these will not overlook any neighbouring properties due to their height and angle, including the development recently approved within the curtilage of Field House. The development is acceptable in terms of policy PSP8.

5.9 Transport

The proposed development will provide 2 no. covered parking spaces as well as some storage space (as the third bay does not meet the minimum standards for a parking space), however they are not necessary as the property benefits from a large driveway with adequate parking provision. There is no transportation objection.

5.10 Other Issues

Objections have been received on the grounds that the structure is retrospective and that planning permission should not be granted on this basis. This has been given limited weight and the application has been assessed with the same rigour as it would have been if it had been submitted prior to construction.

5.11 Consideration of likely impact on Equalities

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

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.

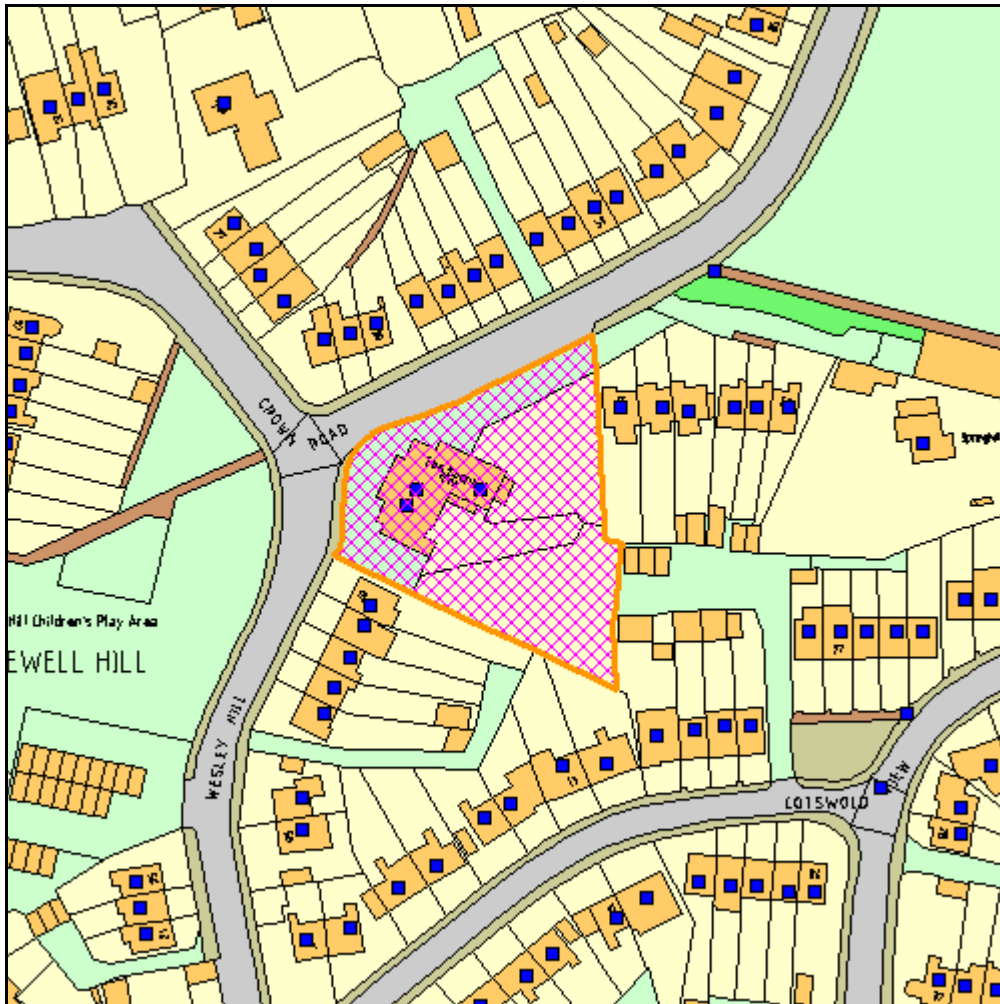
7. RECOMMENDATION

7.1 That planning permission is **GRANTED**.

Contact Officer: Trudy Gallagher
Tel. No. 01454 864735

CIRCULATED SCHEDULE NO. 26/19 – 28 JUNE 2019

App No.:	PK18/5781/RM	Applicant:	The Shant Building Company Ltd
Site:	The Shant Crown Road Kingswood Bristol South Gloucestershire BS15 1PR	Date Reg:	20th December 2018
Proposal:	Demolition of public house and erection of 10 No. semi-detached dwellings with appearance, landscaping, layout and scale. (Approval of reserved matters to be read in conjunction with PK17/2957/O).	Parish:	None
Map Ref:	364831 174615	Ward:	Kingswood
Application Category:	Major	Target Date:	5th July 2019



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

N.T.S.

PK18/5781/RM

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.

