

# 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. 08/20

**Date to Members: 21/02/2020**

**Member's Deadline: 27/02/2020 (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](mailto: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 list 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](mailto: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:**

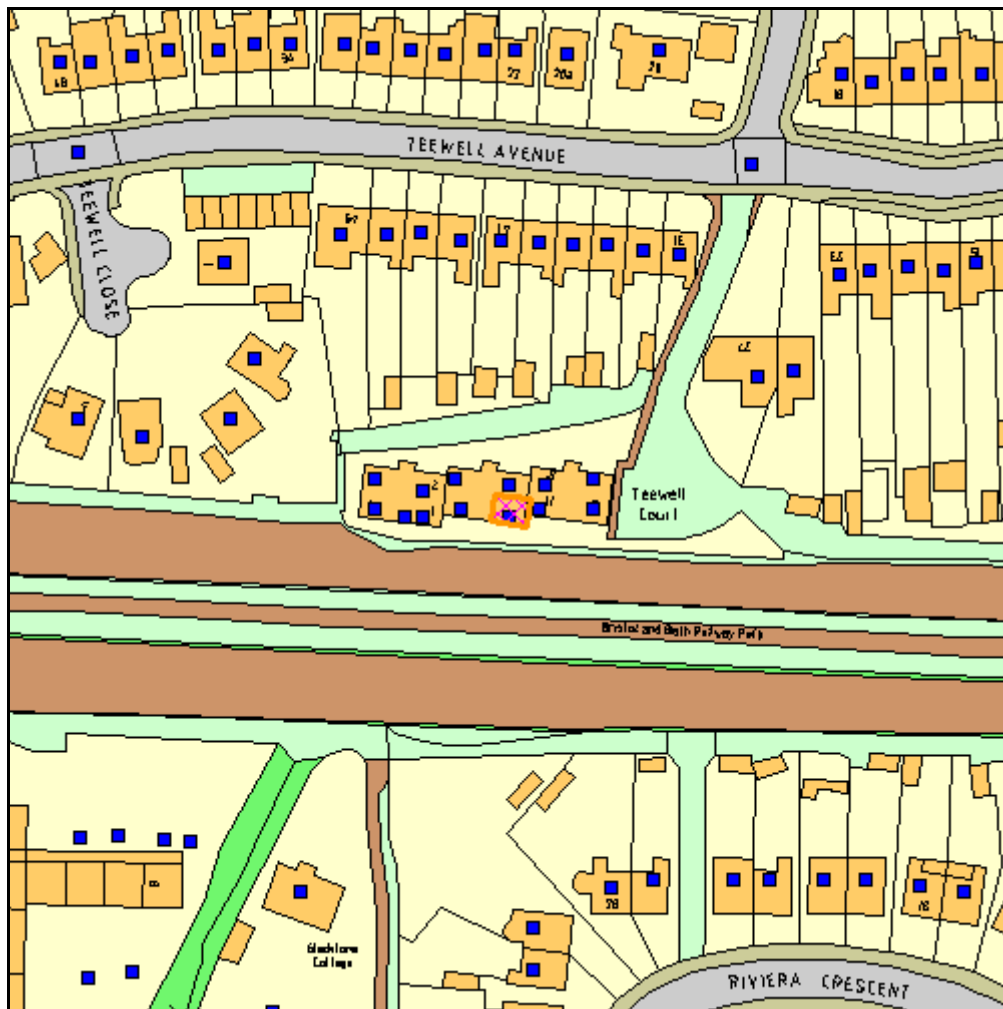
To be emailed to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk)

# CIRCULATED SCHEDULE - 21 February 2020

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>MODK18/0008</b>	Approved Subject to Section 106	5 Teewell Court Teewell Avenue Staple Hill South Gloucestershire BS16 5QT	Staple Hill And Mangotsfield	None
2	<b>P19/13570/F</b>	Approve with Conditions	39 Bevington Close Patchway South Gloucestershire BS34 5NP	Patchway Coniston	Patchway Town Council
3	<b>P19/14583/O</b>	Approve with Conditions	Unit 1 Jorrocks Estate Westerleigh Road Westerleigh South Gloucestershire BS37 8QH	Boyd Valley	Westerleigh Parish Council
4	<b>P19/16119/F</b>	Approve with Conditions	Land Between Patch Elm House And The Groves Patch Elm Lane Rangeworthy South Gloucestershire BS37 7LT	Frampton Cotterell	Rangeworthy Parish Council
5	<b>P19/16541/F</b>	Approve with Conditions	The Old Dairy Stoke Lane Patchway South Gloucestershire BS34 6DU	Bradley Stoke North	Stoke Lodge And The Common
6	<b>P19/18236/F</b>	Approve with Conditions	The Old Post Office The Street Acton Turville Badminton South Gloucestershire GL9 1HH	Chipping Sodbury And Cotswold Edge	Acton Turville Parish Council
7	<b>P19/18728/F</b>	Refusal	Land At The Old Mill 32 Mill Lane Frampton Cotterell South Gloucestershire BS36 2AA	Frampton Cotterell	Frampton Cotterell Parish Council
8	<b>P19/19393/F</b>	Approve with Conditions	South Gloucestershire Community Services 54 Moravian Road Kingswood South Gloucestershire BS15 8ND	Kingswood	
9	<b>P19/7795/O</b>	Approve with Conditions	26 Barrs Court Road Barrs Court South Gloucestershire BS30 8DH	Parkwall And Warmley	Oldland Parish Council
10	<b>P20/00859/TRE</b>	Approve with Conditions	18 Ringsfield Lane Patchway South Gloucestershire BS34 5AQ	Charlton And Cribbs	Patchway Town Council

**CIRCULATED SCHEDULE NO.08/20 – 21 FEBRUARY 2020**

<b>App No.:</b>	MODK18/0008	<b>Applicant:</b>	DC Law
<b>Site:</b>	5 Teewell Court Teewell Avenue Staple Hill Bristol South Gloucestershire BS16 5QT	<b>Date Reg:</b>	26th October 2018
<b>Proposal:</b>	Deed of Variation of Section 106 Legal agreement attached to planning permission K333/5 to remove age restriction from no. 5 Teewell Court.	<b>Parish:</b>	None
<b>Map Ref:</b>	365219 175693	<b>Ward:</b>	Staple Hill and Mangotsfield
<b>Application Category:</b>		<b>Target Date:</b>	14th December 2018



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

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

This application is referred to the Circulated Schedule as it would require a Deed of Variation to an existing planning obligation. While there would not necessarily be a detriment to the public benefit – based on current planning policy – the resulting agreement would be less restrictive than the current agreement and it is therefore considered proper that a resolution be gained through the circulated schedule.

*Please note this report was referred to the Circulated Schedule previously in May 2019, however the legal agreement was not signed within the required 6 month period. The matter is referred to the Circulated Schedule for a second time to allow a further 3 months for the legal agreement to be signed.*

### **1. THE PROPOSAL**

1.1 This application is made under section 106A of the Town and Country Planning Act 1990 (as amended). The application is made to remove the age occupancy restriction contained within the Agreement made under Section 52 of the Town and Country Planning Act 1971 attached to the authorising planning permission for this site.

1.2 The relevant clause in the Agreement states:

No flat erected on the land shall be occupied by a person under the age of sixty years without the written permission (which shall not be unreasonably withheld) of the Council's Chief Planning Officer for the time being who may at his discretion authorise occupation by a person under the age of sixty years PROVIDED that if any flat shall be occupied by a married couple or by an unmarried couple purporting to live together as husband and wife no objection shall be raised by the Council if either one of such couple shall be under the age of sixty years and in the event of the death of the older of such couple the younger shall be allowed to remain in occupation of the flat even though he or she may be less than sixty years of age.

1.3 The age restriction was imposed as: the development did not comply with the car parking standards in force at the time the authorising planning permission was given; and the access lane and its junction with the highway were inadequate (although works were undertaken as part of the permission to improve the access route). The age restriction was imposed as a means by which to mitigate the lack of parking provision.

### **2. POLICY CONTEXT**

#### **2.1 Legislation**

Town and Country Planning Act 1990 (as amended)

Community Infrastructure Levy Regulations 2010 (as amended)

- 2.2 National Guidance  
National Planning Policy Framework February 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
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS29	Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP11	Transport Impact Management
PSP16	Parking Standards

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

**3. RELEVANT PLANNING HISTORY**

- 3.1 K333/5 Approved 21/11/1991  
Retention of 6no. flats (nos. 3, 4, 7, 8, 10, and 12) as approved under K333/4 without compliance with condition 'g'.
- 3.2 K333/4 Approved 22/06/1988  
Construction of 12 no. elderly persons flats alteration of existing vehicular access

*In relation to 1 Teewell Court*

- 3.3 PK02/2218/RVC Approved subject to S106 09/06/2003  
Removal of condition 'g' attached to planning permission K333/4 to allow occupation by persons under 60 years of age

*In relation to 9 Teewell Court*

- 3.4 PK02/0318/RVC Approved subject to S106 09/08/2002  
Variation of condition 'g' attached to planning permission K333/4 to allow persons under the age of 60 years to occupy no.9 Teewell Court

**4. CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
This area is unparished



## **Other Representations**

- 4.2 Local Residents  
None received

## **5. ANALYSIS OF PROPOSAL**

- 5.1 This application seeks to modify a planning obligation so that no.5 Teewell Court can be occupied without compliance with an age restriction.

### **Principle of Development**

- 5.2 The age restriction was imposed as, at the time the initial planning permission was granted, the parking arrangements were considered sub-standard. Therefore, the main issue to consider is whether parking issues would require the restriction to remain in place and whether the obligation passes the relevant statutory tests.

### **Parking**

- 5.3 Teewell Court consists of 12 one-bedroom flats and an area for car parking which provides approximately 12 spaces. Under policy PSP16, new development in the district would be required to provide 1 off-street parking space per one 1-bedroom dwelling plus a visitor's space per every 5 units. While the development does not meet this standard (as it would fail to provide a visitor's space) this would not result in a highway safety issues from inadequate parking.
- 5.4 According to the current parking standards, the imposition of an age restriction cannot be justified and would not pass the statutory tests of a planning obligation.

### **Other Units**

- 5.5 It is clear from the planning history that a number of other units have been relieved from the age restriction. This has been through removing the condition that requires compliance with the planning obligation and a variation to the obligation.
- 5.6 This application will modify the obligation rendering the condition unnecessary.

### **Impact on Public Benefit**

- 5.7 The age restriction cannot be justified and therefore in planning terms its removal would not result in a reduction to the public benefit. However, it would mean that the subject property is 'open market' housing. There is a public benefit to both providing age relevant accommodation and improving the supply of housing more generally.

### **Impact on Equalities**

- 5.8 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.

- 5.9 With regards to the above this planning application is considered to have a neutral impact on equality as the benefits of age relevant accommodation and open market housing, in this instance in relation to vehicular parking, balance one another.

## **6. CONCLUSION**

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

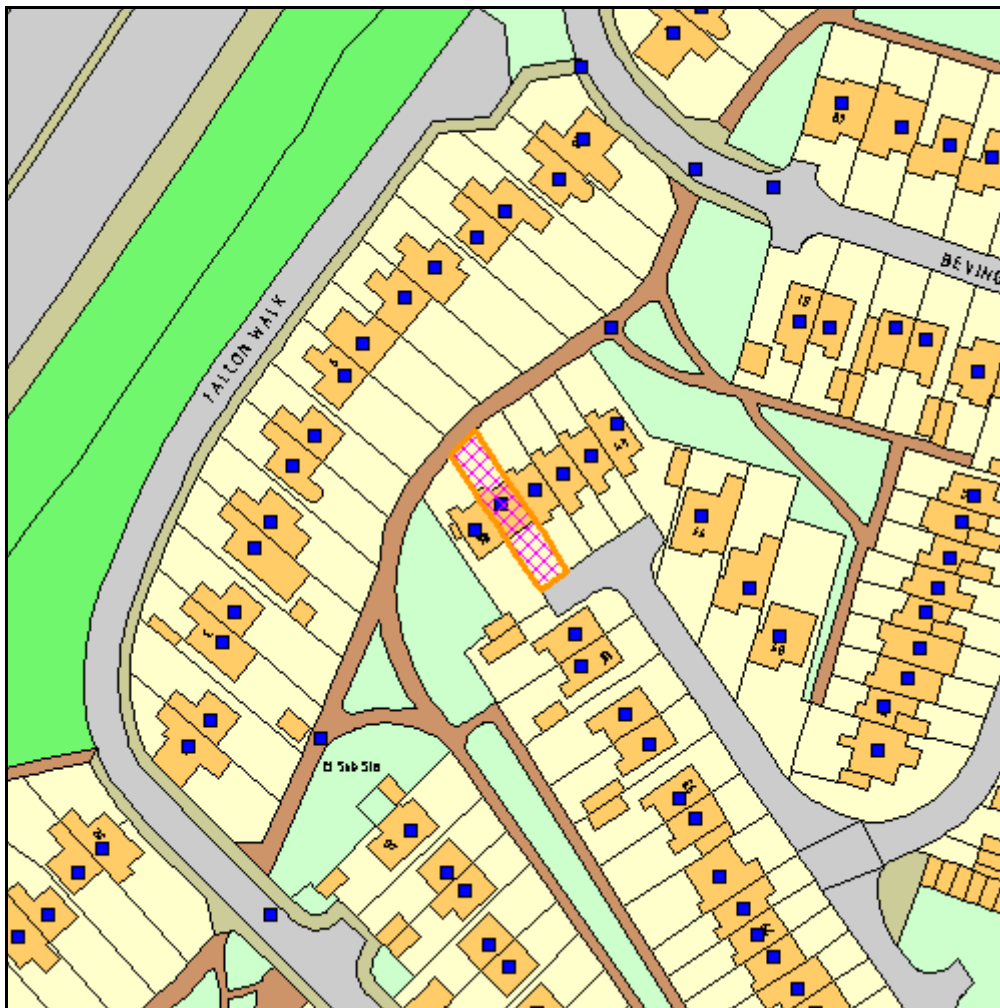
## **7. RECOMMENDATION**

- 7.1 It is recommended that the authority be delegated to the Director of Environment and Community Services to grant planning permission subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- (i) Modify the existing planning obligation relating to the occupancy of no.5 Teewell Court, Teewell Avenue, Staple Hill to remove the age restriction and enable persons of any age to reside there.
- 7.2 It is recommended that that the Head of Legal and Democratic Services be authorised to check and agree the wording of the Agreement.
- 7.3 It is recommended that should the Agreement not be completed within **3 months** of the date of the resolution to grant planning permission, the application shall:
- (i) be returned to the Circulated Schedule for further consideration; or,
  - (ii) that delegated authority be given to the Director or Environment and Community Services to refuse the application.

**Contact Officer: Griff Bunce**  
**Tel. No. 01454 863438**

**CIRCULATED SCHEDULE NO. 08/20 – 21 FEBRUARY 2020**

<b>App No.:</b>	P19/13570/F	<b>Applicant:</b>	Mrs Karen Coombs
<b>Site:</b>	39 Bevington Close Patchway Bristol South Gloucestershire BS34 5NP	<b>Date Reg:</b>	7th October 2019
<b>Proposal:</b>	Erection of a single storey front and side extension with new porch to form additional living accommodation.	<b>Parish:</b>	Patchway Town Council
<b>Map Ref:</b>	359253 182039	<b>Ward:</b>	Patchway Coniston
<b>Application Category:</b>	Householder	<b>Target Date:</b>	28th November 2019



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

## **REASON FOR BEING REFERRED TO CIRCULATED SCHEDULE**

This application appears on circulated schedule because the Town Council offer the comment 'No Objection' on the basis that a condition is applied. This condition is contrary to the officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission to erect a single storey front extension to create addition living accommodation.
- 1.2 The application site is a mid-terrace dwelling on Bevington Close, a residential cul-de-sac in Patchway which is in the North Fringe of Bristol Settlement Boundary. The site is not subject to any constraints that would affect the development.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework February 2019  
National Planning Practice Guidance

#### 2.2 Development Plans

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

CS1	High Quality Design
CS5	Location of Development
CS25	Communities of the North Fringe of Bristol

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

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

#### 2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007  
Residential Parking Standard SPD (Adopted) December 2013

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

- 3.1 P94/1196 – Single storey rear extension. Approved 20/03/1994

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

- 4.1 Patchway Town Council  
No objection subject to conditions restricting the working hours at the site and a condition that builders do not drive up and block the back lane.
- 4.2 Almondsbury Parish Council  
No comments received
- 4.3 Archaeology Officer  
No comments
- 4.4 Local Residents  
No comments received

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

- 5.1 The proposal seeks to erect a single storey front extension.
- 5.2 Principle Of Development  
PSP 38 of the South Gloucestershire Policies, Sites and Places Plan (adopted November 2017) permits development in principle where they do not unduly harm the design, visual amenity and residential amenity of the locality or prejudice highway safety of the provision of adequate private amenity space. PSP38 is achieved through CS1 of the South Gloucestershire Core Strategy (adopted December 2013), which requires development to demonstrate the highest standard of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. The principle of development is acceptable subject to the following consideration.
- 5.3 Design and Visual Amenity  
The proposal will see the undercroft area where the front door is filled in to the front elevation and a window inserted. The front extension will then project from the front elevation by approx. 1.9 metres to come out in line with the screen walls either side which separate the dwellings, effectively creating an infill of this area. The screen walls will be raised slightly in line with the new 'lean to' roof. The front extension will span the front elevation by 3.5 metres leaving a 1.7 metre gap where the front door will be re-located to, perpendicular to the new front elevation.
- 5.4 The application form and plans indicate materials used will match the existing which will aid the proposal integrating with the existing dwelling. As the works are to the principal elevation, a condition will be attached requiring matching materials. By virtue of its size, scale and form the officer is of the opinion that the proposal is acceptable in design terms and will not be out of character with the area. Although not a precedent, it should be noted that many dwellings in the locality have had front 'infills' done in varying forms. As such the development complies with the requirements of policies PSP38 and CS1.

5.5 Residential Amenity

PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwelling through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, and overbearing/dominant impacts.

5.6 By virtue of its position and single storey design the proposal will not result in overlooking or loss of privacy. As a single storey front extension situated between two screen walls the officer does not believe the proposal will be overbearing or result in a dominating presence. As such the proposal meets the requirements of PSP38 and PSP8

5.7 As the proposal is situated at the end of a quiet residential cul-de-sac the officer deems it reasonable to attach a condition restricting the working hours at the site in the interests of residential amenity. These will be 8:00am – 6pm Monday to Friday and 8:00am – 1:00pm on Saturdays with no working to take place on Sundays.

5.8 Parking Standards

PSP16 requires developments to provide levels of parking based upon the number of bedrooms at a dwelling. Where an increase is proposed, proposals should demonstrate that adequate off street parking can be provided to accommodate increase in demand.

5.9 The proposal does not increase demand for parking nor does it prejudice adequate parking provision within the boundaries of the site. As such no objection is raised under PSP16.

5.10 Private Amenity Space Standards

PSP43 sets out requirements for private amenity space provision based on the number of bedrooms. As the proposal creates no increase in demand nor does it prejudicial existing amenity space there is no objection raised under PSP43.

**Impact on Equalities**

5.11 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 is considered to have a neutral impact on equality.

### 5.13 Other Matters

The Town Council requested a condition requesting builders do not drive up/block the back lane. The dwelling is accessed from the road to the front (Bevington Close) where there is ample parking/turning space. It must be assumed that the operatives at the site will park legally and not obstruct the highway. There is no clear reason that builders would need to drive up the pedestrian path/lane to the rear. A condition can only be applied where it is reasonable. With regard to the scale of the development the officer does not deem it necessary or possible to attach such a condition.

## 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 permission is **granted** subject to the conditions on the decision notice.

**Contact Officer: Alex Hemming**  
**Tel. No. 01454 866456**

## 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 accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

3. The hours of working on site during the period of construction shall be restricted to:  
Monday - Friday.....8:00am - 6:00pm  
Saturday.....8:00am - 1:00pm

No working shall take place on Sundays or Public Holidays.

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

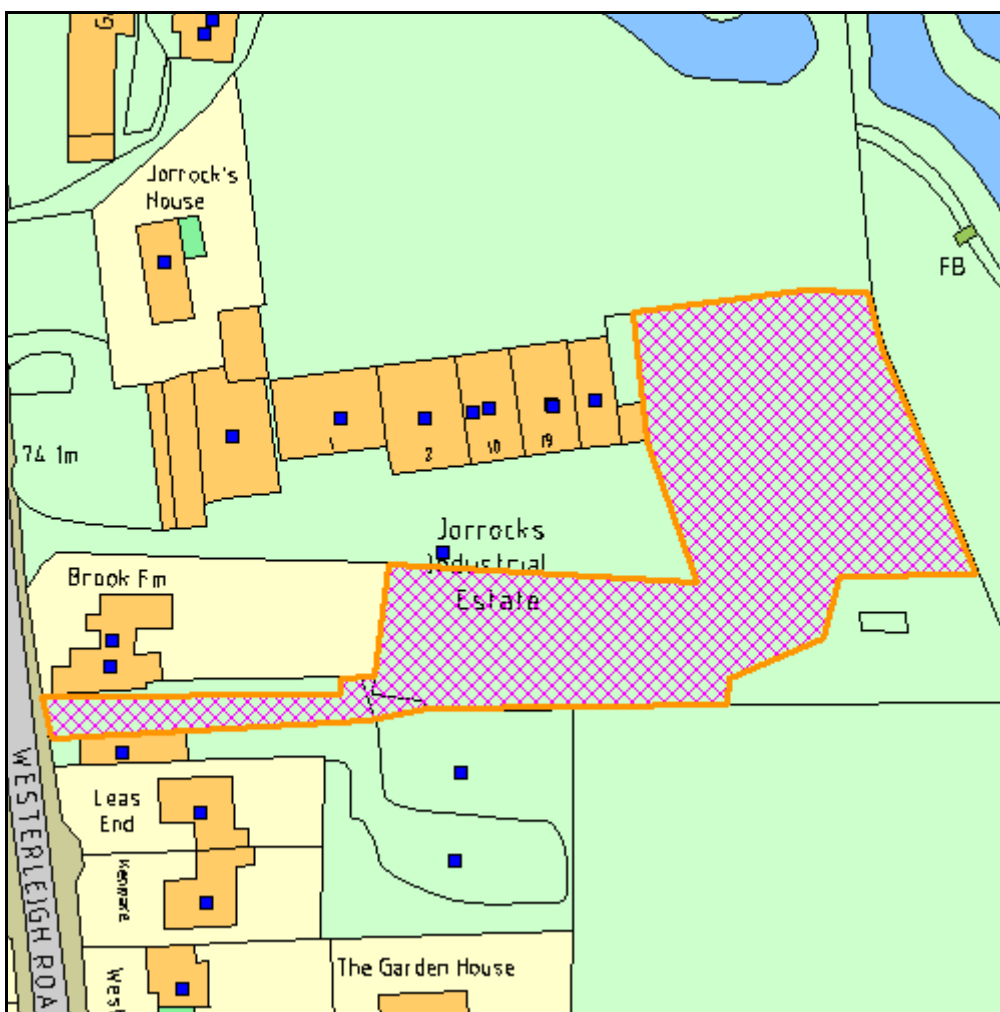
**Reason**

To protect the residential amenity of the neighbouring occupiers and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.



**CIRCULATED SCHEDULE NO. 08/20 – 21 FEBRUARY 2020**

<b>App No.:</b>	P19/14583/O	<b>Applicant:</b>	Estrans Developments (Haverfordwest) Ltd
<b>Site:</b>	Unit 1 Jorrocks Estate Westerleigh Road Westerleigh Bristol South Gloucestershire	<b>Date Reg:</b>	11th October 2019
<b>Proposal:</b>	Erection of 8no dwellings (Outline) with access to be determined, all other matters reserved.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	370019 179948	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th December 2019



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

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

This application has been referred to the Circulated Schedule following the receipt of an objection from Westerleigh Parish Council and 3no. local residents.

## **1. THE PROPOSAL**

- 1.1 The application site is a vacant plot of land, 0.38ha in area; that lies almost entirely within the Established Settlement Boundary (ESB) of Westerleigh village. Only a small area of the site lies outside the ESB to the south-east but the red edged development site is the same as that for the previously approved applications PT10/0577/F & PT09/5690/F; the land is therefore considered to be previously developed. The site lies on the eastern edge of the village, having last been used as a taxi and bus depot (*sui generis*), although this use ceased in 2013. The site comprises of concrete hard-standings that are the remains of previous structures; areas of scrub and rough patches of grass.
- 1.2 The north and east sides of the site are bounded by agricultural land, whilst the south and west of the site are residential buildings. To the north-west of the site are a number of industrial units in a variety of commercial uses, with associated access and car parking. The application site and adjacent industrial units, however, are not designated in the development plan as a strategic employment site. The site is currently accessed via a vehicular driveway off Westerleigh Road, which is also used to access the industrial units.
- 1.3 The site is level from North to South and falls approximately 1m from West to East. The site does not lie within a Conservation Area and has no special landscape or ecological designation. The village is, however, washed over by Green Belt. A Grade II Listed Building, Brook Farm, lies a short distance to the West on Westerleigh Road.
- 1.4 Outline planning consent is sought for the erection of 8no. dwellings with access to be determined at this outline stage. In the event of this outline application being successful, all other matters of layout, appearance, scale and landscaping would be determined under a subsequent reserved matters application. As such, the plans showing layout, appearance, scale and landscaping, are at this stage indicative only.
- 1.5 The application is supported by the following documents:
  - Design and Access Statement
  - Marketing Information by Hootons
  - Noise Impact Assessment
  - Planning Statement
  - Transport Assessment
  - Supplementary Transport Technical Note 1

- Heritage Statement
- Archaeological Desk Top Study

## 2. **POLICY CONTEXT**

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

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment & Heritage
CS13	Non-safeguarded Economic Development Sites
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP6	On Site Renewable and Low Carbon Energy
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP37	Internal Space Standards
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

### 2.3 South Gloucestershire Supplementary Planning Documents

Residential Parking Standards SPD (Adopted) December 2013

Design Checklist SPD (Adopted) 2007

Affordable Housing SPD (Adopted) May 2014 (amended Dec. 2017)

Landscape Character Assessment SPD (Adopted) November 2014 –

Landscape Character Area 12 : Westerleigh Vale and Oldland Ridge

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

CIL and S106 SPD (Adopted) March 2015

## 3. **RELEVANT PLANNING HISTORY**

- 3.1 P98/1310 - Use of yard as taxi/coach business. Siting of 2 portakabins.  
Refused 09<sup>th</sup> Oct. 1998

- 3.2 P98/1512/E - Use of land for sui generis use comprising a coach, bus and taxi base, including use as a taxi control office.  
Refused 3<sup>rd</sup> April 1998  
Appeal dismissed 3 April 2000
- 3.3 P99/1504/CL - Certificate of lawfulness for an existing use of land as Haulage Depot.  
Withdrawn 29<sup>th</sup> July 1999
- 3.4 P99/1585 - Change of use of yard as taxi and coach business.  
Withdrawn
- 3.5 PT00/0397/F - Erection of buildings for classes B1/B2/B8 uses. Use of land for parking and stationing of vehicles. Landscaping works.  
Approved 22<sup>nd</sup> May 2001
- 3.6 PT09/5690/F - Erection of vehicle maintenance and office building with parking and associated works.  
Withdrawn 05<sup>th</sup> Jan. 2010
- 3.7 PT10/0577/F - Erection of vehicle maintenance and office building with parking and associated works (Sui Generis) (Resubmission of PT09/5690/F)  
Approved 04<sup>th</sup> Oct. 2010
- 3.8 PT10/3288/NMA - Non-material amendments to PT10/0577/F to insert 2no. windows and 1no. door to front elevation, 1no. window to west elevation, 1no. door to east elevation and 2no. windows to rear elevation. Alterations to rooflights and addition of 12no. luminaries.  
Objection 14<sup>th</sup> Dec. 2010
- 3.9 PT11/0143/NMA - Non-material amendments to PT10/0577/F for alterations to external appearance at vehicle maintenance and office building.  
No objection 01<sup>st</sup> March 2011

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

- 4.1 Westerleigh Parish Council  
Westerleigh Parish Council OBJECTS to this application for 8 homes as it is considered overdevelopment within the Green Belt. Additionally there are real concerns in regard to access and traffic effects on Westerleigh Road. The development appears to landlock a further plot which would only result in a further application for more houses and in fact Housing Enabling team have already suggested a plan for that land within this consultation. This would cause even more overdevelopment within the Green Belt to which the Parish Council OBJECTS.

Dodington Parish Council  
No response

## 4.2 Other Consultees

### Lead Local Flood Authority

No objection in principle subject to a SUDS condition.

### Children and Young People

No response

### Environmental Protection

No objection subject to conditions relating to noise mitigation and contamination.

### Housing Enabling

Affordable housing is not sought at this site, as the size and number of dwellings does not meet the threshold for affordable housing, and the site is not within an area of AONB as stated in the National Planning Policy Guidance and other requirements under Policy CS18 of the Council's adopted Core Strategy Development Plan Document.

### Landscape Officer

A landscape plan is required with planting specification and plant schedule.

### Archaeology Officer

I can confirm that having reviewed the evidence supplied in the archaeological desk based assessment for Jorrocks Estate, I am satisfied that the impact of this site will be negligible given its history and later C21st century development. Therefore it is my recommendation that no further work is required.

### Transportation Officer

No objections subject to conditions relating to CEMP, road layout, pedestrian crossing, cycle parking and electric vehicle charging points.

### Listed Building and Conservation Officer

As submitted refusal is recommended on the grounds of loss of setting to a designated heritage asset.

## **Other Representations**

### 4.3 Local Residents

3no. local residents have objected to the proposal. The concerns raised can be summarised as follows:

- The access road is not wide enough to accommodate the additional traffic that will be generated by the scheme.
- There is limited visibility when exiting onto the main road.
- The proposed access road will result in the loss of two old stone walls.
- The new road would cut across the garden of Brooks Farm, a Grade II Listed building.
- The new access road would run through the turning area used by occupiers of Wapley View and The Headland.

- The proposed new road would adversely affect the character of the cul-de-sac.
- The proposal will adversely affect property values in the location.
- Increased traffic pollution.
- The houses would be too close to the existing industrial units.
- Adversely affect the setting of the Listed Building.

## 5. **ANALYSIS OF PROPOSAL**

The application is in outline form and therefore merely seeks to establish the acceptance in principle of the residential development of the site for 8no. dwellings using the access proposed.

### 5.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the Council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2019 (NPPF). The Policies, Sites & Places Plan is adopted and also forms part of the Development Plan.

5.3 The site lies almost wholly within the Established Settlement Boundary of Westerleigh. The development plan supports residential development within the established settlement boundaries. 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.

5.4 The revised NPPF (para. 11) reiterates that; at the heart of the Framework is the presumption in favour of sustainable development and for decision taking (11c), this means approving development proposals that accord with an up-to-date development plan without delay. Since the Council's latest Annual Monitoring Review (Dec. 2019) reveals that the Council can demonstrate a 5-year Housing Land Supply (5.36 years), this application should be determined in accordance with the Development Plan.

5.5 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.

- 5.6 It is acknowledged that a very small part of the site lies outside the ESB. This small area of land lies to the south-east and would basically provide the parking area for unit 8. Whilst the residential use of this small area would not be entirely in accordance with Policy PSP40 it has been used for parking of vehicles under the previous permission. Officers, having regard to the previous use, Policies CS4 and CS4A and the need for sustainable housing within the County; consider that it would be unreasonable to refuse the application on this point alone.
- 5.7 Westerleigh village has a reasonable level of services and facilities, including 2 pubs, a church, a school and a café at Wot Not; furthermore it lies within a short distance of Yate, which is a higher order settlement providing a wide range of services, facilities and employment opportunities. A bus service (the Y5) links the village to Bristol and Yate/Chipping Sodbury, and Westerleigh Road is an active travel route. The application site is therefore a sustainable one, which also weighs in favour of the proposal.
- 5.8 It is also material that the application site forms part of a larger site that is being considered as part of the Council's Housing and Economic Land Availability Assessment (plot no. SG150). Under the 2014 consultation for rural housing, it was identified that Westerleigh had a need for 20 new houses.
- 5.9 The site is not safeguarded for employment purposes, but it has a long history of industrial and commercial use in the past. As a result, Policy CS13 (non-safeguarded economic development sites) is engaged. This states that a change of use will not be allowed unless it can be clearly demonstrated that all reasonable attempts have failed to secure a suitable economic development re-use. In this case, the premises have been extensively marketed for several years by commercial agents Hootons. Sufficient evidence has been submitted to demonstrate that there have been no satisfactory offers made on the site for economic development uses and consequently a residential reuse is a logical viable option, given no employment interest in the site (since it was last used in 2013).
- 5.10 Authorised Use of the Site  
Planning permission PT00/0397/F was approved in May 2001 for the *Erection of buildings for classes B1/B2/B8 uses. Use of land for parking and stationing of vehicles. Landscaping works.* It was subsequently established under application PT10/0577/F that the building approved under PT00/03971/F had not been erected but the permission was considered to have been implemented, given that the footings were laid (with the Council's Building Control department holding a record of these works) and with the associated land having been used for vehicle parking.
- 5.11 The site was used by Euro Taxis as an operating base for many years prior to moving to a new base in 2013. Whilst PT10/0577/F does not appear to have been implemented, the fall-back position is that permission PT00/03971/F remains extant and that use/development could re-start. On balance therefore, officers consider the authorised use to be *sui generis*.

5.12 Perhaps more importantly, it is accepted that the site is previously developed and as such can be considered to be a brownfield site almost wholly within the Established Settlement Boundary. This weighs heavily in favour of the proposed development.

5.13 NPPF para. 117 states:

*“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”.*

5.14 Paragraph 118 goes on to include the following policy requirements that decisions should:

“(c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

(d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)”

5.15 Having regard to all of the above, the site is considered to be in a sustainable location and there is no in-principle objection to its residential development as proposed.

#### Green Belt Issues

5.16 The site is located within the settlement of Westerleigh, which lies within the Bristol/Bath Green Belt. Notwithstanding the above, the scheme must in the first instance be considered in the light of the latest Green belt Policy. The National Planning Policy Framework clearly states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The Green Belt serves the following five purposes:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns, and;
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.



- 5.17 Inappropriate development is by definition harmful to the openness of the Green Belt and should not be approved except in very special circumstances (para. 143).
- 5.18 Para. 145 of the NPPF states that planning authorities should regard the construction of new buildings as inappropriate in the Green Belt but lists exceptions which include (e) limited infilling in villages; or (g) limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on openness than the existing development.
- 5.19 The site comprises disused land on the edge of the settlement of Westerleigh, and within the settlement boundary. The site has a history of being used for commercial purposes and when in active use there was extensive vehicle storage throughout the site (buses were still being stored on the site at the time of the officer site visit), and intensive vehicle movements and on-site operational activities. The site meets the definition of previously developed land in the National Planning Policy Framework (NPPF). To this end, paragraph 145 of the NPPF is engaged.
- 5.20 The new residential scheme would contribute to meeting identified housing need on a brownfield site, and the proposal would not have a greater impact on the openness of the Green Belt than the existing authorised uses. This is entirely consistent with NPPF paragraph 145 (g) in that the scheme comprises both a form of limited infilling, and importantly the area for redevelopment comprises previously developed land, whereby this scheme as proposed will have a far more harmonious relationship to the openness of the Green Belt as opposed to the site being used intensively for vehicle depot operations.
- 5.21 It should be noted that as part of the emerging South Gloucestershire Local Plan the South Gloucestershire Rural Housing Review Consultation 2014 found that the site (numbered 4) was “potentially suitable for development”. In addition, it was considered that “the development of the site would not result in unacceptable harm to the Green Belt”.
- 5.22 Officers therefore conclude that the proposal is not inappropriate within the Green Belt and by definition would not be harmful to the openness of the Green Belt.