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report, with the number of contrary representations made exceeding a total of three. Under the current scheme of delegation it is therefore required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 This application seeks approval of the reserved matters connected to outline planning permission PK17/2957/O. The outline planning permission granted consent for the demolition of a public house and the erection of 10no. dwellings. The access was determined under the outline permission, with all other matters reserved. The outline application was refused by the local planning authority, but allowed at appeal (Appeal Ref: APP/P0119/W/18/3193487).
- 1.2 The application site extends to 0.21 hectares. The site is currently occupied by a public house (the Shant), dating from the start of the 20th century. The building has rendered elevations to the most part and a gabled roof and half-dormers. The site is situated within the built up urban fringe area of Kingswood, in an area characterised by post war housing.
- 1.3 During the course of the application, a number of amendments were made to the proposals following officer advice.
- 1.4 The changes made to the scheme were considered to trigger an additional round of consultation. This was undertaken from 26th March – 9th April 2019.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework Feb 2019
National Planning Policy Guidance (2014)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS3	Renewable and Low Carbon Energy Generation
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
CS24	Green Infrastructure, Sport and Recreation Standards
CS29	Communities of the East Fringe of the Bristol Urban Area

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP6	Onsite Renewable and Low Carbon Energy
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP20	Flood Risk, Surface Water and Watercourses
PSP21	Environmental Pollution and Impacts
PSP22	Unstable Land
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Waste Collection Guidance for new Developments SPD (Adopted) 2015

3. RELEVANT PLANNING HISTORY

3.1 PK17/2957/O

Demolition of public house and erection of 10no. dwellings (Outline) with access to be determined. All other matters reserved.

Refused: 22.12.2017

Appeal Allowed: 21.09.2018

3.2 PK17/2131/PND

Prior notification of the intention to demolish The Shant Public House.

Withdrawn: 01.06.2017

4. CONSULTATION RESPONSES (FIRST ROUND OF CONSULTATION)

4.1 Town/Parish Council The area is unparished

4.2 Internal Consultees

Archaeology Officer

No objection, however site has some archaeological potential and as such a condition for a programme of archaeological work, should be applied to any consent granted.

Arts and Development

No comment

Children and Young People

No comment

Community Infrastructure and Public Open Space

No comment

Ecology Officer

No objection subject to informative

Environmental Policy Team

No comment

Highway Structures

No objection

Housing Enabling

No comment

Landscape Officer

No objection in principle however amendments suggested.

Lead Local Flood Authority

Further information relating to proposed method of surface water disposal.

Planning Enforcement

No comment

Public Open Spaces

No comment

Self-Build Officer

No comment

Strategic Environment and Climate Change Team

No comment

Sustainable Transport

No in-principle highway objection. However issues with proposed parking arrangement which requires further consideration.

Urban Design Officer

Issues raised relating to:

- Arrangement of gardens and garden sizes.
- Arrangement and provision of parking spaces.
- Overlooking issues and impact on amenity of future occupants.
- Proposed palette of materials to be used in external finish of properties. Out of character with surrounding area.
- Proposed dwellings fail to respond to architectural style of existing dwellings in area.

Waste Engineer

No comment

4.3 External Consultees

Avon Fire and Rescue

No comment

Avon Wildlife Trust

No comment

Coal Authority

No objection subject to conditions requiring carrying out of intrusive site investigations – if LPA feels it is appropriate to attach conditions of this nature at reserved matters stage.

NHS

No comment

Police Community Safety

No comment

Wessex Water

Must be demonstrated that 3m easement can be achieved on either side of public foul sewer. Also recommend that further plan detailing surface water strategy is submitted.

4.4 Other Representations

Local Residents

A total of four letters of objection were received during the first round of consultation. The main concerns raised are summarised below:

- Proposed materials are inappropriate for area. Houses will look drab and dreary.
- Proposed timber cladding may fall in to state of disrepair.
- Brick wall should be erected along neighbouring boundary as opposed to fencing.
- Houses should be 2 storey and not 3 storey.

- Differences in ground level will result in overlooking and overbearing impact on neighbours.
- Position of some units will reduce levels of light entering neighbouring windows.
- Insufficient number of parking spaces provided. More parking on street will cause chaos as school located within 100 yards of development.
- Concerns regarding location of some parking spaces and visibility.
- Unlikely that some spaces will be used and residents will park on street.
- Private soakaways unlikely to be maintained resulting in flooding.
- Unclear how communal garden areas will be maintained.
- Concerned that neighbouring properties will be damaged during construction works, and that works will cause disruption to neighbours.
- Hoardings erected around site are in dangerous state.
- Residents request a meeting with the developer and South Gloucestershire Council.

Two letters, neither objecting to nor supporting the proposal, were also submitted. The main points raised are summarised below:

- Applicants have poor track record of sticking to planning permission.
- Large amounts of fly tipping occurring at site.
- Type of tree proposed to be planted should be re-considered.
- Proposed cladding and metal pole railings are out of character with area.
- Developer contribution should be sought for improving speed awareness on adjacent highway.