#### Scale/Design and Visual Impact

- 5.23 The scheme is submitted in Outline form with only access to be determined at this stage. All other matters of scale, layout and appearance, as well as landscaping would be the subject of a subsequent reserved matters application, should this outline proposal be approved.
- 5.24 Indicative layout and typical elevation plans have however been submitted that clearly demonstrate how the site could satisfactorily be developed for 8no. dwellings, taking into account the constraints and opportunities of the site and the character of the area. The illustrative proposals would provide a guide for any future reserved matters application.

- 5.25 The proposed density is comparable with the density of the surrounding development and is considered appropriate for this edge of village location; officers do not consider the scheme to be an overdevelopment of the site, as suggested by the Parish Council. All of the dwellings are shown as one and a half to two storeys in height to reflect the scale of the surrounding residential properties.
- 5.26 The layout of the proposed development would be consistent with existing forms of development within Westerleigh, with clusters of dwellings being served off a single access from the street. The form of the dwellings and materials to be used, reflect those of dwellings in the surrounding area.

#### Transportation Issues

- 5.27 NPPF para.109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be **severe**.
- 5.28 Vehicular access to the development would be from Westerleigh Road, along an existing access road to the south of Brook Farm, with the new access being taken from this into the site.
- 5.29 In response to concerns raised by the Council's Transportation Officer and those of the Parish Council and local residents; revised plans and a supplementary Transport Note were submitted.
- 5.30 The Council's Transportation Officer is satisfied that the site is within a reasonable walking distance of facilities in Westerleigh including regular bus services to Yate and Bristol. The officer has confirmed that the private access road has adequate visibility onto Westerleigh Road given the existing and previous office uses accessed from it. The width of the access road is 5m plus overrun pedestrian paths 1.4m and 1.2m wide on the north and south sides respectively. The overall width is sufficient to provide a safe access for pedestrians and vehicles.
- 5.31 The alignment of the access has been adjusted at the existing access point to the two dwellings to the south, so that a visibility splay of 2m x 15m back into the site can be provided for vehicles exiting those dwellings. Tracking for the waste collection vehicle passing through this section has been provided on the revised alignment to demonstrate that such a vehicle can safely access the site.
- 5.32 To provide a pedestrian route to the bus stops, a dropped kerb pedestrian crossing would be provided across Westerleigh Road on the south side of the access junction.
- 5.33 As regards the internal layout, the officer recommended that the internal road be a 6 – 6.8m wide shared surface subject to tracking of an 11.3m long 3 axle waste collection vehicle passing a van on the detailed layout. To introduce an element of traffic calming, it is also recommended that a block paved square is provided just to the west of unit 1 at the access to the two existing dwellings.

- If the road is proposed for adoption and it is recommended that it is, the existing section would need to be constructed to the current adoptable standard.
- 5.34 The Transport Technical Note 1 has addressed the issues raised by the Transportation Officer in his initial response and it demonstrates that the development would be served by a safe and suitable access for all modes of travel.
- 5.35 At this stage, the internal layout is submitted as indicative only and the officer recommends the following details be included in any reserved matters application.
- External parking spaces in front of dwellings need to be a minimum of 5.5m long and 2.4m wide with a 6m reversing area behind each space.
  - To count as a parking space single garages need to have minimum internal dimensions of 3m x 6m and double garages 5.6m x 6m.
- 5.36 Subject therefore to conditions to secure a Construction Environmental Management Plan (CEMP), road layout, pedestrian crossing, cycle parking and electric vehicle charging points; there are no objections on transportation grounds.
- Impact on Residential Amenity
- 5.37 In line with Policy PSP8, development proposals will only be acceptable where they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of occupiers of the development or of nearby properties. Matters to consider are:
- a) Loss of privacy and overlooking;
  - b) Overbearing and dominant impact;
  - c) Loss of light (daylight/sunlight)
  - d) Noise or disturbance; and
  - e) Odours, fumes or vibration.
- 5.38 Matters d) and e) will be addressed in the Environmental Issues section below. As far as can be determined at this outline stage, officers are satisfied that with sensitive design, a scheme for 8no. dwellings can be accommodated on the site without resulting in any significant adverse impacts for existing and future residents due to loss of privacy, overlooking, overbearing impact or loss of light. Furthermore, whilst the number of bedrooms per dwelling is not yet known, the illustrative plan suggests that adequate amenity space can be provided for each dwelling in accordance with the standards outlined in Policy PSP43.
- 5.38 Officers are mindful of concerns raised by local residents' about the adverse impact on property values. Such impact is not in fact a material consideration in the determination of planning applications.
- 5.39 Concerns have been raised by the occupiers of the two dwellings located at the end of the existing cul-de-sac (i.e. those properties approved under PT10/2379/F) about disturbance from the additional traffic generated from the scheme, on the proposed access. It is however noted that the two dwellings concerned are set back in their own cul-de-sac and do not face directly onto the

proposed access road. The amount of traffic generated from 8no. dwellings would not be significant and would be experienced against the comings and goings of the existing industrial estate. That said, the proposed acoustic fence to be located on the northern and western boundaries of the site, is likely to also benefit the occupiers of these two dwellings to the south.

- 5.40 On balance the scheme would not have a significant adverse impact on existing residential amenity.

#### Environmental Issues

- 5.41 The site lies within Flood Zone 1 and is therefore not prone to flooding. Existing foul sewers are available to the scheme and a condition would secure the submission of a SUDS drainage scheme at the reserved matters stage. The site has not been the subject of underground mining for coal. The previous uses of the site may have caused contamination; a condition would therefore be imposed on any outline consent, to secure appropriate investigation and if necessary mitigation procedures. Subject to this condition the Council's Environmental Health Officer (EHO) raises no objection on contamination or odour grounds.

- 5.42 In terms of noise impact for future residents, a full Noise Impact Assessment has been undertaken which considers the impact of the existing industrial uses and associated activities, which lie to the north of the site. Having regards to the findings of this report, the Council's EHO raises no objections subject to the noise being mitigated by the 3m high acoustic fence, along the northern and western boundaries, as specified in section 5.5 of the report (Ref: M1911/R01A, dated 20<sup>th</sup> August 2019); this can be secured by condition.

#### Landscape Issues

- 5.43 Being on the edge of the village, the site is bounded to the east, north and south by open countryside. The site is not readily visible from the west but is visible from higher ground to the east and south. The existing site in its current state, appears as a stark industrial wasteland, that contributes little to the visual amenity of the location.

- 5.44 Officers consider that an appropriately designed housing scheme has the potential to improve the visual amenity of the location. Whilst all landscaping is to be determined at the reserved matters stage, the indicative layout demonstrates that the scheme could incorporate a good deal of landscaping.

- 5.45 The Council's Landscape Architect has raised no objection subject to the following being provided at the reserved matters stage:

- A landscape plan is required with planting specification and plant schedule.
- All planting should be native species and look to enhance the current landscape, increase and link the wider biodiversity of the site and the wider landscape, and the nearby Site of Nature Conservation and water courses.
- All existing hedgerows and hedgerow trees to be retained, as they provide a substantial screening to the wider landscape.
- Fruit trees to be planted in the rear gardens.

- Enhanced screening to the listed building site Brook Farm.
- All planting should increase the biodiversity of the existing site, with consideration to Bees.

This can again be secured by condition.

#### Heritage Issues

- 5.46 The application site does not lie within a Conservation Area. The only heritage asset that could potentially be affected by the proposed scheme, is the Grade II listed Brook Farm, which lies to the west of the application site and fronts onto Westerleigh Road.
- 5.47 The proposal represents a backland scheme; the Council's Conservation Officer considers that this would create a secondary frontage that would erode the linear street pattern. Your case officer however noted during his site visit, that there are already a number of dwellings that sit in tandem to houses fronting Westerleigh Road. Furthermore, if the village is to evolve with the provision of more housing, this will need to be done, in the first instance, within the confines of the Established Settlement Boundary. Some backland development is therefore only to be expected. Furthermore, given the previously developed nature of the application site, this is a logical position for new housing.
- 5.48 The NPPF para. 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance. Para. 194 confirms that any harm to the significance of a heritage asset from *inter alia* development within its setting, should require clear and convincing justification.
- 5.49 It is acknowledged that as a farmhouse, the significance of Brook Farm would have been as the principal building associated with a farmstead and agricultural land. The Conservation Officer objects to the scheme on the grounds that it would adversely impact upon the setting of the farmhouse but considers that harm would be, less than substantial in the middle of the spectrum.
- 5.50 NPPF para. 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 5.51 The former setting of Brook Farm would have been an agrarian one but it is difficult to comprehend what actually remains of the original setting other than the garden to Brook Farm, which would not be affected by the scheme. The former agricultural outbuildings have all been converted to residential properties. The best aspect of Brook Farm, as seen from Westerleigh Road, would also not be affected. Any views from the west to the rear of Brook Farm are limited to glimpses down the access roads.

- 5.52 Officers are mindful that a visit to the site reveals that, all of the land around Brook Farm is already previously developed and subsumed by industrial and modern housing development. The application site in its current unused state is an unsightly wasteland, which in itself significantly compromises the eastern setting of Brook Farm. Whilst there is open countryside beyond, this includes a large electricity pylon which further compromises the setting.
- 5.53 The authorised use of the application site could in theory be resurrected and built out at any time. This would result in any number of large buses being stored on the site (buses were still being stored on the site at the time of the officer site visit). On balance, the scheme for 8no. dwellings, if appropriately designed, would if anything improve the visual amenity of the site and in turn the wider setting of the listed building.
- 5.54 Your officer concludes that, notwithstanding the concerns of the Conservation Officer, the public benefits of the scheme i.e. provision of housing in a sustainable location, on previously developed land within the settlement boundary and visual improvements, would justify the scheme and outweigh any perceived harm (such as it is) to the setting of the Listed Building.
- 5.55 Local residents have raised concern about the loss of “historic walls” to provide the proposed access road, but officers noted at their site visit, that the wall is in fact constructed of modern breeze-blocks with a stone frontage and is therefore not an historic construction.

#### Housing Enabling

- 5.56 This application is for 8 homes; affordable housing is not sought at this site, as the size and number of dwellings does not meet the threshold for affordable housing, and the site is not within an area of AONB as stated in the National Planning Policy Guidance and other requirements under Policy CS18 of the Council’s adopted Core Strategy Development Plan Document.
- 5.57 The Parish Council have correctly noted that the application site is part of a larger land holding, the remainder of which could be the subject of a further housing development in the future. If that is the case, any future development would need to be the subject of a separate planning application which would be determined on its individual merits at that time.
- 5.58 All of the land is currently under the control of the current applicant and The Affordable Housing & Extra Care Supplementary Planning Document states “where recent sub-division has taken place, or where there is considered to be a reasonable prospect of adjoining land being developed for residential purposes, which is not included in the relevant application, the council will assess both sites as one for the purpose of applying policy CS18. The particular circumstances and planning history of the site will be taken into account”.
- 5.59 The Housing Enabling Team therefore recommends that, in the event that planning permission is granted for the current scheme, an informative is attached advising that should any of the land immediately to the North, North West, East and South of this scheme comes forward for residential

development, then the whole site, including this current scheme, would be considered for Affordable Housing.

#### CIL

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

#### 5.61 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.

#### Planning Balance

5.62 NPPF para. 11c states that development proposals that accord with an up-to-date development plan should be approved without delay. It has recently been established that the Council can demonstrate a 5-year housing land supply and as such the development plan is up to date. The proposal has been assessed, on its individual merits, against the relevant policies within the development plan.

5.63 The siting and scale of development would not be detrimental in Green Belt terms and would not be contrary to the purposes for which the Green Belt is designated. The scheme would make efficient use of a previously developed site within the Established Settlement Boundary of Westerleigh. The scheme would provide additional open market housing in a sustainable location, where a need for additional housing has previously been established; this weighs heavily in favour of the scheme. There are no severe adverse highway implications and subject to the conditions outlined above, the impact on residential amenity is considered to be acceptable.

5.64 Any perceived harm to the setting of the nearby Listed Building would be less than substantial. The scheme on balance, has the potential to improve the visual amenity of the location and make a positive contribution to the wider setting of the heritage asset. On balance therefore, the scheme is sustainable development that should be approved without delay.

## 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 outline planning consent 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 outline planning consent be **GRANTED** subject to the conditions listed on the Decision Notice.

**Contact Officer: Roger Hemming**  
**Tel. No. 01454 863537**

## CONDITIONS

1. Approval of the details of the layout, external appearance of the buildings and scale, 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, external appearance of the 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.

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 and Country Planning Act 1990.

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

Reason

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

6. The details of scale and external appearance to be submitted at Reserved Matters stage shall demonstrate how the proposal would provide sufficient renewable and/or low carbon energy generation on or near the site, to reduce total annual electricity and gas use in the buildings in line with the provisions required by policy PSP6 of the adopted South Gloucestershire Core Strategy: Policies, Sites and Places DPD (adopted) November 2017.

Reason

In the interests of sustainability and to accord with Policy PSP6 of the The Policies Sites and Places Plan (Adopted) 8th Nov. 2017.

7. 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 of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
- (IV) Adequate provision for the delivery and storage of materials.
- (V) Adequate provision for contractor parking.
- (vi) A lorry routing schedule.
- (vii) Site Manager contact details.

Reason

In the interest of highway safety and the amenity of the area, and to accord with Policy PSP11 of the Policies Sites and Places Plan (Adopted) 8th Nov. 2017. This is a pre-commencement condition to ensure that the development can be appropriately controlled for the reasons stated, for its full duration.

8. No development shall commence until details of the internal road layout, generally in accordance with Entran drawings SK02 and 03 and car parking arrangements have

been submitted to and agreed in writing by the Local Planning Authority. The approved details shall be completed prior to the first occupation of the dwellings.

Reason

To ensure the satisfactory provision of 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 Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013. This is a pre-commencement condition to ensure that the development can be satisfactorily carried out in a co-ordinated manner.

9. No dwelling shall be occupied until the pedestrian crossing on Westerleigh Road and footway link thereto has been provided in accordance with the details shown on Entran drawing SK01.

Reason

In the interests of highway safety, to ensure all dwellings are provided with a safe and suitable access and to accord with Policy PSP11 of the adopted South Gloucestershire Policies, Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

10. The dwellings shall not be occupied until covered and secure cycle parking facilities have been provided at 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 Policy PSP16 of the adopted South Gloucestershire Policies, Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

11. The dwellings shall not be occupied until Electric Vehicle Charging points (or other ultra-low emission facility) have been provided at the each dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To promote sustainable travel choices and to accord with Policy PSP16 of the adopted South Gloucestershire Policies, Sites and Places Plan (Adopted) 8th Nov. 2017, the South Gloucestershire Council's Supplementary Planning Document for Residential Car Parking Standards and the requirements of the NPPF.

12. 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 to and approved in writing by the Local Planning Authority. For the avoidance of doubt the submitted scheme should include the following information:
  - A detailed development layout showing the location of surface water proposals is required along with results of percolation tests and infiltration calculations to demonstrate that the proposal is suitable for this site.

- Soakaways must be located 5 Metres from any structure including the Public Highway
- No surface water discharge will be permitted to an existing foul sewer without the expressed approval of the sewage undertaker.

Reason

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

13. The landscaping details submitted as a reserved matter shall include details of the following:

- Planting specification and plant schedule
- All planting should be native species and look to enhance the current landscape, increase and link the wider biodiversity of the site and the wider landscape, and the nearby Site of Nature Conservation and water courses.
- All existing hedgerows and hedgerow trees to be retained, as they provide a substantial screening to the wider landscape.
- At least a net contribution to the tree cover and hedgerows, and further enhancement of the biodiversity to the site, with the use of native species, that will mitigate for the increased development of the site.
- Fruit trees to be planted in the rear gardens.
- Enhanced screening to the listed building site Brook Farm.
- All planting should increase the biodiversity of the existing site, with consideration to Bees.
- Also specification notes covering topsoil depths, cultivation, planting, irrigation, and landscape maintenance covering a 5 year establishment period to help ensure the planting thrives.

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.

14. The development hereby approved shall be constructed in accordance with the acoustic fence as specified in section 5.5 of the original acoustic report (Ref: M1911/R01A, Dated 20th August 2019). No dwelling hereby approved shall be occupied until the acoustic fence is fully implemented.

Reason

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

15. A) Desk Study - Previous historic uses(s) of the site and land within 250m of the site may have given rise to contamination. 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. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175 Investigation of potentially contaminated sites and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

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

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

The approved remediation scheme shall be carried out before the development (or relevant phase of development) is occupied.