Councillors

A number of queries and comments were also submitted by Cllr. Martin Farmer. These are set out below:

- Assumption that the road will be adopted by SGC. If not, who will manage it?
- Public area to front of site with three trees. Will ownership pass to SGC and how will area be managed?
- Has parking at junction of Crown Road and Wesley Hill been risk assessed by traffic officers?
- In past, residents have experienced issues with utilities being cut off during works at pub. Hope developers will be good neighbours and liaise closely with residents.
- Area is busy during school start and finish times. Please could vehicle movements to site be restricted during these times.
- Boards surrounding site have deteriorated. Fly-tipping occurring at site.

5. CONSULTATION RESPONSES (SECOND ROUND OF CONSULTATION)

5.1 Town/Parish Council

The area is unparished

5.2 Internal Consultees

Archaeology Officer

No objection, however site has some archaeological potential and as such a HC11 condition for a programme of archaeological work, should be applied to any consent granted.

Arts and Development

No comment

Children and Young People

No comment

Community Infrastructure and Public Open Space

No comment

Ecology Officer

No further comment

Environmental Policy Team

No comment

Highway Structures

No further comment

Housing Enabling

No comment

Landscape Officer

Amended landscape plan is acceptable – therefore no objection.

Lead Local Flood Authority

Following submission of a revised 'SUDS Drainage Plan' (Revision J) and a SUDS Management Plan - no objection. LLFA are now in acceptance of the approach whereby surface water runoff generated by the site will discharge at a restricted rate of 2l/s into the existing Wessex Water Foul Sewer that crosses the site and is also to be diverted as part of the site development. This approach has also been accepted by Wessex Water.

Planning Enforcement

No comment

Public Open Spaces

No comment

Self-Build Officer

No comment

Strategic Environment and Climate Change Team

No comment

Sustainable Transport

Following submission of amended parking plan - no objection. Recommend conditions requiring parking spaces to be provided, and 2m wide footway is provided along whole site frontage, with land to be dedicated as highway land.

Urban Design Officer

Revisions made to layout and detailed design have sufficiently overcome previous concerns. As such, no objection.

Waste Engineer

No comment

5.3 External Consultees

Avon Fire and Rescue

No comment

Avon Wildlife Trust

No comment

Coal Authority

No further comment

NHS

No comment

Police Community Safety

No comment

Wessex Water

Following submission of revised details – no objection. Wessex Water can accept, in principle, the public foul sewer diversion. There appears to be a corner of a dwelling within the 3 metre easement, which we can allow and this will be included in the sewer diversion agreement. We are satisfied with the limited discharge rate at 2l/s by one storage tank.

5.4 Other Representations

Local Residents

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

- Feel that proposed materials would still not fit in with area.
- Still feel that dwellings would block light to neighbouring properties.
- Concerns regarding whether parking spaces are wide enough for modern vehicles.
- Still wooden boundary fence proposed which is unacceptable. Cannot be guaranteed that fence will be maintained.
- Still concerns regarding soakaways and risk of flooding.

- Previous comments regarding work/disruption during construction period still stand.
- Concerns regarding provision of fruit trees as part of site landscaping.
- Residents request a meeting with the developer and South Gloucestershire Council.

6. ANALYSIS OF PROPOSAL

Principle of Development

- 6.1 The principle of erecting 10no. dwellings at the site was established under the outline application. Furthermore, the site is located within the area defined as the east fringe of the Bristol urban area, where development is directed under the Council's spatial strategy as set out in policy CS5 of the Core Strategy.
- 6.2 Therefore the proposed development is acceptable in principle and this application should consider the specific elements included within the reserved matters. The proposed means of vehicular access to the site was established at outline stage. As such, this application shall consider all other relevant planning considerations. The application shall be determined against the analysis set out below.

Design

- 6.2 Policy CS1 of the Core Strategy is the Council's principal design policy. This policy requires development to meet the 'highest possible' standards of site planning and design. Development proposals are required to demonstrate that they respect and enhance the character, distinctiveness, and amenity of the site and its context and that the density and overall layout is well integrated into the existing adjacent developments.
- 6.3 Policy PSP1 of the Policies, Sites and Places Plan requires development proposals to demonstrate an understanding of the character of an area. Development proposals should make a positive contribution to the distinctiveness of a locality and innovative architectural responses to design issues are encouraged.
- 6.4 In reaching the highest possible standards of design, consideration must be given to other relevant factors such as residential amenity (PSP8; PSP43) and parking (PSP16). Only where all factors are adequately provided for can the highest standards of design be reached.
- 6.5 Outline permission has previously been granted for the demolition of the existing public house and the redevelopment of the site to provide 10no. dwellings. As such, whilst the existing public house does contribute to the character of wider area and can be considered a non-designated heritage asset, its removal from the site has already been established. The number of dwellings to be constructed on the site has also been agreed. As such, whilst the redevelopment of the site would undoubtedly have impacts on the character of the wider area, the fundamentals of the development have already been

established, and this application will only consider the more detailed elements of the design.