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

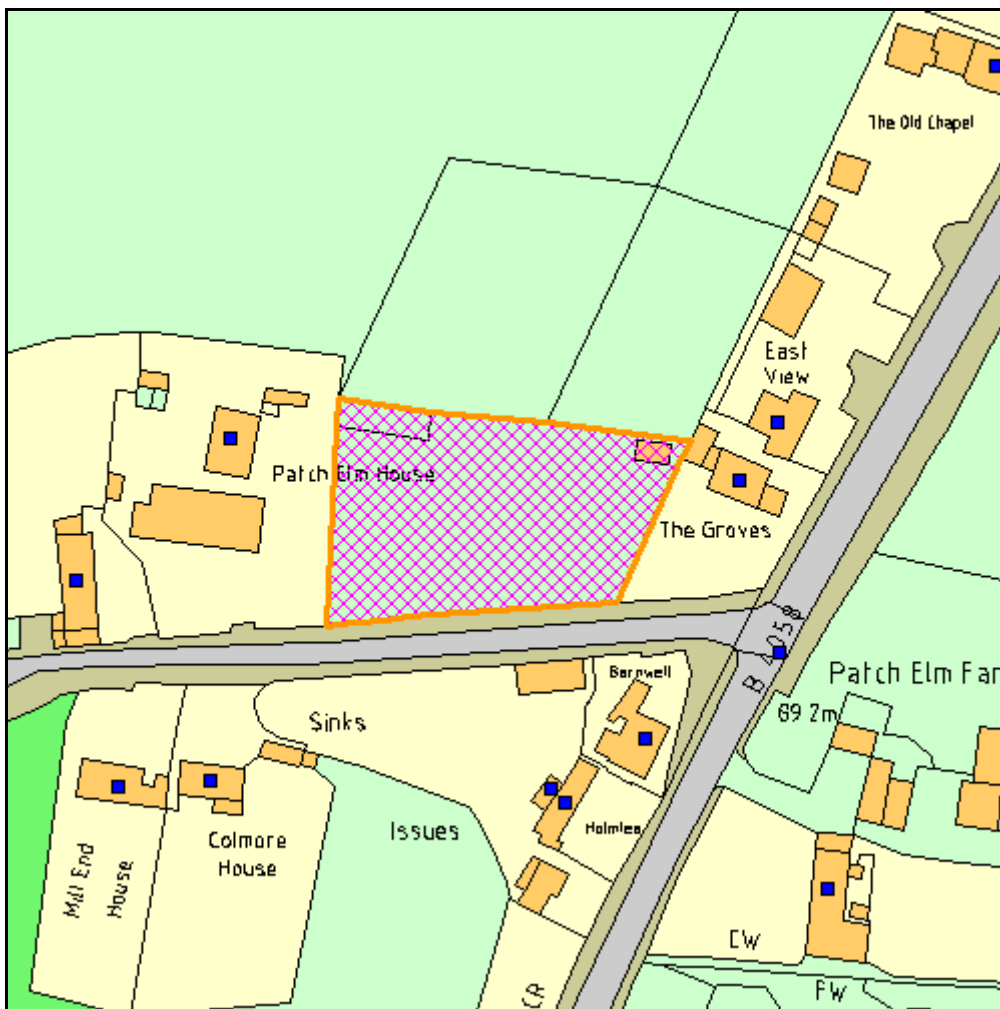
#### Reason

To ensure that adequate measures have been taken to mitigate against possible ground contamination and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 and Policy PSP21 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017.

This is required prior to commencement in the interest of public health.

**CIRCULATED SCHEDULE NO. 08/20 – 21 FEBRUARY 2020**

<b>App No.:</b>	P19/16119/F	<b>Applicant:</b>	VEYA Homes
<b>Site:</b>	Land Between Patch Elm House And The Groves Patch Elm Lane Rangeworthy Bristol South Gloucestershire BS37 7LT	<b>Date Reg:</b>	14th November 2019
<b>Proposal:</b>	Erection of 4no dwellings with new access, parking and associated works. (re-submission of P19/7474/F).	<b>Parish:</b>	Rangeworthy Parish Council
<b>Map Ref:</b>	368923 185342	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	9th January 2020



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 100023410, 2008. N.T.S. P19/16119/F

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

### **CIRCULATED SCHEDULE**

This report appears on the Circulated Schedule following a letter of objection from the Parish Council and from 3 local residents contrary to Officer recommendation.

## **1. THE PROPOSAL**

- 1.1 The applicant seeks full permission for the Erection of 4. no dwellings with new access, parking and associated works. This follows a withdrawn full scheme P19/7474/F and an approved outline scheme PT18/2946/O.
- 1.2 The application site relates to Land between Patch Elm House and The Groves in Rangeworthy, situated on Patch Elm Lane. The site is outside the settlement boundary, therefore in the open countryside. It is also outside the Bristol/Bath Green Belt which ends on the opposite side of this lane.
- 1.3 Following the withdrawn application P19/7474/F the applicant entered into pre-application discussions with the LPA with regards to the layout of 4 new dwellings on the site and their appearance. This application has been submitted as a result of those negotiations.
- 1.4 During the course of the application additional discussions were undertaken regarding drainage matters. Surface water drainage is dealt with by the Lead Local Flood Authority while sewerage drainage is a matter for Wessex Water. In addition further information was provided with regards to ecological issues and a revised plan now shows the existing shed/stable will be retained on site.

## **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP28	Rural Economy
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

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

**3. RELEVANT PLANNING HISTORY**

- 3.1 P19/7474/F                      Erection of 4 no. detached dwellings with new access, parking and associated works.  
Withdrawn following discussions with Officers
- 3.2 PT18/2946/O                    Erection of 4. no dwelling (Outline) with access, layout and scale to be determined and all other matters reserved  
Approved                              23.10.18
- 3.3 P88/1446                         Erection of three dwellings (outline)  
Refused                                 11.5.88
- 3.4 N2685                              Erection of a detached bungalow and construction of vehicular access (outline).  
Refused                                 17.6.76

**4. CONSULTATION RESPONSES**

4.1 Rangeworthy Parish Council  
Objection:

The Parish Council is pleased the Case Officer has aligned with their opinion that the site should have a linear plan to the dwellings.

The site is surrounded by local pennant stone walls, the dwellings and walls opposite are pennant stone, as are the houses to the west of the site. Even though there is a proposed change to the colour of the cladding the design is totally unsympathetic to the neighbouring properties and the aesthetic of Patch Elm Lane. The Parish Council considers that if the developer only constructs wooden houses, then perhaps they are not the developer for the site. Small cottage style houses faced with pennant stone would be much more in keeping with the surroundings.

Planning history has revealed an application for one bungalow on this site was refused back in the day, so how is outline permission for four houses justified? In this context the application is overdevelopment of the site and perhaps the judgement of the Case Officer has to be questioned bearing in mind how much the volume and size of traffic has increased in the lane during the last thirty years. Four houses potentially generating twenty-eight more traffic movements will only add to the congestion at the junction with the B4058. The traffic count figures quoted in this application were undertaken between Sunday 12th through to Saturday 18th August 2018 - this is right in the middle of the annual school summer holidays; therefore, traffic usage would be reduced. The Parish Council therefore considers this to be a disingenuous use of the information. The Parish Council considers that a more up to date traffic count should be undertaken.

A site-specific Construction Environmental Management Plan (CEMP) is required to address tracking mud off site, controlling dust during construction, adequate provision for the delivery and storage of materials and adequate provision for contractor parking.

With the five-year land supply having been achieved and exceeded and sixty permissions having already been granted in Rangeworthy village during the last four years, there is no housing need to build outside of the settlement boundary. Therefore, PSP8 is pertinent.

Residents remain concerned about the possible detrimental effect on the sewer system.

These comments should be read in conjunction with our previous comments on application P19/7474/F where appropriate, and all objections from residents.

### **Internal Consultees**

#### **4.2 Ecology**

Following additional information, no objection subject to a conditions and informative.

#### **4.3 Tree Officer**

There are no objections in principal to the proposal.

The existing trees will require protection in accordance with BS:5837:2012 therefore a tree protection plan will be required.



The quality of the trees growing along the frontage of the site is low and therefore this would be an ideal opportunity to replace the planting with heavy standards which would enhance the site.

*The applicant has agreed to a prior to commencement condition.*

4.4 Archaeology

This site has been subject to previous archaeological evaluation which returned negative results across the development footprint. Therefore no further work is required and there is no objection to this proposal on archaeological grounds.

**Statutory / External Consultees**

4.5 Transport

No objection subject to conditions.

4.6 Drainage

No objection subject to a pre-commencement SUDS condition.

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

4.7 Wessex Water

We can accept a connection to the public foul sewer to accept foul flows only from the proposed 4 dwellings.

The proposal is located in an area prone to sewer flooding caused by high levels of groundwater during prolonged periods of wet weather. Separate systems of drainage on site must be completely watertight to prevent restricted uses during these prevailing conditions.

There must be no surface water connections into the foul sewer network.

**Other Representations**

4.8 Local Residents

Three letters of objection have been received from local residents. The points raised are summarised as follows:

Design and impact on character of the area:

- Out of keeping – rectangular boxes no detailing and does not reflect the character of the lane
- Crammed into site
- Density has increased as these are 4 large houses rather than 2 smaller and 2 larger ones
- Trees on verge will need to be removed

Transport:

- Large tractors and trailers use the lane, but also large vans – likely block the lane and cause safety hazard
- Insufficient parking
- Wotton Road has high speeds

- Range of services within walking distance is limited
- Footway to school is narrow and adjacent to busy road
- Bus services less frequent than stated in Planning Statement
- Single track lane with insufficient room for vehicles to pass
- Traffic survey was deficient

Policy:

- Previous outline approval given when LPA could not demonstrate a five year land supply – situation has now changed

Drainage:

- Foul sewerage system is already overloaded and prone to overflowing. One of the conditions of the outline application was to obtain confirmation and acceptance of an agreed connection point for foul sewage disposal from Wessex Water.

Other:

- Do not disregard any of the objections that I have made previously
- Damage and destruction of wildlife

## **5. ANALYSIS OF PROPOSAL**

5.1 The proposal is for the erection of 4 new homes with new access, parking and associated works.

5.2 Principle of Development

The principle of development has already been established on this site. This is a material consideration and significant weight is given to this position. In addition, the outline permission was for four houses as is this full planning application. Again significant weight is given to the similarities. There is no need to re-cover the location of the site outside the settlement boundary of Rangeworthy or the loss of agricultural land as these matters were discussed under the outline scheme and remain the same.

5.3 Notwithstanding the principle of development has been recognised, this full planning application must still be assessed against all other relevant planning policies which would include design, residential amenity, impact on transport and impact on landscape.

5.4 Design

The proposal is for four two-storey dwellings to be located on an area of land in between existing residential properties. This scheme would see the dwellings arranged in a linear fashion following the principle set by the outline scheme approved in 2018. Again the scheme would be for a pair of semi-detached dwellings flanked on either side by detached properties. Each dwellings will have 3 beds and have a gable fronting the highway.

5.5 The scale and massing of the development is therefore acceptable.

5.6 Comments have been made by local residents regarding the proposed appearance. The developer has followed advice given in pre-application

discussions to inform this submission. As such the new dwellings would be two-storey in height, reflecting the residential nature of the road. It is noted that the rooflines will be asymmetrical but this feature adds interest and would consolidate the group of four as a small development of new houses. In a similar way the proposed materials reflect the rural nature of the overall setting and also the ethos of the developer as an individual rather than a volume housebuilder in creating distinct and bespoke schemes. The exterior of the houses would therefore be finished in high quality zinc roofs with high quality timber boarding of a pale colour to be agreed through condition. Another recent approval in Patch Elm Lane has also used timber cladding and so a refusal regarding the use of this material in this scheme could not be maintained in an appeal situation.

5.7 This approach is considered acceptable and can be supported.

5.8 Residential Amenity

Policy PSP8 and Policy PSP43 seek to ensure development does not have an adverse impact on residential amenity. This full application has acknowledged the proximity of neighbouring dwellings and as such the positioning of the end houses (Plots 1 and 4) have been made so as to not result in inter-visibility between or overlooking between the new and existing residential dwellings. It is acknowledged that the development would result in some changes for the existing residential properties but these changes would not be to such an extent as to warrant the refusal of the application.

5.9 Moving on to the relationship between the proposed new dwellings, again the design has been carefully thought out to avoid impact on the amenity of future occupants. Plans indicate the amount of garden area proposed for the new houses would be acceptable to serve the 3 bed dwellings. .

5.10 Transport

This application follows an approved outline scheme for 4 dwellings on the site. Under that application a Transport Statement assessed the site's location, the local highway network, the site's accessibility and opportunities for sustainable travel, a forecast of trip generation and predicted impact on the local highway network, an assessment of the junction capacity and a review of local highway safety. The details were found acceptable and the scheme was supported subject to conditions. In terms of the site layout and amount of parking provision, this application is also acceptable subject to conditions regarding parking and an informative regarding the creation of a cross over from the site to the carriageway.

5.11 Comments from local residents regarding such matters as the speed of traffic on Wotton Road, the narrowness of Patch Elm Lane, the lack of bus services etc are noted. These are very similar to the points raised by neighbours in the previous planning application. However, these matters were assessed under the outline scheme and found not to be sufficient to warrant the refusal of the scheme. The extant outline planning permission for 4 houses on this site is noted. This proposal is for the same amount of development and as such holds significant weight. In transport terms no objection is raised.

5.12 Ecology

During the course of the application additional details were required to be submitted to the LPA. A Preliminary Ecological Appraisal (Abricon, November 2017) and Bat Activity Surveys (Abricon, May 2018) was therefore submitted alongside the application. A revised plan shows that the stable will remain untouched in January 2020.

5.13 The initial bat assessment concluded that the stable building had moderate suitability for roosting, though no evidence was found at the time of the survey. Two activity surveys were carried out and found no emerging bats, however the following species were found to be foraging around the site common pipistrelle, noctule, serotine and brown long-eared bats. Nesting barn swallows within the stable were recorded as well as the trees and hedge offsite have potential for nesting birds. It is considered highly unlikely that great crested newts will be on site and reptiles were not a constraint on the site anymore as horses were grazing the grass which is its original land use.

5.14 The ecological appraisal details propose various mitigation measures and subject to the scheme proceeding in accordance with these details there are no ecological objections. Appropriate conditions will be attached to the decision notice.

5.15 Trees and landscape

A number of mature trees are noted outside the application site on the other side of the dry stone wall. The submitted proposed site plan indicates their position and implies that the proposed access would not affect the trees. However, access is shown through an area of planting and through the dry stone wall. The retention of trees along this boundary is an important consideration and the entire scheme presents an opportunity for the planting of new trees and landscaping. The retention of the stone boundary wall is also required given that contributes to the character of the area. .

5.16 Given South Gloucestershire Council has announced a climate change emergency, all new development should provide a robust planting scheme to assist in tackling climate change. As such a comprehensive landscape scheme including details of the stone wall, native hedge and tree planting and how the existing trees are to be protected should be submitted to the LPA for consideration prior to commencement of development. Hedge could be single or mixed native species and trees could include fruit trees.

5.17 Drainage

A number of local residents have mentioned the existing problems with the current drainage system. There are two issues the surface water and the foul water. With regards to the surface water, the Lead Local Flood Authority has requested a SUDS condition be attached to any planning permission to ensure a satisfactory system is put in place for this development. The applicant has agreed to this being a prior to commencement condition.

5.18 Moving on to the foul system - It is noted that in this full planning application, the applicant has provided drainage strategy plans drawn up by Hydrock, a specialist engineering company experienced in drainage matters.

It is understood that the developer has also sought the opinion of Wessex Water and that an acceptable point of connection to the sewerage system can be achieved. This has been confirmed in to the LPA by Wessex Water in a consultation response letter. Following established procedure, the details of the connection are to be agreed separately between the developer and Wessex Water.

5.19 Pre-commencement conditions

The agent has agreed to pre-commencement conditions relating to drainage and trees/landscape matters.

5.20 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.

5.21 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.

5.22 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.

5.23 Planning Conclusion

This proposal follows an approved outline scheme for four new dwellings on this site. The development is therefore acceptable in principle. This proposal also follows detailed pre-application planning advice which the applicant has followed in the submission of this scheme, including matters of design and appearance. This is given weight in the assessment. The proposal has been found to be acceptable in terms of impact on highways and residential amenity. Matters of drainage problems have been highlighted by neighbours but Officers are satisfied that an appropriate and acceptable drainage system for both surface water and foul, can be installed to serve this development and one that would not exacerbate the existing situation. Given the above, the proposal is considered acceptable and can be recommended for approval.

## 6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies,

Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

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

As received by the LPA on 1.11.19:

The location plan - AL(0) 01 - P0

Site elevations - AL(0) 30 - P1

Site elevations - AL(0) 31 - P1

As received by the LPA on 14.11.19:

Contextual site block plan - AL(0) 13 - P2

Contextual site roof plan - AL(0) 15 - P2

Dwelling 01 Floor plans - AL(0) 16 - P2

Dwellings 02 and 03 Floor plans - AL(0) 17 - P2

Dwelling 04 Floor plans - AL(0) 19 - P2

Dwelling 01 elevations - AL(0) 35 - P2

Dwellings 02 and 03 elevations - AL(0) 36 - P2

Dwelling 04 elevations - AL(0) 38 - P2

As received by the LPA on 5.2.19:

Demolition plan - AL(0)10 - P1

Proposed ground floor plan including retained shed - AL(0)10 - P5

Proposed first floor plan - AL(0)11- P4

Proposed site roof plan - AL(0)12 - P4

Reason

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

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

Reason

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

4. The dwellings shall not be occupied until the access and parking arrangements have been completed in accordance with the submitted details Ground floor plan AL(0)10 P5 received 5.2.20.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP11 of the Policies Sites and Places Plan (Adopted) 2017 and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

5. The dwellings shall not be occupied until two covered and secure cycle parking spaces and an electric vehicle charging point (or other ultra-low emission facility) 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 encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and PSP16 of the Policies Sites and Places Plan (Adopted) 2017.

6. Prior to that part of the development details and samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

7. The development shall proceed in strict accordance with the Mitigation Measures provided in Chapter 5 of the Ecological Appraisal and Bat Survey Report (Abricon, December 2017 / June 2018).

Reason

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

South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework.

8. Prior to first occupation, evidence of the installation of the ecological enhancement features recommended in the Ecological Appraisal and the Bat Survey Report (Abricon, December 2017 & June 2018) shall be submitted to the local planning authority for approval in writing. This shall include, but is not limited to, bird boxes and bat boxes.

Reason

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

9. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows affected by the development and details of any to be retained, together with measures for their protection in the form of a tree protection plan in accordance with BS:5837:2012; proposed planting (and times of planting); boundary treatments and areas of hard surfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

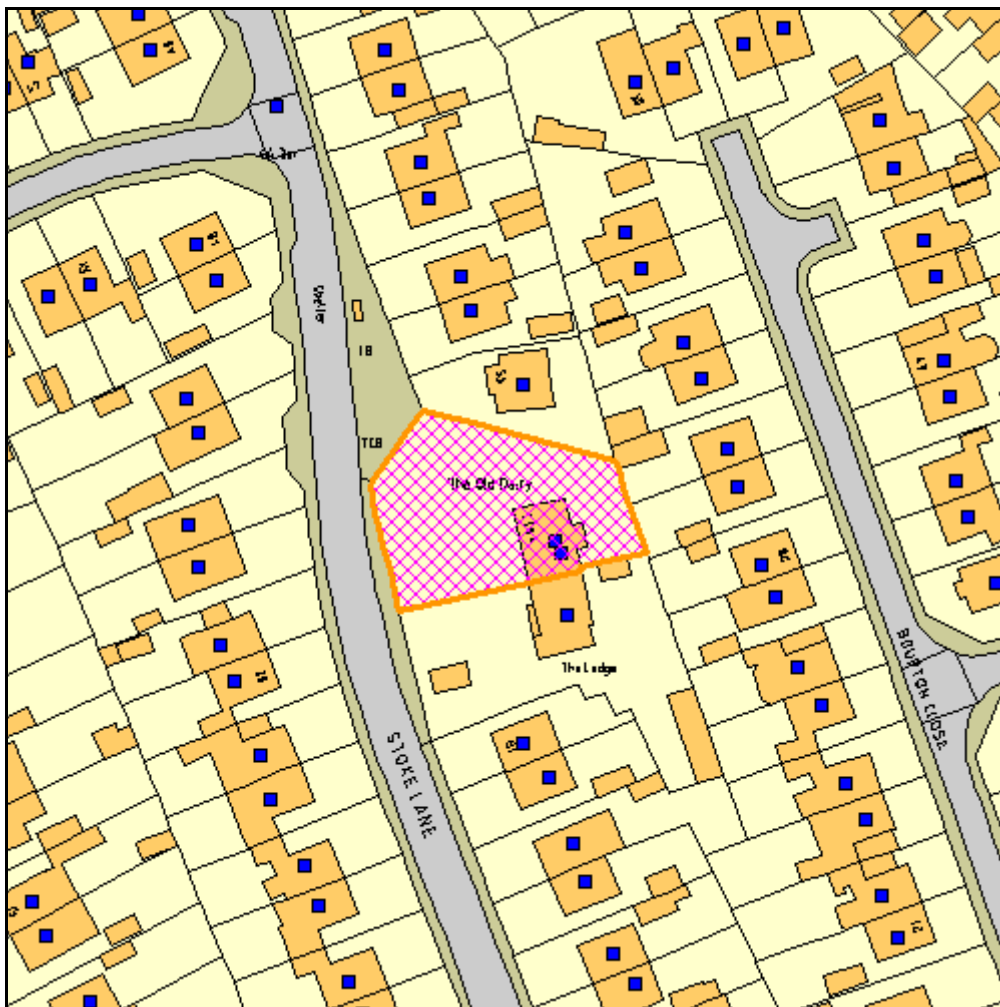
Reason

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



**CIRCULATED SCHEDULE NO. 08/20 – 21 FEBRUARY 2020**

<b>App No.:</b>	P19/16541/F	<b>Applicant:</b>	Mr And Mrs Smith
<b>Site:</b>	The Old Dairy Stoke Lane Patchway Bristol South Gloucestershire BS34 6DU	<b>Date Reg:</b>	12th November 2019
<b>Proposal:</b>	Erection of two storey extension to form 1no. residential dwelling with access and associated works (Resubmission of PT15/0326/F).	<b>Parish:</b>	Stoke Lodge And The Common
<b>Map Ref:</b>	361109 181865	<b>Ward:</b>	Bradley Stoke North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th January 2020



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 100023410, 2008. **N.T.S.** **P19/16541/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.

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

A representation has been made by the parish council, which is contrary to the findings of this report. Under the current scheme of delegation it is therefore required to be taken forward under the Circulated Schedule procedure.

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the erection of a two storey extension to form 1no. residential dwelling with access and associated works. The application relates to the Old Dairy, Stoke Lane, Patchway.
- 1.2 The existing property comprises a two-storey semi-detached building named 'The Old Dairy', located in the urban fringe area of Stoke Lane, Patchway. The building is set back from Stoke Lane and has large grounds at the front of the property, with a natural stone curtilage wall. The building itself dates from the late 19th century, with a double bay window frontage. The building originally formed part of Stoke Lodge, and forms one of the original properties on Stoke Lane. The building is neither locally nor nationally listed.
- 1.3 The building has been sub-divided over time, and currently contains 5no. 1-bed flats. A planning application, which seeks to convert a basement area to a self-contained flat, is currently being considered by the Local Planning Authority.
- 1.4 Planning permission was granted in May 2015 for the erection of a two storey side extension to form a new 2-bed dwelling at the site under application ref. PT15/0326/F. The proposal presented as part of this application is identical to that previously approved. However as the previous permission has now expired and is no longer implementable, the development will be re-assessed against current policy. That said, the previous approval of an identical scheme is a material factor in the consideration of the current application.
- 1.5 A revised site plan, showing amended access and parking arrangements, was received by the Local Planning Authority on 29<sup>th</sup> January 2020.

### **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  
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

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages, 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

### 3. RELEVANT PLANNING HISTORY

#### 3.1 **P19/16540/F**

Conversion of existing basement area to form 1 No. flat with access and associated works.

Status: Pending Consideration

#### 3.2 **PT15/0326/F**

Erection of two storey extension to form 1no. residential dwelling with access and associated works. (Resubmission of PT14/3208/F).

Approved: 06.05.2015

#### 3.3 **PT14/3208/F**

Erection of two storey extension to form 2no. self contained flats with access and associated works.

Refused: 13.10.2014

#### 3.4 **PT14/3041/F**

Conversion of existing basement area to form 1no new dwelling with associated works. (Resubmission of PT14/0820/F).

Approved: 26.09.2014

### 3.5 **PT14/0820/F**

Conversion of existing basement area to form 1no new dwelling with associated works.

Withdrawn: 02.05.2014

## 4. **CONSULTATION RESPONSES**

### 4.1 Stoke Lodge and the Common Parish Council

Object to new driveway onto Stoke Lane. Exit is over narrow pavement. High walls on either side also restrict visibility. At least 12 cars can use the exit and this raises the risk of an accident with traffic on Stoke Lane. Plan of road layout is also inaccurate as it does not show pedestrian crossing refuge which is close to exit and could cause problems with traffic management.

### 4.2 Other Consultees

#### Archaeology Officer

No objection

#### Highway Structures

No comment

#### Lead Local Flood Authority

No objection

#### Sustainable Transport

No objection to revised parking and access arrangements. Condition should secure electric vehicle charging point.

#### Strategic Environment and Climate Change Team

No comment

### **Other Representations**

### 4.3 Local Residents

One letter of support was received during the course of the application process. The main points raised are summarised below:

- Proposals breathing life into old buildings.
- Proposed vehicle access is better than existing. This is set back more on the pavement, obscuring view of traffic using Stoke Lane. New drive is safer for pedestrians and people using bus stop.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application seeks permission for the erection of a two storey extension to form a 2-bed, self-contained residential unit together with the provision of a new

access and associated works. The application relates to a site situated in the urban fringe area of Patchway.

- 5.2 Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that most new development in South Gloucestershire will take place within the communities of the north and east fringes of the Bristol urban area, and within the defined boundaries of settlements. The application site is located within the area defined as the north fringe of the Bristol urban area. As such, based solely on the location of the site, the development is acceptable in principle.
- 5.3 The provision of a new dwelling is acceptable in principle under the provisions of policy CS5, and it is acknowledged that the provision of an additional dwelling towards housing supply would have a modest socio-economic benefit. However the impacts of the development proposal must be further assessed against relevant policy in order to identify any potential harm. The further areas of assessment are; design and visual amenity, impacts on residential amenity and impacts on the surrounding transportation network.
- 5.4 Design and Visual Amenity  
Policy CS1 of the Core Strategy seeks 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. Policy CS1 is fully compliant with design guidance in the NPPF.
- 5.5 The overall design approach results in the proposed residential unit appearing as an ancillary extension to the main building. In terms of overall form and scale, the proposed structure is considered to be appropriate, and would appear as a well-integrated and proportionate addition to the host building.
- 5.6 That said, designing a new residential unit to appear as an extension is not generally an acceptable design approach. In most circumstances, any new residential unit should seek to reflect the overall form and proportions of other residential units in the area, as opposed to reading as a subservient addition.
- 5.7 However in this instance, the proposed new unit would attach to a substantial building which has clearly been sub-divided in to a number of separate units. Given the tenure of the existing building, it is not considered that the new residential unit would appear as an unnatural or overly prominent addition.
- 5.8 In terms of the more detailed elements of the design, as per the previous application, the host is considered to comprise a building of local architectural and historic distinctiveness that stands out due to its location in a very modern, urban environment. As such, the detailed finish of the extension should be to a high standard. As per the previous consent, a condition will be attached to any consent requiring the materials used in the external finish of the extension to match those of the host. Conditions will also be attached requiring detailed specifications of finishes to be submitted following determination.

- 5.9 Subject to these conditions, it is not considered that the development would significantly degrade the character and appearance of the host, or have any significant adverse impact on the visual amenity of the locality. The proposal therefore accords with policy CS1 of the Core Strategy.
- 5.10 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. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.11 In terms of the previous application, it was concluded that a sufficient degree of separation would be retained between the proposed structure and surrounding residential units, as to avoid creating any undue sense of overbearing or overshadowing. Furthermore, the arrangement of openings was considered to be appropriate, with it being concluded that the provision of the new dwelling would not result in significant overlooking on to neighbouring residents.
- 5.12 The current proposal does not differ from the previously approved scheme in terms of the scale and layout of the building or arrangement of openings. Furthermore, there have been no material in the immediate surrounding locality since the determination of the previous application. As such, it is not considered that the current proposal would result in any unacceptable impact on the amenity of local residents.
- 5.13 In terms of the amenity of residents of the development, it is considered that sufficient internal and external space would be provided as to serve the needs of future occupants. A rear garden area would also be retained for the host building, which would provide external communal space for residents of the existing flats.
- 5.14 Overall there are no fundamental concerns regarding the impact of the development on residential amenity. However it is acknowledged that the occupants of the flats contained within the host would likely be subject to a degree of disturbance during the construction period. Whilst this does not justify the refusal of the application, in the interests of protecting amenity, a condition will be attached to any decision restricting the permitted hours of operation during the construction period. Subject to this condition, the development is considered to comply with policy PSP8.
- 5.15 Transport  
As part of the proposal for the new dwelling, it is proposed to alter the existing vehicular access and parking arrangements for the entire building. At present, the site is accessed via an entrance point at the northern corner of the site. This access is set at an angle away from the highway, with motorists required to drive across a significant portion of the pedestrian highway in order to access the site. Parking is provided along the northern boundary of the site.

- 5.16 The proposal seeks to provide a new access point at the western boundary of the site; to the frontage of the main building. Parking spaces would then be provided immediately adjacent to the access point, and on either side of a manoeuvring area.
- 5.17 The transport officer has reviewed the proposals and considers the proposed access point to be more suitable for the site. Providing access at the western boundary would eliminate the need for vehicles to cross such a large portion of the pedestrian highway, with greater levels of visibility also provided. Some initial concerns were raised regarding a potential conflict with a traffic island located within the highway, and the concerns raised by the parish council in this respect are noted. The access point was subsequently relocated in order to avoid the conflict, and the revised access point is considered acceptable.
- 5.18 In terms of parking, sufficient parking space will be provided as to serve both the new dwelling proposed as part of this application, and the flats contained within the existing building. As such, the parking provision is considered to be acceptable. A condition will be attached to any decision ensuring that the proposed access point, parking area and manoeuvring area are implemented in accordance with approved plans prior to the first occupation of the proposed dwellinghouse.
- 5.19 Whilst the comments made regarding an electric vehicular charging point are noted, given the scale of the development and the sustainable nature of the location, it is not considered reasonable or necessary in this instance to request a charging point by condition.
- 5.20 Overall, subject to the aforementioned condition, the development is considered to be acceptable from a transportation perspective.
- 5.21 Trees and Landscaping  
New areas of landscaping are proposed around the site, and it is considered that this would aid in providing a more attractive appearance. However little detail is shown on plans, and therefore a condition will be attached to any consent requiring a more detailed scheme of landscaping to be submitted post-determination.
- 5.22 It is also noted that two large trees are situated to the frontage of the building. Submitted plans indicate that the trees will be retained as part of the development. This is considered the most appropriate approach, as the trees are considered to contribute positively to the visual amenity of the streetscene. However as the trees are not protected, it is not considered reasonable or necessary to request the submission of a full arboricultural survey.
- 5.23 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.

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

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the extension, including the tiles, render and fascia board, hereby permitted shall match those used in the existing building in terms of colour, finish, appearance and detailed execution.

Reason

To ensure the quality of materials and finishes are high and to maintain the architectural and historic character of the original building, to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.



3. Prior to the commencement of the relevant part of the development, large scale details (scale of 1:5) of the following items shall be submitted and approved in writing by the local planning authority:
  - a. All new stone surrounds;
  - b. All new cills, quoins and parapets;
  - c. All new windows (to be sliding sash windows)The works shall be completed strictly in accordance with the agreed details.

Reason

To ensure the quality of materials and finishes are high and to maintain the architectural and historic character of the original building, to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

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

Reason

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

5. Prior to the first occupation of the dwelling hereby approved, the proposed access and parking arrangements shall be implemented in full, and in accordance with the details shown on plan CA14066/100 Rev C (received on 29th January 2020). Once completed, the access and parking arrangements shall thereafter be retained as such.

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 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; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for written approval. Development shall be carried out strictly in accordance with the agreed details.

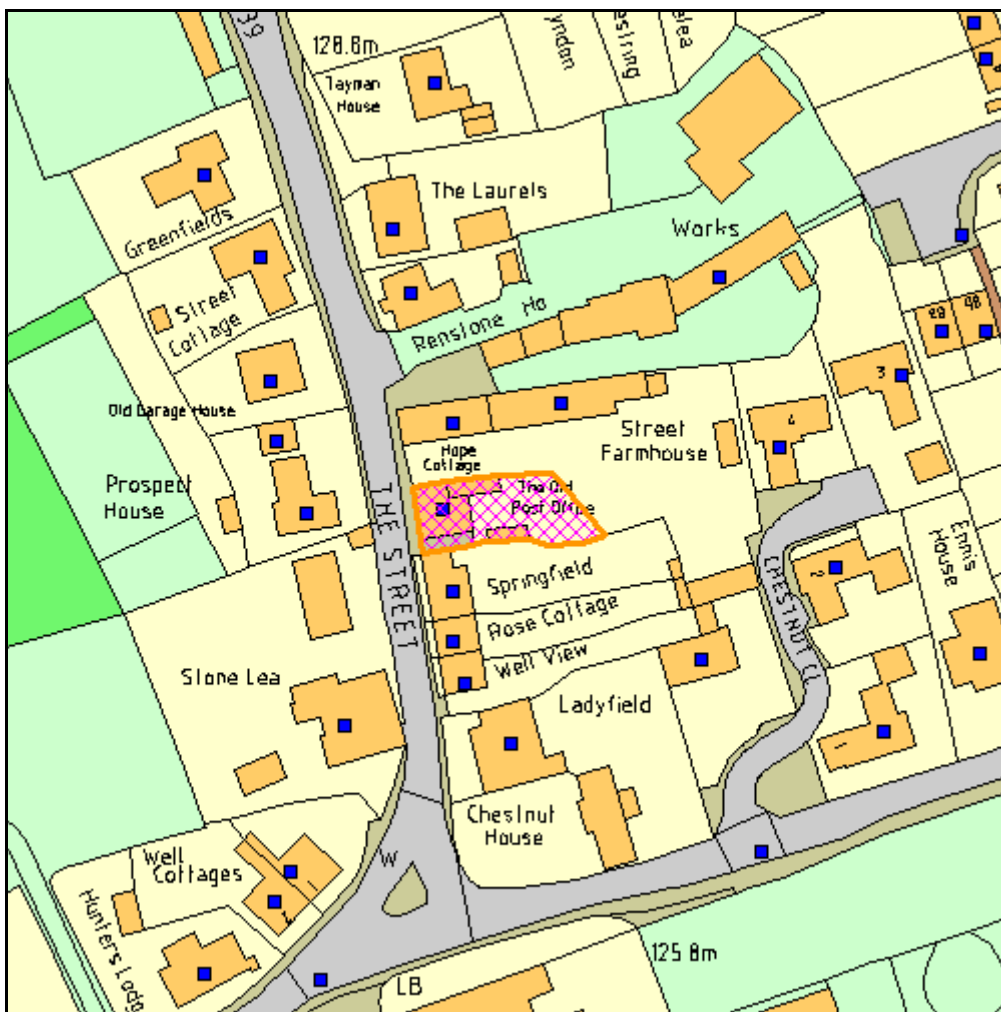
Reason

In the interests of preserving the character and appearance of the site and surrounding area, and 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. These details are required to be agreed prior to the commencement of development to avoid causing harm to existing vegetation during initial ground works.