Layout

- 6.6 In terms of the pattern of development in the area, this generally consists of terrace rows of three or four dwellings, as well as semi-detached pairs. Existing properties have been constructed in a typical post-war fashion; with units generally arranged in a linear form along the designated highway.
- 6.7 The proposed 10 unit development would be made up of five sets of semi-detached pairs. Three pairs would face on to the immediately adjacent highway (Crown Road and Wesley Hill), with two pairs set further in to the site. The provision of four units further in to the site would result in the development having a backland aspect. It is acknowledged that this is not typical of the area, which as discussed above is defined by properties fronting the highway. In this sense, the overall layout of the development is inconsistent with the pattern of development in the area.
- 6.8 However the size and layout of the site must be taken in to account. The site is triangular in shape, with one side bounded by the highway, and the other two sides bounded by adjacent residential units. As such, the distance from the highway to the deepest part of the site is approximately 67m. Given the size and shape of the site, it is not considered that the provision of a more linear row of residential units facing on to the highway would represent a practical or efficient design approach. The residential units would be left with extremely long and awkwardly shaped rear gardens, with large areas of the site likely to be under-utilised. On this basis, whilst the proposed layout is not necessarily reflective of the pattern and grain of development in the area, the backland nature of the development is considered suitable in this case.
- 6.9 Furthermore, the provision of 10no. units at the site has already been established at outline stage. It would not be possible to provide all 10 units, together with associated parking and amenity areas, arranged along the north-western boundary of the site. Whilst only an indicative layout was provided at outline stage, the Planning Inspector raised no significant issue with the indicative layout. On the basis of the above, the principle of arranging four residential units further in to the site is considered acceptable. Furthermore, the six units facing on to the highway would still make a contribution to the streetscene, and would allow for the development to integrate in to its immediate setting to a degree.
- 6.10 In terms of the more detailed elements of the layout, some issues were identified regarding the proposed arrangement of parking and amenity areas. Amendments were made to the scheme to address the issues, and these matters will be discussed in greater detail in later sections of this report. However there are no fundamental concerns regarding the layout of the development.

Scale and Form

- 6.11 Whilst only an indicative site plan was submitted at outline stage, the scale and form of buildings as shown on the site plan has remained consistent with that presented at outline stage. The proposed dwellings would be arranged as a set of five semi-detached pairs. Each residential unit would extend to a width of approximately 5 metres, and a depth of approximately 10 metres. Each unit would incorporate a pitched roof, with the ridge line of each unit set at a height of roughly 9 metres, and the eaves line set at a height of roughly 5 metres. Dormer windows are also proposed to be inserted in to the roof slope of properties.
- 6.12 It is acknowledged that the overall scale and form of the proposed units it not entirely consistent with surrounding built form. The proposed dwellings would be marginally narrow, deeper and taller than the more traditional post-war units which make up the locality.
- 6.13 However the proposed development would read as a more modern addition to the area, and there would be an element of distinction between the site and existing surrounding built form. As such, it is not considered paramount that the overall form of the proposed units assimilates that of surrounding properties. The more modern approach is considered acceptable given the predominantly urban character of the area, and it is not considered that the proposed units would appear as overly prominent or incongruous additions to the site. As such, by reasoning of their scale and form, it is not considered that the provision of the proposed units would cause notable harm to the visual amenity of the area.

Second Floor Bedroom

- 6.14 It is noted that the provision of a considerable roof space and front/rear dormers would allow for the provision of a bedroom at a second floor level, within the roof space of each unit. A bedroom within the roof space is shown on the floor plans for each dwelling. To this end, it is acknowledged that condition 5 attached to the outline decision (appeal decision), set out the following:

The gross internal floor area of the dwellings hereby approved shall not exceed the 100m² per unit and the dwellings shall not comprise more than 2 storeys of living accommodation.

- 6.15 Each residential unit would contain a gross internal floor area of exactly 100m². As such, the proposal complies with this part of the condition. However with regards to the second part of the condition, it is acknowledged that the living accommodation contained within each unit would be arranged over three floors.
- 6.16 However when considering the form of the proposed dwellings, the buildings can still be considered as two storey buildings, with dormer windows inserted in to the roof slope to facilitate the provision of living accommodation within the roof space. This is a very common arrangement for residential properties with pitched roofs, and it is not considered that the provision of living accommodation within a roof space would result in the subject property

subsequently being defined as a three storey building as opposed to a two storey structure.