**CIRCULATED SCHEDULE NO. 08/20 – 21 FEBRUARY 2020**

<b>App No.:</b>	P19/18236/F	<b>Applicant:</b>	Mr Ian Jarvis
<b>Site:</b>	The Old Post Office The Street Acton Turville Badminton South Gloucestershire GL9 1HH	<b>Date Reg:</b>	20th December 2019
<b>Proposal:</b>	Erection of side and rear extensions to provide additional living accommodation.	<b>Parish:</b>	Acton Turville Parish Council
<b>Map Ref:</b>	380950 180879	<b>Ward:</b>	Chipping Sodbury And Cotswold Edge
<b>Application Category:</b>	Householder	<b>Target Date:</b>	14th February 2020



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

## **REASON FOR BEING REFERRED TO THE CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule because the Parish Council have objected which is contrary to the officers recommendation.

The application has also received in excess of 3 objection comments from neighbours, contrary to the officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The proposal seeks planning permission to erect a single storey extension to the rear of the dwelling and to make alterations to the existing outbuilding in order to create additional living space and an additional bedroom which will be connected to the main dwelling through a small scale link extension.
- 1.2 The application site is a detached cottage located within the defined settlement boundary of Acton Turville. The site lays within the Acton Turville Conservation area and is within the Cotswolds Area of Outstanding Natural Beauty.
- 1.3 Revisions to the original plans were sought during the application process in response to concerns raised by the Conservation Officer.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS5	Location of Development
CS9	Managing the Environment and Heritage

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) August 2007  
Local List SPD (Adopted) March 2008  
Residential Parking Standard SPD (Adopted) December 2013

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

- 3.1 P95/1369/C – Removal of render to facilitate re-rendering with lime based render (front elevation). Conservation area consent – 02/05/1995
- 3.2 P96/2078/C – Alteration to facilitate conversion of outbuilding to playroom and WC. Conservation area consent – 19/08/1996

### 4. **CONSULTATION RESPONSES**

#### 4.1 Acton Turville Parish Council

Object to the proposal. Summarised as follows:

- Scheme is large, property has already been extended in this past and this will create a substantial increase in the buildings footprint
- Shared walls – neighbour will not agree to them being used/altered (party wall issue)
- Northern wall will overshadow neighbouring property leading to loss of light as their garden faces south.
- Proposed new entrance adjacent to neighbour will result in disturbance
- Alongside new entrance is a boiler vent – this is dangerous
- Garden is landlocked – this means oil for the central heating will have to go through residential accommodation.
- Concern that the new bedroom (outbuilding) will be able to be self-contained – raises suspicion that this could be turned in to letting accommodation which raises concerns over parking.

#### 4.2 Sustainable Transport

Property has no off-street parking but extra bedroom is not considered to increase traffic generation to and from the site. As such, no transportation objections.

#### 4.3 Listed Building and Conservation Officer

No objection to the rear extension which is not visible from the public realm – however raises issue with the proposed 'link structure' joining the outbuilding to the cottage. Whilst not grounds for objection, requests that this aspect is thought through.

It should be noted that amended plans were sought to address this concern which were to the satisfaction of the Listed Buildings and Conservation Officer.

#### 4.4 Archaeology Officer

No Comments

#### 4.5 Ecologist

Objection until a bat survey has been completed – the outbuilding could provide roost for bats. Preliminary bat roost assessment needed and then if necessary a full bat survey. The shed should also be included in this.

*Following this a scoping survey was undertaken and a precautionary working method statement was produced to the satisfaction of the Council's Ecologist.*

#### 4.6 Councillor

Objection – Summarised as follows:

- Original building is of historic interest to the village and this proposal will result in significant addition.
- There is an office/garden room which is not included in the plans
- Strange layout which leaves garden landlocked making it difficult to get oil in for heating and creates a problem for bins.
- Neighbour adjacent to the new entrance will lose light and privacy. Loss of light also to northern neighbour.
- Boundary wall between northern neighbour and the garden – there is no permission to use this
- Dry Stone walls should not be interfered with and left in natural state – the ecology in them should not be disturbed.

#### 4.7 Local Residents

10 Objections were received. It should be noted that one of these objections was produced by Vision Planning on behalf of both the Northern and Southern neighbours. 5 of the objections received were made after the formal consultation period had ended. Objections summarised as follows:

- Neighbouring property (north) lower than the Old Post Office – drawing suggests that changes will be minimal – they won't. Impact will be much more significant.
- Proposal will alter the character of the period village – conservation is about more than preservation of a buildings appearance and should embrace the building as whole. The scheme will harm rather than enhance the character and landscape.
- Proposal is suburban in character
- Dry stone walls are a feature of the village and should be maintained
- The proposal will result in losses of light and outlook to neighbouring dwellings (both sides) – fails the 45 and 25 degree tests.
- Proposal will result in loss of views
- Proposal will decrease the capital value of neighbouring dwellings
- Creating a second entrance is not necessary: this could lead to the outbuilding being rented out as a separate unit which would compromise parking.
- Second entrance would alter the period alleyway, create a narrow dark tunnel and call in to question the ability to move anything of substance in to the side entrance of neighbour.
- The proposal would impact on the dark skies (protected in the Cotswold AONB)
- Proposed extension would result in loss of privacy/overlooking
- Impact on traffic and parking. Proposal will increase parking demand. The Street is rarely free of parked cars and is very busy. Traffic has to slow down.
- Dwelling opposite has difficulty accessing their property if cars are parked opposite.

- The proposal would impact the inter-visibility between the neighbouring dwellings gardens.
- Neighbours not properly consulted

*It should be noted that immediate neighbours were formally consulted in relation to the proposal as per the correct procedure and it is a matter for the applicant as to whether or not they undertake additional consultation with neighbours themselves.*

5 comments in support of the proposal were also received. 2 of which after the formal consultation had ended.

- Design is sympathetic and considerate
- Will have little impact on the neighbours
- Not two storey – a simple extension that utilises the existing outbuilding
- Adds privacy to the gardens, if anything
- Limited space in the dwelling – increasing family space/kitchen is a good idea.
- Rear entrance has always been used as a main entrance
- Proposal will update and improve what is there currently. The garden is lower than the neighbours – proposal will not impact on light.
- On completion it will add to the village as opposed to detract
- Originally there were buildings running down the North wall where building is intended
- The design was initially run past neighbours and concerns addressed before applying
- No intention to let out any part of the dwelling
- People have the right to enhance their properties if it meets building regulations/planning laws
- Comments are from people outside the village – organised outcry which is disruptive
- Councillors and planning officers should determine solely on the facts and regulations.

*It should be noted that not all of the matters raised can be given weight as planning considerations. These will be addressed in the 'Other Matters' section of this report.*

## **5. ANALYSIS OF PROPOSAL**

5.1 The proposal seeks to erect a single storey rear extension to increase living space and connect an existing outbuilding to the main dwelling.

### 5.2 Principle Of Development

PSP 38 of the South Gloucestershire Policies, Sites and Places Plan (adopted November 2017) permits development in principle where they do not unduly harm the design, visual amenity and residential amenity of the locality or prejudice highway safety of the provision of adequate private amenity space. PSP38 is achieved through CS1 of the South Gloucestershire Core Strategy (adopted December 2013), which requires development to demonstrate the highest standard of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by, respect

and enhance the character, distinctiveness and amenity of both the site and its context.

- 5.3 The proposal is situated in a Conservation Area, the Cotswolds AONB and is a Locally Listed Building. As such, additional consideration is required. PSP17 of the PSPP expects proposals within or affecting the setting of a conservation area to preserve or where appropriate enhance the elements which contribute to their special character or appearance. PSP17 also covers locally listed buildings (heritage assets) and stipulates that development proposals affecting locally important heritage assets should ensure that they are preserved or enhanced.

PSP2 of the PSPP requires development that will affect the setting of the AONB to demonstrate that it would not adversely impact upon the natural beauty of the AONB. The principle of development is acceptable subject to the following consideration.

5.4 Design and Visual Amenity

The proposal for a single storey rear extension is comprised of three main components: A single storey rear extension to the left hand side with a gabled roof. A single storey 'lean to' rear extension including a 'link extension' connecting the existing outbuilding and alterations to the exterior of the outbuilding. The existing dwelling has been extended in the past to the left hand side which currently projects from the rear elevation by a total of approx. 6.2 metres. It should be noted that of this 6.2m total, 3.5 of those metres accounts for what is in effect an 'infill' extension (completion unknown) which comes flush with the original rear elevation, as such this is to be classed as part of the existing rear elevation. The additional 'lean-to' extension projects from this by 2.7 metres (approx.).

- 5.5 The new gabled part of the rear extension will see the removal of the existing 'lean to' extension and will join on to the rear elevation of the dwelling. From the rear elevation the extension will project by 5.5 metres. The ridge height of the new dual pitched roof will be 3.5 metres. The 'lean to' part of the rear extension projects from the rear elevation by 3 metres, with a zinc-seamed roof at a max height of 3 metres.
- 5.6 The 'link extension' is to be built independently of the right hand boundary wall and will be approximately 0.2metres higher at flat roof height than this boundary wall. This link extension creates a second entrance and allows the outbuilding to be accessed directly from the main dwelling. The alterations to the outbuilding comprise of a minor enlargement (out and up) to the rear so that it is in line with the rest of the outbuilding.
- 5.7 The proposal is for a single storey rear extension with a maximum height of 3.5 metres (notwithstanding the height of the existing outbuilding). It is not visible from the public realm, with the exception of the 'link extension' which can be seen from the side access path. This side entrance is in keeping with the character of the area and existing dwelling by virtue of its stone construction and tiled canopy roof.



- 5.8 The rear extension is constructed using materials sympathetic to the existing dwelling and the surrounding area. The stonework is to be rubble limestone so as to match what is used on the existing outbuilding and elsewhere. In order to ensure this, a condition will be attached requiring stonework to match existing. The plans indicate render to be used on the left hand side on the small strip between the eaves and top of the boundary wall. A condition will also be attached requiring this render to match the existing.
- 5.9 The office is of the opinion that the proposal will not have a prejudicial impact on the design or visual amenity of the area. As such the proposal is considered acceptable under the provisions of Policies PSP38 and CS1.
- 5.10 Residential Amenity  
PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwelling through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, and overbearing/dominant impacts. During the consultation process objections were raised on the grounds that the development would prejudice the residential amenity of neighbours, in particular those immediately to the North and South.
- 5.11 The proposal will run along the northern boundary wall by 5.5 metres with a height of 3.5 metres. Concerns are raised that this will result in losses of light and outlook to the northern and southern neighbour's. In using the methods set out in the Assessing Residential Amenity Technical Advice Note (June 2016) it is evident that the proposal will not breach the 25 degree line from the windows of the northern neighbour which are to be affected by the proposal. The officer is satisfied that this proposal will not have an unacceptable impact resulting from losses of light. Due to the south facing nature of the gardens, the officer does not believe there to be potential for losses of light on the Southern neighbour.
- 5.12 In terms of outlook: the 45 degree rule as set out in the TAN when applied to this proposal and the northern neighbour indicates that with the proposal in place, the 45 degree line is not broken, with the exception of where the existing dwelling breaks it which would be unreasonable to consider as an objection. The southern neighbour also only sees the 45 degree line being broken in the case of what is existing. The '12 meter rule' in the TAN was also cited in the consultation. The proposal is single storey and the short window to wall distance is an existing relationship which cannot be mitigated.
- 5.13 The proposed development is in effect for a single story rear extension. By virtue of this the officer does not believe there to be a proposed unacceptable impact with regard to being overbearing or dominant. It is noted that there is some variation in heights between the application site and neighbouring dwellings, but this isn't considered substantive enough to present an issue in terms of Residential Amenity.
- 5.14 The proposed extension being single storey and overlooking the rear garden of the existing dwelling is not liable to result in an unacceptable degree of overlooking or loss of privacy.

- 5.15 Objections were raised relating to noise and vibration. Whilst permanent noise and vibration would be unacceptable, it is reasonable to assume that during the course of construction there will inevitably be noise and vibration created, however this in itself is not reasonable grounds to refuse an application. However, due to the close relationship and site characteristics, it would be prudent to attach a condition in order to regulate the working hours at the site. These hours will be 8:00am to 5:00pm Monday to Friday and 8:00am and 1:00pm on Saturdays.
- 5.16 Parking Standards and Highway safety  
PSP16 requires developments to provide levels of parking based upon the number of bedrooms at a dwelling. In this case there is no existing off street parking and no scope to include any. Although there will be an increase in the number of bedrooms by 1, there is not technical increase in parking demand under PSP16. The site is therefore already substandard in terms of parking provision, and as no new technical demand is created it would be unreasonable to object on the basis of parking.
- 5.17 Private Amenity Space Standards  
PSP43 sets out requirements for private amenity space provision based on the number of bedrooms. A 4 bedroom dwelling should provide at least 70 Sq metres of private amenity space. In excess of 70sqm is retained. There is no objection raised under PSP43.
- 5.18 Conservation and AONB Issues  
As the site is a locally listed building and sits within the Acton Turville Conservation Area and the Cotswolds AONB, additional consideration needs to be given to assess how the proposal will impact on the heritage asset and both the character and appearance of the conservation area and the natural beauty of the AONB.
- Impact on the Acton Turville Conservation Area and Locally important heritage assets*
- 5.19 The building is locally listed and one that makes a positive contribution to the character and appearance of the conservation area. The proposed extension sits to the rear of the dwelling, with the only part visible from the public realm being the small 'link extension'. The proposed extension is to be constructed using materials sympathetic to the existing dwelling and is not in the officer's view liable to have a detrimental impact on the character/appearance of the heritage asset. In terms of its impact on the conservation area, the proposal is considered to be acceptable by virtue of its size, scale and setting to the rear of the dwelling. The only part visible from the front and public realm is the new side entrance. This part of the proposal is small, set to the back to a side access path and is to be constructed in a manner sympathetic to the existing building.
- 5.20 Concern is raised with regard to the loss of the drystone boundary wall. The plans do indicate that this will be removed, but the plans also indicate that a new boundary will be drystone faced. This is considered acceptable in conservation terms. Concerns are raised regarding the ecological impact of this

change. It should be noted that in consultation the Ecologist raised no objection in this regard. The wall to be altered is small and will not have a significant adverse impact on either conservation or ecology.

#### Impact on the Cotswold AONB

- 5.21 The proposal is situated mostly out of the view of the public realm in an enclosed garden and is of a single storey construction. As such, the officer is of the opinion that the proposed development will not have a detrimental impacts on the natural or scenic beauty or the setting of the Cotswold AONB.
- 5.22 Concern was raised that the proposal would have a detrimental impact on Dark Skies which are a characteristic of the AONB. This concern was raised in relation to the roof lights and additional windows to be installed on the roof of the rear extension. The plans do indicate that 3 roof lights are to be installed on the rear 'lean to' roof and additional fenestration elsewhere. The officer does not hold the opinion that the presence of 3 roof lights and additional windows on the rear extension will present any noticeable increase in light pollution which will have a detrimental impact on the Dark Skies of the AONB.
- 5.23 Ecological Issues  
There was an initial ecological objection until further information in the form of a preliminary bat roost assessment was submitted. Consultation responses also cited concerns over the impact on ecology.
- 5.24 In determination of a planning application, due diligence must be given to how a proposal may impact protected species with respect to the Habitats Regulations. As there was identified the potential for bat activity a preliminary bat roost assessment was requested and duly provided. This returned a low/negligible risk to bats which negated the need for full activity surveys. Instead, a precautionary working method statement was proposed and agreed to by the Councils Ecologist. This details steps to ensure no bats are present prior to work starting and sets out a plan of action should a bat be found. The WMS also makes provisions for nesting birds should they be found when works are underway. A condition will be attached that the proposal is to be carried out in strict accordance with the details provided and agreed upon.

#### 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 is considered to have a neutral impact on equality.
- 5.27 Other Matters  
A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below:
- 5.28 The location of the boiler vent in relation to the new entrance is not a planning matter. This would be the concern of building control and the relevant building regulations.
- 5.29 Party wall issues and agreements are not a planning matter. This is a civil matter – the applicant is reminded of the Party Wall Act and the need to gain the relevant permission when working on or over other land not in ownership, including foundation works. An informative will be attached to the decision reminding the applicant of this as it standard practice. Similarly, the ‘right to light’ is not a planning consideration and is a civil matter.
- 5.30 The method in which the house receives its heating oil is not a planning matter and is a matter for the occupant. The officer would point out that the dwelling would also be liable to change its heating system at any point without planning permission.
- 5.31 Concern was raised that by creating a second entrance it would create the opportunity to let out the outbuilding as a separate unit. The officer would like to take opportunity to remind members that a planning application should be assessed on its own merits and not on suspicion of what might happen in the future. No evidence is provided to suggest that the second entrance will be used to create a separate unit and as such this would not be a reasonable reason to refuse permission.
- 5.32 Loss of views – there is no right in law to a specific view. The loss or change of a particular view is not a planning consideration.
- 5.33 Capital devaluation of neighbouring properties – This is not a planning consideration.
- 5.34 Concern over traffic and access is noted and parking is addressed in the relevant section of this report. However as addressed this proposal does not create a technical increase in demand. The presumption is that road users will drive safely, legally and will park both safely and legally. The behaviour of other road users is not a material planning consideration and not grounds to reasonably refuse permission. Concerns over highway safety should be made to the relevant authority, for example concerns over speed or dangerous parking should be raised with the Police.
- 5.35 During the consultation period a representation was made by Vison Planning which provided 3D visualisations of how the proposed development would look and impact upon neighbouring dwellings. 0115.SK.004 suggests that the proposed ‘link extension’ sits substantially higher than the southern boundary wall. The officer would draw attention to the fact that the submitted plans to be

assessed do not suggest this to be the case and the development must be built as per the approved plans.

## 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 permission is **granted**, subject to the following conditions:

**Contact Officer: Alex Hemming**  
**Tel. No. 01454 866456**

### 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 stone work to be used externally in the development hereby permitted shall match that of the existing building in type, colour, texture, size, coursing and jointing and pointing.

Reason 1

To ensure a satisfactory standard of external appearance in the Acton Turville Conservation Area, and to accord with and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

Reason 2

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 Frame

3. The hours of working on site during the period of construction shall be restricted to  
Monday - Friday.....8:00am - 5:00pm  
Saturday.....8:00am - 1:00pm

No working shall take place on Sundays or Public Holidays.

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (adopted) November 2017.

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

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

Reason

To ensure a satisfactory standard of external appearance in the Acton Turville Conservation Area, and to accord with and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

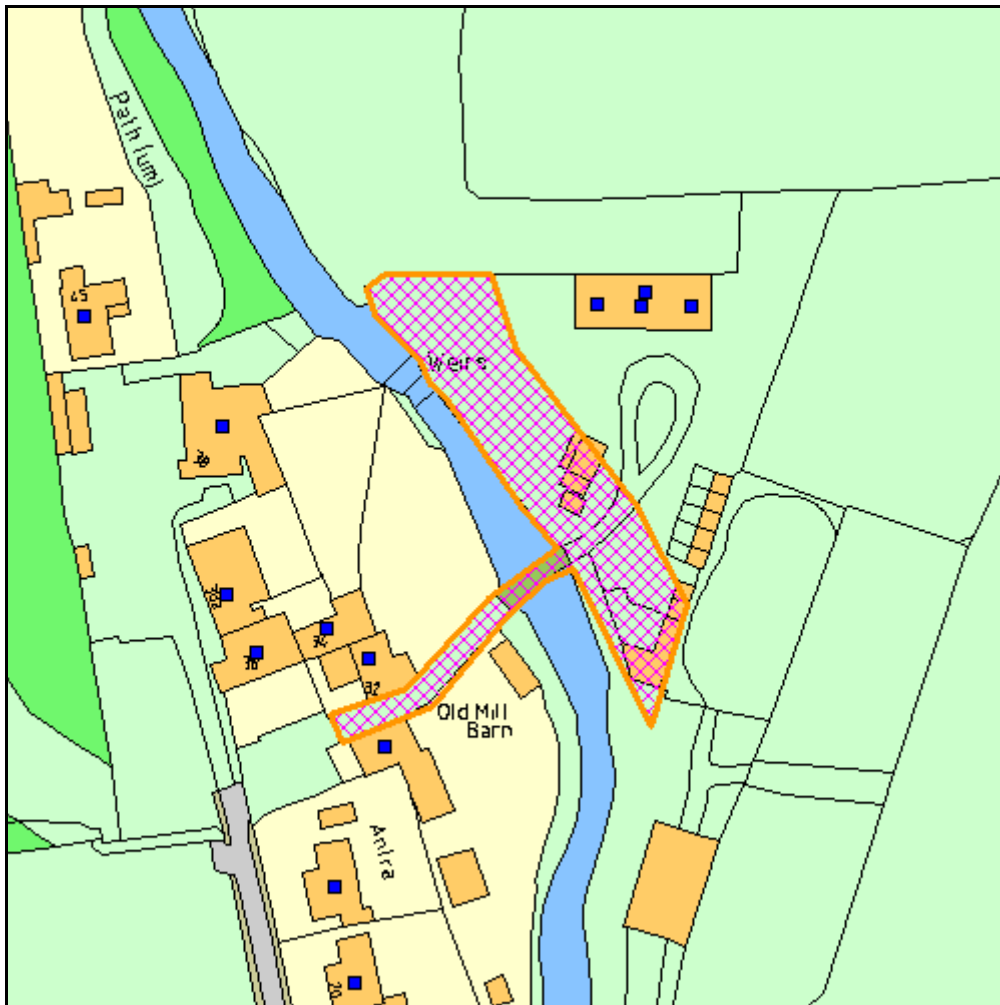
5. The development hereby approved shall be carried out in strict accordance with the Precautionary Working Method Statement provided by the applicant to the satisfaction of the Council's Ecologist.

Reason

In the interests of ensuring that the development does not harm European Protected Species if they are found to be present at the site. To accord with Policies PSP19 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (adopted) November 2017; CS9 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013. To Accord with the Habitat Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended) and the provisions of the NPPF.

**CIRCULATED SCHEDULE NO. 08/20 – 21 FEBRUARY 2020**

<b>App No.:</b>	P19/18728/F	<b>Applicant:</b>	Mr Draisey
<b>Site:</b>	Land At The Old Mill 32 Mill Lane Frampton Cotterell Bristol South Gloucestershire BS36 2AA	<b>Date Reg:</b>	19th December 2019
<b>Proposal:</b>	Proposed use of existing ancillary accommodation as 1 no. dwelling.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366735 182157	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	11th February 2020



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 100023410, 2008. N.T.S. P19/18728/F

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

### **CIRCULATED SCHEDULE**

This report appears on the Circulated Schedule due to three letters of support from local residents.

## **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the proposed use of an existing ancillary outbuilding to 1 no. self-contained dwelling.
- 1.2 The application site relates to land at The Old Mill, 32 Mill Lane, Frampton Cotterell. The site lies outside a settlement boundary, in the open countryside and in the Bristol/Bath Green Belt. It sits to the east of the River Frome, on the opposite bank to a row of other properties in this older part of Frampton Cotterell and is accessed by a single width track.
- 1.3 The accompanying planning statement declares the outbuilding was constructed under Class E of the General Permitted Development Order (as amended) and the permitted development rights associated with planning permission PT18/0440/F which granted the conversion of the barn to 3no. dwellings plus an orangery either side. It is stated that the building was to have been associated with Plot 1 of the converted barn.
- 1.4 To be clear the conversion of the barn was given under planning application PT17/1135/F which removed the permitted development rights. Although a subsequent planning application PT18/0440/F (to add single storey structures to either side) did not specifically remove the permitted development rights, the LPA would argue that the conversion of the barn was granted under the earlier application and therefore the removal of permitted development rights remained valid.
- 1.5 During the course of the application drawings showing the elevations of the proposed dwelling were requested and received. In addition photographic details showed the unfinished internal appearance of the outbuilding.
- 1.6 The main issues to consider under this application can be summarised as:
  - Is the structure lawful?
  - If built under permitted development has the structure been used as an incidental building?
  - Is it of an appropriate size to function as ancillary to the enjoyment of a residential dwelling?
  - It is an appropriate form of development in the countryside and Green Belt location?

These issues are discussed in the below report.



## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework February 2019

National Planning Practice Guidance

Town and Country (General Permitted Development) (England) Order 2015 (as amended)

### **2.2 Development Plans**

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

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

CS34 Rural Areas

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP7 Green Belt

PSP8 Residential Amenity

PSP11 Transport Impact Management

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP39 Residential Conversions, Subdivision, and HMOs

PSP43 Private Amenity Space Standards

### **2.3 Supplementary Planning Guidance**

Design Checklist SPD (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

Landscape Character Assessment SPD (Adopted) November 2014

CIL and S106 SPD (Adopted) March 2015

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

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT18/0440/F Conversion of barn to 3no. dwellings to include orangery to dwellings 1 and 3. Amendment to previously approved schemed PT17/1135/F. Approved 26.7.18
- 3.2 PT18/0363/F Change of use of land for the keeping of horses and the erection of a stable building Approved 6.9.18

- 3.3 PT18/0365/NMA Non-material amendment to planning permission PT17/1135/F for the addition of a window to the gable end of plots 1 and 3.  
Withdrawn
- 3.4 PT17/5878/RVC Variation of condition no. 2 attached to planning permission PT17/1135/F.  
Approved 26.2.18

*The result of this approval can be summarised as follows:*

*Condition 2 was attached to the planning application to condition all the submitted plans for PT17/1135/F. The variation of condition 2 would mean that it would be possible to substitute approved plan Proposed Block Plan P012 Rev B for Proposed Hardscape Plan 2017.13.4D 03 received on 26.2.18 primarily to allow changes to the approved landscape scheme and to substitute in Proposed floor plans 0719-100 and Proposed Section and Elevations 0719-101 received on 23.1.18 which insert small windows to the gable ends. The differences between the approved plans and those being proposed here are :*

- *Moved the parking on the site – to be split into two areas*
- *Indicates the location of the cycle parking spaces. Although only two cycles have been shown on the plans, the applicant is aware of the requirement to provide 6 and has confirmed that the plan was merely indicative of the where the cycle storage was to be located rather than the precise number*
- *Shows the proposed landscape plans for the site in more detail e.g. communal areas and the proposed planting scheme for the whole of the site. It is also noted that the area to the rear of the building would become private gardens rather than allotments*
- *Indicates two high level windows on the side gable elevations to bring light into the respective en-suites at first floor level*

- 3.5 PT17/5356/NMA Non Material Amendment to PT17/1135/F to alter the size of the windows  
No objection 19.12.17

- 3.6 PT17/1135/F Conversion of barn to form 3no dwellings and associated works  
Approved 7.11.17

*Condition 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, to protect the Green Belt and to accord with Policy CS1 of the South Gloucestershire Local Plan:*

*Core Strategy (Adopted) December 2013; and the National Planning Policy Framework, South Gloucestershire SPS: Green Belt (Adopted) 2007.*

- 3.7 PT16/5749/F Demolition of existing derelict building and erection of 1no. dwelling with parking and associated works  
Withdrawn
- 3.8 PT16/5750/F Conversion of barn to form 4no dwellings and erection of 2no car ports with associated works  
Refused 20.12.16
- 3.9 PT08/0797/CLE Certificate of Lawfulness for Existing Use of barn as Class B1 (business) access and parking as mixed use Class B1 and C3 (residential) and the remaining land for purposes incidental to the residential occupation of the dwelling houses at 32 Mill Lane use Class C3.  
Approved 12.9.08

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

- 4.1 Frampton Cotterell Parish Council  
No objection, subject to the permitted development rights being withdrawn from the new dwelling and orchard.

Internal Consultees

- 4.2 Sustainable Transport  
No objection

- 4.3 Drainage  
**Foul Water**

The proposed foul sewage disposal method is via discharging to the existing Wessex Water public foul sewer which is located within close proximity of the site. This proposal is acceptable to us.

#### **Surface Water**

After reviewing the submitted Flood Risk Assessment (FRA) the proposal for surface water disposal appears to be discharging into the existing Geocellular storage tank located within the site. However the drainage layout plan does not include where the tank outfalls. Therefore we query the outfall of the Geocellular storage tank located within the site.

The development is within 8m of a Main River. In accordance with Environment Agency: Local Flood Risk Standing Advice (version 1.3) for South Gloucestershire Council, the Environment Agency should be consulted.

#### **Other Representations**

- 4.4 Local Residents

Three letters have been received:

Two letters of support – points made are summarised as:

- Building already exists and proposed conversion is modest and does not impact our privacy or put a strain on services

- Previous development has created a nice community across the river which has the added benefit of increasing overall security of the area
- Area needs more dwellings to support families who do not want to live in Bristol
- Grass cutting and management fees for communal areas are way too much and the 'Bungalow' taking the orchard land will help reduce those costs dramatically

One other letter stated no objection.

## 5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks to enable an ancillary building to function as an independent dwelling. The application stands to be assessed against the above listed policies and all material considerations this includes whether the building is lawful; if it complies with Class E and if it would be appropriate as an independent dwelling given its Green Belt location where only certain types of development are considered acceptable. In addition, the introduction of new residential development in the countryside, its impact on residential amenity and on highway safety must also be considered.

5.2 Is the building lawful? : Removed permitted development rights:

The original planning permission for the conversion of the barn PT17/1135/F (approved 7.11.17) and subsequent planning permission PT17/5878/RVC (approved 26.2.18) removed the permitted development rights for the scheme. It is acknowledged that the removal of permitted development rights were not specifically removed under application PT18/0440/F (approved on 26.7.18) which the Officer report acknowledged was an amendment to the original permission. The conversion of the main building from barn to residential had therefore already been established and application PT18/0440/F was primarily for the introduction of two single storey side extensions.

5.3 It is established planning practice that earlier restrictive conditions are considered as being rolled forward and therefore apply to subsequent planning applications.

5.4 The LPA would assert that the original planning permission was implemented before PT18/0440/F (application registered on 7.2.18) and therefore the permitted development rights had been removed.

5.5 This is backed up by a discharge of condition application made to the LPA on 8.11.17 in relation to the original planning application PT17/1135/F to discharge a number of conditions. The conditions applied to be discharged are listed below, together with their discharge dates:

SUDS condition – 20.12.17

Traffic management plan – 26.2.18

Management plan of communal garden – 26.2.18

Sample materials – 19.12.17

Landscape details – 26.2.18

- 5.6 It is concluded that the permitted development rights had been removed for this site and as such any subsequent development requires planning permission, without this the erection of any structure is a breach of planning control. The existing structure on site is therefore unlawful and the assessment could end here. However, for the sake of completeness, the assessment continues to examine whether, if the building was erected under permitted development, whether it would indeed qualify as an incidental building.
- 5.7 Class E of the General Permitted Development (England) Order 2015 (as amended: is the structure incidental?)  
Class E requires development to accord with set criteria. Officers would acknowledge that the building appears to be in accordance with these set criteria by for example, being single storey with a height of less than 4 metres.
- 5.8 The applicant has applied for the proposed use of an ancillary building to a dwelling. The submitted planning statement declares that
- the applicant provided this outbuilding for the purpose of giving the occupants of the existing dwelling (formed by the conversion of the Old Mill) flexible additional space for the purposes of home working or visitor accommodation.*
- 5.9 Details expand on the proposed development by stating:
- The applicant has since material completion of the outbuilding decided to seek its conversion to provide addition separate living accommodation at the site.*
- 5.10 During the course of the application Officers requested more details in the form of additional plans, in particular elevations.
- 5.11 The planning statement indicates that the building has not yet been fully completed. It has therefore had no function as ancillary accommodation.
- 5.12 The applicant claims that the building would have been used for visitor accommodation or a home office. It is stated that the outbuilding was to have served Plot 1 of the three new dwellings. It is clear that the building is unfinished both externally and internally and therefore it has never been used by any of the residential properties for incidental purposes.
- 5.13 Size:  
The outbuilding is also sizeable and large enough to be regarded as a separate unit. It is therefore regarded as being something more than incidental to the enjoyment of a dwellinghouse. When something is required for a purpose incidental to enjoyment, it is expected that the applicant/owner would be able to show a personal need for such an outbuilding based on their lifestyle and household circumstances. The submitted details have indicated a general proposed use which has not been implemented.
- 5.14 The size of incidental buildings and therefore their purpose has been subject to many appeals. In the first instance, it is necessary to refer to *Holding v First*

Secretary of State, 2003 where it was considered that a permission granted under Class E was intended to allow for the accommodation for hobbies for which people need space without having to apply for planning permission. In the dismissed appeal for 390 Bromsgrove Road, Halesowen (DCS ref: 200-008-399), March 2019, the Inspector held that due to the size of the outbuilding it would not fall within the scope of Class E. In his decision the Inspector said:

*... the test that should be applied to cases such as this must retain an element of objective reasonableness and proposals should not be based on the unrestrained whim of the occupier. The proposed outbuilding before me appears to be based precisely on the unrestrained whim of the appellant which has led to an outbuilding proposal which is not sensibly related to the enjoyment of the dwellinghouse.*

- 5.15 Officers would assert that the current application displays similarities to the appeal due to the overall size of the structure which has a footprint of around 100 square metres. Proposed plans also show it capable of having two bedrooms plus all the internal requirements of a separate house.
- 5.16 The submitted plans show the proposed internal arrangement of this building as comprising a bedroom, a large study (which due to its size will be treated as a second bedroom) a bathroom, utility room, lounge, dining and kitchen area. The footprint of this structure occupies an area roughly 13 metres by 8.3 metres.
- 5.17 By definition an ancillary building should in terms of its scale and size and function, be subservient to the main dwellinghouse. The existing structure is a very large ancillary building. In 2015 the government published its Technical housing standards. This national guidance is useful where it sets out the approximate internal measurements expected of new dwellings according to size. A single storey 2 bed, 4 person, property is required to have 70 square metres of internal space. The existing structure has an external measurement of just over 100 square metres and the internal space measures just under 86 square metres. National standards indicate a single storey 3 bed, 5 person dwelling should have 86 square metres of space. This shows the existing structure is a very substantial building that could serve a household of 5 people.
- 5.18 Purpose:  
With regards to purpose; it is also useful to examine recent appeal decisions. In the decision for 56 Dartmouth Road, Ruislip (ref 400-023-260) the Inspector set out what he felt were the main criteria for something to fall within Class E. He stated that *the incidental purposes must be connected with the running of the house or the domestic, recreational or leisure purposes of its occupiers and the building must be designed for those purposes.*
- 5.19 The main issue discussed in the above appeal was the actual use of the building. In that appeal the proposed building was found to be acceptable because it could be demonstrated what the outbuilding would be used for. It was accepted that the structure would have an incidental use associated with the main dwelling. In this case the building is unfinished and has never been

- used by Plot 1 or any other dwelling on the site for purposes incidental to the enjoyment of the dwellinghouse. The ancillary use of the building has therefore not been established.
- 5.20 To conclude this section, in this instance, the need for this building as ancillary accommodation for Plot 1 has not been shown and it is therefore an unlawful structure. If the applicant wishes to prove the ancillary function of the building then this would require a certificate of lawfulness. Due to its size, the building is not considered as being incidental and again would be an unlawful structure.
- 5.21 Green Belt  
Development in the Green Belt is limited to categories listed in the NPPF and adopted planning policy. Inappropriate development is harmful. The erection of new buildings is inappropriate and harmful to the Green Belt. Substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.22 The bar for very special circumstances is set very high and it is difficult to see what reasons could be put forward by the applicant in support of this outbuilding which would outweigh the harm.
- 5.23 The proposal therefore is contrary to Green Belt policy and cannot be supported for this reason.
- 5.24 Conversion to new dwelling in the countryside  
Policy PSP40 states development needs to accord with one of the following:
  1. Rural exception sites
  2. Rural workers dwelling
  3. Replacement of a single existing dwelling
  4. Conversion and re-use of existing buildingsUnder part 4 the building needs to be of permanent and substantial construction; would not adversely affect rural enterprise; any extension is not disproportionate to the original building; and, if the building is disused, there is an enhancement to the setting.
- 5.25 The above assessment has shown this building is unlawful and does not comply with permitted development regulations. It cannot therefore be in compliance with Policy PSP40.
- 5.26 Conclusion of principle of development:  
Given the above, the existing building has been constructed without the benefit of permitted development. The building is therefore unlawful. Regardless and in addition, the building is not currently being used as an ancillary building and therefore fails to comply with Class E of the permitted development regulations. It cannot therefore be regarded as a conversion of an outbuilding. It falls to be assessed as a new dwelling in the Green Belt which is inappropriate development.