- 6.17 Moreover, within the relevant parts of the appeal decision, the Inspector generally discusses the extent to which a three storey building (specifically an apartment building) would integrate in to the site. It is therefore reasonable to consider that the condition was attached in the interests of visual amenity, and to ensure that any dwellings presented at reserved matters stage were restricted to two storeys in height. As set out above, the buildings can still be considered as two storey buildings, with a bedroom provided in the roof space.
- 6.18 However it is recognised that the wording of the condition does not directly refer to building form, and instead restricts the buildings to 'two storeys of living accommodation'. It is acknowledged that this could be interpreted as restricting any type of living accommodation within the roof space.
- 6.19 This matter has been given due consideration by the Local Planning Authority, and the possibility of requesting the dormer windows and bedrooms shown in the roof space to be removed from the scheme has been considered. However in the event of permission being granted, it would be unreasonable and likely unenforceable to prevent the prospective occupants of the dwellings from converting the roof space in to additional living accommodation at any point in the future. Furthermore, permitted development rights were not restricted at outline stage, and as dormer windows and velux windows could potentially be introduced without the need for express planning permission.
- 6.20 Condition 5 attached to the outline permission has been taken in to consideration. However on the basis of the appeal decision, it appears that the purpose of the condition was to prevent the erection of any 3-storey buildings at the site. The proposed dwellings, in terms of their form, are considered to read as two-storey buildings. It would also not be possible to prevent future occupants from utilising the roof space of their properties as additional living accommodation in the future. As such, requesting that the second floor bedrooms and associated dormers be removed from the scheme is not considered to be an expedient or pragmatic approach. There is therefore no in-principle objection to the provision of a dormer windows and bedrooms within the roof space of each unit.

Detailed Design

- 6.21 In terms of the more detailed elements of the design, the overall arrangement of fenestration is considered acceptable. Some suggestions regarding the detailed design of windows were made by the urban design officer, and these have been incorporated in to the re-design. The provision of front dormers, whilst not a feature of other properties in the area, is considered to be appropriate given the overall design approach and the way in which the units would appear within the wider context.

- 6.22 In terms of the proposed palette of materials, it was originally intended to finish the units in a combination of white render and dark blue timber cladding, with brown concrete roof tiles and grey windows and dormers. This approach was considered inappropriate, with the resultant appearance considered to be entirely at odds with the external finish of surrounding properties. The proposed palette was subsequently amended, with the areas of cladding removed and a more simple, Silver Pearl render finish proposed. The proposed brown concrete roof finish was also replaced by dark red tiles, as to greater reflect surrounding development. Overall the amended schedule of materials is considered acceptable. For the avoidance of doubt, a condition will be attached to any decision requiring the materials used in the external finish of dwellings to be consistent with approved plans.

Summary

- 6.23 It is acknowledged that the proposed dwellings, by virtue of their layout, scale, form and finish, would not read as a natural extension of the existing residential development in the area. The redeveloped site would undoubtedly read as a more recent, contemporary development. However there are considered to be sufficient parallels between the development proposal and surrounding properties, as to allow for relatively high degree of integration. The site is located within the defined urban area, where the redevelopment of brownfield sites to provide more modern units is to be expected. Overall, it is considered that the development would sufficiently respect the character of the wider area, and would not result in any significant harm to visual amenity. In this respect, the proposal complies with policies CS1 and PSP1.

Landscaping

- 6.24 Policy PSP2 of the Policies, Sites and Places Plan outlines that development proposals should seek to conserve and where appropriate enhance the quality, amenity, distinctiveness and special character of the landscape.
- 6.25 The site comprises a brownfield site situated within a predominantly urban area. Given that the site is tightly bounded on two sides by existing residential units, it is not considered to form part of a wider landscape. As such, the overall impact of the development in landscape terms would be limited. Nonetheless, the scale of the site and development proposed is recognised; with the site forming a prominent feature within the immediate locality. The importance of agreeing an appropriate scheme of landscaping, in the interests of the development contributing positively to the character of the surrounding area, is acknowledged.
- 6.26 As originally submitted, whilst no fundamental concerns regarding the proposed scheme of landscaping were raised, the landscape officer did suggest some amendments which would result in a more integrated scheme. The suggested amendments primarily related to the planting of additional trees within the rear gardens or properties, and the provision of a backing hedge at the north-western boundary of the site.

- 6.27 A revised landscaping scheme was subsequently submitted, with the amendments as recommended by the landscape officer incorporated in to the development proposal. The revised landscaping scheme is considered to be appropriate. The concerns raised regarding the planting of fruit trees have been taken in to account. However it is considered that fruit trees would appear appropriate for the area and would contribute to a more diverse landscape character. Overall, the proposed scheme of landscaping is considered acceptable, and the proposal complies with policy PSP2. A condition will be attached requiring the landscaping to be implemented in accordance with the approved plan.

Residential Amenity

- 6.28 Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. 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.
- 6.29 When considering the impact of the development on residential amenity, the overall effects of the development can be split in to two main categories; the impact of the development on the amenity of existing surrounding residents, and the level of amenity to be afforded to any future occupants of the development. The impacts on each group will be considered in turn below:

Impacts on Existing Residents

- 6.30 Given the shape of the site and the layout of the development, any impacts arising from the development would be most notably experienced by the immediately adjacent neighbours to the east (Crown Road), to the south-west (Wesley Hill), and south (Cotswold View) of the site.
- 6.31 In terms of properties to the east, it is acknowledged that unit 01 (as labelled on submitted plans), would be situated in relatively close proximity to the nearest neighbouring property to the east. However the buildings would follow largely the same building line, and as such the proposed new dwelling would not project significantly beyond the front or rear plane of the neighbouring property. This would limit the potential for any overbearing or overshadowing effects. There would also be no direct line of sight from units 01 or 02 on to the neighbouring property, and as such the privacy of the neighbour would not be affected by the aforementioned units. As originally submitted there was some concern that front-facing dormers to be inserted in to units 09 and 10 to the southern corner of the site would provide a line of sight on to the neighbouring property to the east. The dormers were subsequently removed from the scheme, and there are subsequently no concerns in this regard.
- 6.32 In terms of existing properties to the south-west of the site, the nearest proposed dwelling would be unit 06. Once again this would follow the same building line, and as such any overbearing or overshadowing impacts would be limited. It is noted that the erection of the dwelling would reduce outlook from

neighbouring side-facing windows. However the outlook from these windows is already likely to be obscured by the existing public house, and given that the windows are unlikely provide the sole means of outlook from primary living accommodation, the overall impact on residential amenity is not considered severe.

- 6.33 In terms of any potential overlooking on to the nearest neighbouring property to the south-west, it is acknowledged that the rear of units 07 and 08 would face on to the rear garden serving the property. However the units would be set towards the rear end of the neighbouring garden, and a sufficient degree of privacy would be retained at the area of garden immediately to the rear of the neighbouring property; with this area considered to offer the highest amenity value. Furthermore, no rear dormers are proposed at units 07 and 08, with trees also to be planted at the rear boundary of each unit. Overall, whilst the provision of units 07 and 08 would result in a degree of overlooking, it is not considered that this would translate to an unacceptable impact on residential amenity. Furthermore, some overlooking is to be expected in relatively dense urban areas, and the arrangement in this case is considered to be fairly typical of the area.
- 6.34 In terms of properties to the south, it is acknowledged that the proposed dwellings would be set on marginally higher ground than the neighbouring properties. However given the degree of separation created by the rear gardens of both the proposed dwellings and existing neighbouring properties, it is not considered that the erection of the dwellings would create an oppressive or overlooked environment for neighbouring residents.
- 6.35 On the basis of the assessment set out above, it is not considered that the provision of the 10 proposed units at the site would result in any unacceptable impacts on the amenity of neighbours. The overall relationship between the new development and the existing is considered acceptable. It is however acknowledged that the redevelopment of the site would cause some disturbance to neighbours during the construction period. Whilst this is part of the parcel of any development and would not sustain a reason for refusal, a condition will be attached to any decision, restricting the permitted hours of operation during the construction period.
- 6.36 Furthermore, one of the requirements of the outline consent was that a construction management plan be submitted concurrently with the reserved matters application. The management plan has been reviewed and accepted, and a condition will be attached to any decision ensuring that the development proceeds in accordance with the plan.

Amenity of Future Residents

- 6.37 When considering the level of amenity and overall standard of living afforded to the future occupants of the development, the main consideration is the provision of external amenity space. Policy PSP43 of the Policies, Sites and Places Plan relates to private amenity space, and outlines that residential units should have access to a sufficiently large, functional, accessible and safe area

of amenity space. As a guide, a minimum of 60m². Should be provided for 3-bed units.

- 6.38 The proposed layout put forward at the outset of the application included several garden areas which fell well below the standards. However the overall layout of the site was re-considered as part of a re-design. It is acknowledged that the rear garden areas serving several properties (units 02, 05 and 06), would still fall slightly below the required standard. However this is only very marginal, and given that the garden areas would be highly accessible from the properties and would be of a functional shape, it is considered that an adequate standard of living would be afforded to future occupants.
- 6.39 In terms of the arrangement of the properties in relation to one another, this is considered to be acceptable. The development is not considered to be overly dense or cramped, and as such no significant issues relating to overbearing or inter-visibility within the development site have been identified.
- 6.40 In terms of internal space, it is considered the sufficient floor space would be provided for the 3-bed units, and that adequate living conditions would be afforded to any future residents.

Summary

- 6.41 On the basis of the assessment set out above, it is concluded that the proposed development would have no unacceptable impacts on the residential amenity of existing residents in the locality. Furthermore, it is concluded that an adequate standard of living would be provided for the future occupants of the proposed dwellings. On this basis and subject to any conditions set out above, the proposal is compliant with policy PSP8.

Transportation

- 6.42 The vehicular access point between the site and the adjacent highway was agreed at outline stage. As such, this is not a matter for consideration. In terms of any impacts on the adjacent transportation network during the construction period, the applicant has submitted a construction management plan. This has been accepted by the transport officer, and a condition will be used to ensure that the development is carried out in accordance with its contents. The proposed methods of refuse storage and collection are also considered acceptable.
- 6.43 The main area of consideration is the proposed provision and arrangement of on-site parking spaces, as to serve the future occupants of the dwellinghouses.

Parking

- 6.44 Policy PSP43 of the Policies, Sites and Places Plan requires 3-bedroom properties to each be provided with a minimum of 2 parking spaces. As originally submitted, the proposal did meet the minimum provision. However the transport officer was not satisfied with the arrangement, with some spaces considered to be awkward to access.

- 6.45 The scheme was subsequently altered, with the revised parking arrangement considered more appropriate. Given that each dwelling would be provided with the required number of parking spaces, it is not considered that the proposal would directly lead to an increase in on-street parking in the locality. The development would also be served by two visitor spaces, which meets the minimum requirement for a 10 unit development as set out in PSP43. Subject to a condition ensuring that all parking spaces are provided prior to the first occupation of the dwellings, there are no significant concerns with the proposal in transportation terms.
- 6.46 A further condition has been recommended by the transport officer, requiring a 2m wide footway to be provided along the entire frontage of the site prior to the first occupation of the dwellings. A condition to this effect will also be applied to any consent.

Environmental Impacts

Drainage

- 6.47 In terms of the method of surface water drainage, the applicant's original intention was to provide soakaways. However as part of the re-design, the method of surface water disposal was in to the existing Wessex Water foul sewer that crosses the site. Objections were originally raised to this approach by both the Lead Local Flood Authority and Wessex Water. This was on the basis that this particular option is low down on the SUDS Drainage Hierarchy, and should only be considered if all other alternative options higher up the hierarchy cannot be implemented.
- 6.48 However following the submission of several iterations of a drainage plan, a plan has been submitted (18.016 – 007 Rev J), which has been accepted by both the Lead Local Flood Authority and Wessex Water. Sufficient information was also provided to demonstrate that no alternative options higher up the SUDS Drainage Hierarchy can be implemented.
- 6.49 Concerns were also raised by Wessex Water regarding the location of dwellings within a 3m easement of a public foul sewer. However the issues have been satisfactorily addressed as part of the overall re-design, and Wessex Water no longer raise any objection in this respect.
- 6.50 On the basis of the above and following the submission of further information and revised plans, there are no objections to the proposed drainage methods. It is also not considered that the redevelopment of the site would directly increase the risk of flooding in the area. A condition will be used to ensure that the drainage strategy for the site is implemented in accordance with the approved plans.

Ecology

- 6.51 Ecological information was submitted at outline stage. On the basis of this, the ecology officer was satisfied that the existing building and site in general offered minimal habitat opportunities for protected species. As such, no additional information was requested, and it was not considered reasonable to request the provision of on-site bat or bird boxes. The ecology officer's comments have remained unchanged as part of this reserved matters application, and as such there are no overall concerns relating to the impact of the development from an ecological perspective.

Archaeology

- 6.52 The archaeology officer has identified that the site has some archaeological potential, notably the earlier (pre Shant) public house that occupied the location of the existing public house. It has therefore been requested that a programme of archaeological investigation and recording for the site be submitted to and approved by the Local Planning Authority prior to the commencement of development. A condition to this effect will be attached to any consent.

Ground Stability and Historic Coal Mining

- 6.53 The site is situated in an area of historic coal mining, and as such falls within the defined Development High Risk Area. It has therefore been identified that there are coal mining features and hazards in the area. A Coal Mining Risk Assessment was submitted in support of the application. This was accepted by the Coal Authority, who raise no objection to the proposal subject to conditions requiring further ground stability investigations to be carried out. Conditions to this effect will be attached to any decision.

Impact on Equalities

- 6.54 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.
- 6.55 With regards to the above this planning application is considered to have a neutral impact on equality.

Other Matters

- 6.56 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:
- 6.57 The concerns raised regarding the provision of fencing at the site boundary have been taken in to account. However it is not considered that the provision of fencing would have any unacceptable impacts in planning terms, and the future maintenance of the fence is a civil matter.
- 5.58 The comments made relating to the adoption of the proposed vehicular access road as formal highway land have been taken in to account. However this is a matter to be considered and determined by the Highway Authority, and as such it not a material planning consideration. Furthermore, the maintenance of public land falling outside of the application site boundary is not a matter to be considered as part of this planning application.
- 5.59 The concerns raised regarding fly-tipping is a matter to be investigated by the Council's Environmental Health department. Concerns regarding impacts on utilities, as well as the track record of the applicants on previous planning permissions, are also not material planning considerations and have no bearing on the outcome of this application.
- 5.60 The request to carry out a meeting between residents, the developer and South Gloucestershire Council have been considered. However the Local Planning Authority do not generally meet with third parties as part of the application process. A site visit has been carried out for the application, and the correct procedures have been followed throughout the course of the application process.

Overall Planning Balance

- 5.61 On the basis of the assessment set out above, it is not considered that the development would result in any significant socio-environmental harm, which would outweigh the considerable socio-economic benefits of providing 10 new dwellings at a sustainable location. Any issues that remain unresolved can be sufficiently addressed by condition. The proposal therefore succeeds and it follows that planning permission should be granted.

7. CONCLUSION

- 7.1 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.
- 7.2 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.

8. **RECOMMENDATION**

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

1. The external finish of the approved dwellings shall be consistent with the approved schedule of materials (as shown on plan 18.016 - 020 - received on 1st May 2019).

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.

2. The planting as shown on plan (18.016 - 006 Rev A - Received 26th March 2019) shall be carried out in the first planting season following the implementation of the development hereby approved.

Reason

In the interests of the visual amenity of the area, to accord with policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

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

Reason

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

4. The development shall be carried out strictly in accordance with the contents of the submitted Construction Management Plan (Prepared by Highridge Construction Limited and received by the LPA on 1st February 2019).

Reason

In the interests of highway safety and to protect the amenities of the occupiers of nearby dwelling houses, to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policies PSP8 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

5. The off-street parking facilities as shown on the plan (18.106 - 002 Rev B - Received on 15th May 2019) shall be provided before the any of the proposed dwellinghouses are first occupied, and thereafter retained for that purpose.

Reason

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

6. Prior to the occupation of the proposed dwellings, a new footway extending to a width of 2 metres (as shown on drawing no. 18.016 - 002 B) shall be constructed along the whole site frontage, with the footway to be completed to the Council's adoptable standards.

Reason

To provide adequate pedestrian access to the site, to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

7. The surface water drainage provision for the site shall be developed as per the design details included on the drawing 'Proposed SUDS Drainage Plan (18.016 - 007 Rev J - As received on 18th June 2019)' and drawing 'Attenuation Tank Details' (18.016 - 025 - As received on 11th June 2019). Maintenance responsibilities and/or ownership of the surface water drainage system shall adhere to that as set out on the drawing 'Proposed SUDS Drainage Plan' and in the 'SUDS Drainage Maintenance Strategy' (As received on 18th June 2019).

Reason

To ensure that the drainage strategy for the site is adequate and does not lead to issues of flooding in the future, to comply with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and National Planning Policy Framework 2019.

8. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

In the interest of archaeological investigation or recording and to ensure the adequate protection of archaeological remains, to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

This information is required prior to the commencement of development to avoid causing any damage to potential archaeological remains during ground works.

9. Prior to the commencement of development, a scheme for intrusive site investigation into the coal mining legacy issues on the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To establish if remedial works to treat areas of shallow mine workings are required and to ensure the safety and stability of the proposed development to accord with Policy PSP22 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

This information is required prior to the commencement of development as it is first necessary to establish whether historic coal mining has affected the stability and safety of the land, prior to any development commencing on site.

10. Prior to the commencement of development, the intrusive site investigations as required by condition 10 shall be undertaken in accordance with the approved scheme. This shall be followed by the submission of a report to the Local Planning Authority, setting out the findings of the intrusive site investigations.

Reason

To establish if remedial works to treat areas of shallow mine workings are required and to ensure the safety and stability of the proposed development to accord with Policy PSP22 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

This information is required prior to the commencement of development as it is first necessary to establish whether historic coal mining has affected the stability and safety of the land, prior to any development commencing on site.

11. Should intrusive site investigations carried out in accordance with conditions 10 and 11 require remedial works, details shall be submitted to the Local Planning Authority for written approval and development should be carried out in accordance with the approved details.

Reason

To ensure the safety and stability of the proposed development and to ensure any necessary remedial works are carried out prior to the commencement of development. To accord with Policy PSP22 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

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

Existing Site Plan and Location Plan (Drawing no. 18.016 - 001)
(Received by Local Authority 19th December 2018)

Proposed Site Sections (Drawing no. 18.016 - 003 A)
House Plans - Plots 3,4,5 & 6 (Drawing no. 18.016 - 010)

House Plans - Plots 1,2,7 & 8 (Drawing no. 18.016 - 013)
House Plans - Plots 9 & 10 (Drawing no. 18.016 - 015)
(Received by Local Authority 26th March 2019)

House Elevations - Plots 3,4,5 & 6 (Drawing no. 18.016 - 011 A)
House Elevations - Plots 1,2,7 & 8 (Drawing no. 18.016 - 012 A)
House Elevations - Plots 9 & 10 (Drawing no. 18.016 - 014 A)
Materials (Drawing no. 18.016 - 020)
(Received by Local Authority 1st May 2019)

Proposed Site Plan (Drawing no. 18.016 - 002 B)
(Received by Local Authority 16th May 2019)

Reason

In the interests of proper planning and for the avoidance of doubt.