- 5.27 For the sake of completeness, the assessment will continue with regards to impact on the character of the area, residential amenity and transportation.
- 5.28 Design and Visual Amenity:  
The structure would be a single storey and therefore not in-keeping with its immediate surroundings which comprise the converted two-storey, pitched roofed former barn/light industrial building. Other properties across the river are also two storeys and as a separate dwelling this structure would be inappropriate in design terms and would fail to reflect the character of the immediate area. The proposal would therefore be contrary to adopted design policies.
- 5.29 Residential Amenity  
Development should not be permitted that has a prejudicial impact on the residential amenities of any nearby occupier or which fails to provide adequate living conditions for future occupiers.
- 5.30 Private amenity space would be provided for the proposed dwelling and would be of an acceptable amount. Given the position on site, there would be no additional impact on the amenities of any nearby occupier through a loss of privacy or overlooking.
- 5.31 Access and Parking  
Policy PSP16 includes a schedule of the required number of parking spaces that should be provided based on the number of bedrooms in the dwelling. In this instance a demand for one parking space is generated for the two bed structure. Plans indicate this provision could be met.
- 5.32 Other matters:  
Issues of grass cutting and management fees for the existing three dwellings is not an issues relevant to the assessment of this planning application.
- 5.33 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.
- 5.34 With regards to the above this planning application is considered to have a neutral impact on equality.



### 5.35 Planning conclusion:

The proposed building has been shown to have been erected unlawfully because the permitted development rights had been removed when the barn was converted into 3 new dwellings. The principle of conversion had therefore been established prior to the subsequent application for single storey side additions. In addition, the building would not be acceptable as an ancillary building due to its overall size; it is considered to be a separate unit. The building has not been finished and cannot therefore be said to have served as ancillary accommodation for any of the dwellings. It is not unreasonable to assume that the building was erected for the sole purpose of creating a new separate dwelling on the site. The assessment has furthermore gone on to establish that the erection of new buildings in the Green Belt is harmful and contrary to policy. No very special circumstances have been provided but the bar which needs to be overcome is set very high and it is difficult to see what argument could be put forward to justify this very large structure. With regards to design the single storey building is also at odds with the immediate setting and is therefore regarded as being harmful to the character of the area and the Green Belt. Given the above the proposal cannot be supported.

## 6. CONCLUSION

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

6.2 The recommendation to **refuse** permission has been taken having regard to the policies and proposals in the 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 planning permission is **REFUSED**.

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

## REASONS FOR REFUSAL

1. The building has been erected contrary to condition 3 of approved planning application PT17/1135/F which removed the permitted development rights for the site. The building is therefore unlawful.
2. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy

(Adopted) December 2013; PSP7 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

3. The proposal for a single storey structure is considered not to reflect the existing character of the area or be representative of existing development which comprises two-storey buildings. The proposal would therefore be harmful to the visual amenity of the area and the Green Belt and fail to represent the highest standards of design and site planning as expected in both local and national planning policy. The proposal is therefore contrary to Policies CS1 and CS34 of the South Gloucestershire Local Plan (Adopted) 2013; Policies PSP1, PSP7 and PSP40 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the NPPF in general.

**CIRCULATED SCHEDULE NO. 08/20 – 21 FEBRUARY 2020**

<b>App No.:</b>	P19/19393/F	<b>Applicant:</b>	Mr Gareth Owen
<b>Site:</b>	South Gloucestershire Community Services 54 Moravian Road Kingswood Bristol South Gloucestershire BS15 8ND	<b>Date Reg:</b>	2nd January 2020
<b>Proposal:</b>	Change of Use from non-residential institution (Class D1) to mixed use non-residential institution and office (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of access ramp to front elevation.	<b>Parish:</b>	
<b>Map Ref:</b>	364820 173621	<b>Ward:</b>	Kingswood
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th February 2020



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

### **CIRCULATED SCHEDULED**

This report appears on the circulated schedule following objection comments from 3 local residents.

## **1. THE PROPOSAL**

- 1.1 Change of Use from non-residential institution (Class D1) to mixed use non-residential institution and office (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of access ramp to front elevation.
- 1.2 The application site relates to 54 Moravian Road, Kingswood.
- 1.3 During the course of the application additional details were provided by the applicant to explain the purpose and intention of the application. It was further explained to the applicant that, although it had been stated on the application form, the matter of the creation of a dropped kerb would be separate to the change of use and access ramp being assessed under this planning application.

## **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
CS29	Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP11	Transport Impact Management
PSP16	Parking Standards

### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist (Adopted) 2007)

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

- 3.1 PK15/1269/RVC Variation of condition 3 and Condition 4 attached to P97/4370 to use non-residential institution (Class D1) as non-residential educational and training centre (Class D1) operating between the hours of 9.00am to 4.00pm Monday to Friday.  
Approved 27.5.15

**Conditions:**

Condition 2:

The premises shall be used as a non-residential training and educational centre, a children's day care nursery or a non-residential day care institution and for no other purpose (including any other purpose in Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as Amended).

Condition 3:

The use hereby permitted shall be limited to the hours 07.30 to 18.30 Monday to Friday with no working on Saturday or Sunday

- 3.2 PK14/3294/RVC Variation of condition 3 and Condition 4 attached to P97/4370 to use non-residential institution (Class D1) as Day Nursery (Class D1) operating between the hours of 7.30am to 6.30pm Monday to Friday with associated car parking and storage.  
Approved 8.1.15

- 3.3 P97/4598 Erection of single storey rear extension. New pitched roof over existing flat roof. Installation of wheelchair access. Erection of boundary walls and fence  
Approved 2.2.98

- 3.4 P97/4370 Change of use from offices (B1) to non-residential institutional day centre (D1)  
Approved 6.8.97

### 4. **CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
Unparished

**Internal Consultees**

- 4.2 Economic development  
No comment

## **Statutory / External Consultees**

### 4.3 Sustainable Transport No objection

Additional comments provided during the course of the application:

Firstly, we note that the applicant is seeking permission for Change of Use from non-residential institution (Class D1) to mixed use non-residential institution and office (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Proposal also include Installation of access ramp to front elevation. To this element of the proposal, we transportation development control have no objection on the basis that the site is located within a very sustainable location near Kingswood shopping area and with excellent public transport facilities to Bristol and other destinations in South Gloucestershire area and with bus stops being within walking distance on Cecil Road, Hanham Road and on Regent Street in Kingswood.

Second element of the proposal involves creation of a new vehicular access to number 54 Moravian Road. To this element of the scheme, we have objection on transportation/highways ground. Our objection to this is based on the fact that this proposal if implemented, would adversely impact on the Council's scheme for residential parking in the area. For information, I confirm that the Council has recently completed and secured a legal order for 'Residents Parking' scheme on Moravian Road and the associated works for it will commence in the next few days/weeks. The proposal for new vehicular access if implemented, would potentially result in loss available places for residents parking and this will not be acceptable to highway authority without amending the existing Traffic Regulation Order (TRO). Any changes to the already secured TRO will involve a lengthy and expensive procedure and the cost could run into thousands of pounds and it would further involves public consultation and with no guarantee of the outcome.

Conclusion –

- 1) There is No highway objection to proposed change of use of the building
- 2) We OBJECT to construction of vehicular access for the reasons highlighted above.

## **Other Representations**

### 4.4 Local Residents

3 letters of objection have been received from local residents. The points raised are summarised as:

- Loss of off-street parking will impact further on existing situation on Moravian Road

## **5. ANALYSIS OF PROPOSAL**

- 5.1 The applicant seeks planning permission for the change of use from a Class D to a mixed use sui generis use. The proposal also includes the creation of an access ramp attached to the building but plans also show the introduction of 2 parking spaces to the front of the property. To access these parking spaces, a

dropped kerb would be required. This is not part of this planning application but is discussed further as it does have future planning implications.

## 5.2 Principle of Development

The application stands to be assessed against the above planning policies and all material considerations. The change of use of buildings can be supported provided the resulting change would not have an adverse impact on the character of the area, on the host property, on neighbours or future occupants and on highways. These matters are discussed in more detail below.

## 5.3 Change of use and ramp: impact on appearance, character and neighbours

The existing building has been used as a training and educational establishment and has a Class use D1. This current proposal is to introduce a café for the use of clients suffering from dementia at ground floor and for offices to serve an existing domiciliary care business (also owned by the applicant) at first floor level. The class use of this building would therefore become a sui generis use.

5.4 Given the expected use of around up to 10 clients in the morning and afternoon the change of use is unlikely to have any adverse impact on the character of the area, the appearance of the building, or close residential properties. It is therefore acceptable in these terms. In a similar vein the creation of an external ramp would also be acceptable.

5.5 Moving on to the impact on transport and highways. The submitted plans show the creation of two parking spaces to the front of the dwelling and the associated dropped kerb to allow access to these spaces. Given that Moravian Road is not a classified highway then planning permission is not required to create this dropped kerb. However, permission from the Highways Authority department within the Council would be required. This presents a problem as the area immediately outside the application site has been subject to a Traffic Regulation Order (TRO) that took effect on 20<sup>th</sup> January 2020. The TRO implemented a resident's parking scheme due to the long established parking problems on this road. Consultee responses from the highway team therefore includes an objection to the creation of the dropped kerb and this matter is to be investigated separately by the applicant if they wish to proceed with a dropped kerb.

5.6 To be clear the above issue does not affect the change of use application or the creation of a ramp.

## 5.7 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.

5.8 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.

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

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

2. The premises shall be used as a mixed use non-residential institution (for the purposes of providing dementia care) and office use (sui generis) and for no other purpose (including any other purpose in Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as Amended).

Reason

In the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

3. The opening times shall be restricted to 7:30 to 18:30 Monday to Friday with no working on Saturdays or Sundays or Bank Holidays.

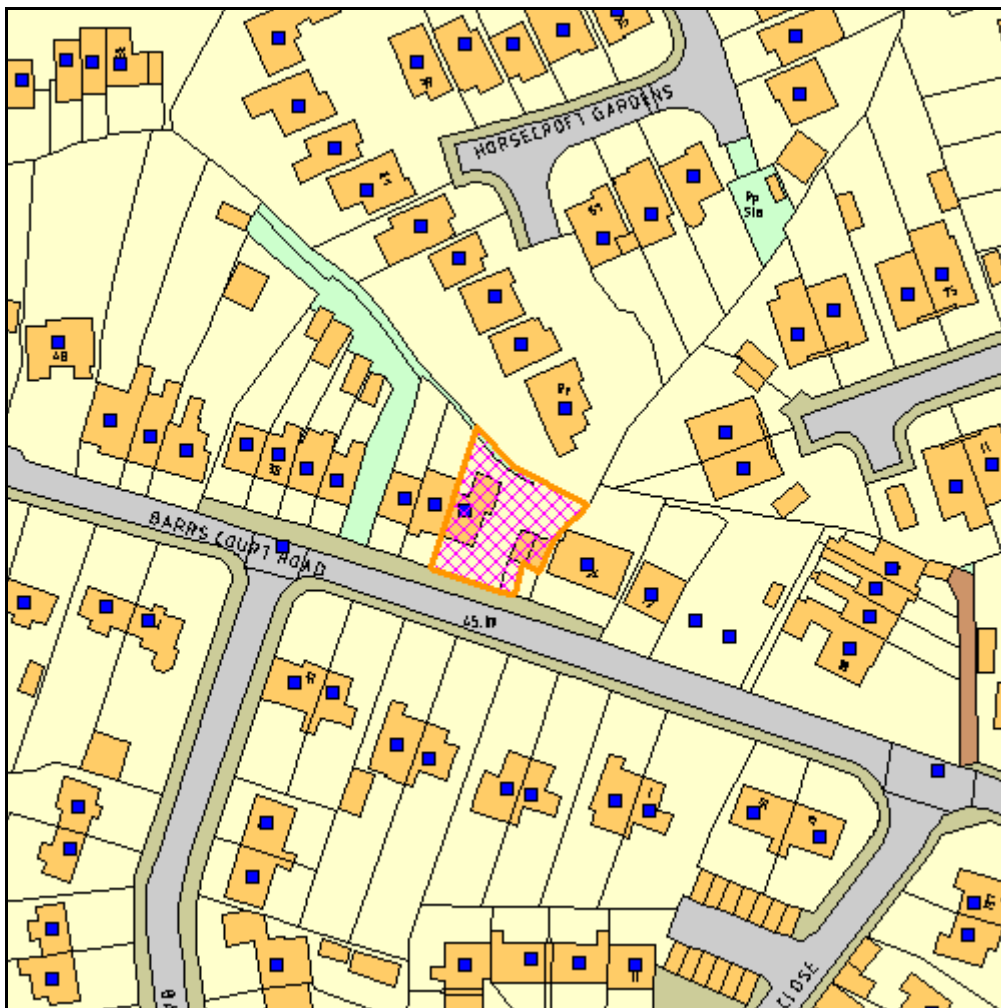


## Reason

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; PSP8 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 08/20 – 21 FEBRUARY 2020**

<b>App No.:</b>	P19/7795/O	<b>Applicant:</b>	Mrs Barbara Daniels
<b>Site:</b>	26 Barrs Court Road Barrs Court Bristol South Gloucestershire BS30 8DH	<b>Date Reg:</b>	4th July 2019
<b>Proposal:</b>	Erection of 1 no. attached dwelling and alterations to existing garage roofline (Outline) with layout and scale to be determined, all other matters reserved.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	366241 172411	<b>Ward:</b>	Parkwall And Warmley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	28th August 2019



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

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

This application has been referred to the Circulated Schedule for determination as four comments of objection have been received as a result of the consultation. These are contrary to the officer recommendation for approval.

### **1. THE PROPOSAL**

- 1.1 This application seeks outline planning permission for the erection of a single dwelling on the side of 26 Barrs Court Road.
- 1.2 As an outline application, only layout and scale are to be determined. This leaves details concerning landscape, and appearance and access to be considered at a later date, although indicative drawings are included with the application.
- 1.3 The site is within the existing urban area of the east fringe of Bristol. The site is currently occupied by an end of terrace dwelling. This would be retained and as such it would become a terrace of four rather than three. The site is in an area of mixed character with a mix of semi-detached houses and terraces of three or four houses.
- 1.4 The site has a reasonable side area and sits proud above its rear garden with a double garage to the front of the site which will remain. Half of the garage belongs to the neighbour and that too remains for their use.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework February  
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

CS29 Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

Landscape Character Assessment SPD (Adopted) November  
2014 CIL and S106 SPD (Adopted) March 2015

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

**3. RELEVANT PLANNING HISTORY**

3.1 None relevant

**4. CONSULTATION RESPONSES**

4.1 Oldland Parish Council  
No objection

**Internal Consultees**

4.2 Lead Local Flood Authority  
No objection

4.3 Sustainable Transport  
No objection as parking complies with SG residential Parking standards.

4.4 The Coal Authority

The risk to the site from legacy mining features is considered low.  
Considers that the content and conclusions of the Coal Mining Risk  
Assessment Report are sufficient for the purposes of the planning system and

meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

## **Other Representations**

### **4.5 Local Residents**

3 comments of objection have been received which raise the following:

- Concern about parking during and after building project.
- Barrs Court is a narrow road
- Object as the gutter/ fascia /soffit would encroach of neighbours land.  
The boundary between the property of 26 and 24 is the garage wall line and fence beyond and the proposal will not be achievable without encroachment

One neighbour not objecting specifically but raised questions about tenure , a window in the roof and whether it would affect the writers privacy, concern that planting is not removed, height of the fence to be no more than existing, and that an old garage door is removed from the garden.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 This application seeks outline permission for the erection of a single dwelling together with alterations to a garage roof in Barrs Court.

### **Principle of Development**

- 5.2 The site is located within the existing urban area of the east fringe of Bristol where, under policy CS5, is a location where development of this nature is directed. Policy CS16 and CS17 also permitted development of this nature subject to an assessment of density and the impact on the character of the area. Design quality is stipulated by policies CS1 and PSP1.

- 5.3 In principle the development is acceptable but should be determined against the analysis set out below. Given that only **Layout and scale** are to be determined the exact appearance of the proposal, impact on trees or retained landscaping and access is reserved for future consideration under a 'reserved matters application.

### **Layout and scale**

- 5.4 The proposal is a simple extension the side of this end of terrace house with a parking space indicated in front of the new house. The house is the same width as the original house and is set back modestly from front and rear of the existing house to facilitate a good sized parking space at the front and

access from an extension at the rear of the original house. Whilst this means that the house is not as deep as the existing house the (indicative) elevations demonstrate that a house can be added here without harm to the street scene and having a similarly shaped roof. The road level drops considerably between the current house and the neighbouring bungalow and the overall step down in ridge height and eaves is welcomed in this particular instance as a result. The mix of house types and the neighbouring bungalows have informed the officer's view.

- 5.5 The parking for the original house remains as it currently exists. This being within and in front of one of a pair of single garages immediately next to the new house and annotated as such on the proposed drawings 1B and 1C. It appears that No 28, currently the midterrace house has ownership of the other garage and was appropriately notified of the proposed works to both garages as part of the application submission. Design of the garages will be secured under the reserved matters application but the scale of the new pitched roof with a ridge parallel to that of the houses appears acceptable in principle. Given that only one parking space is provided the new house will be restricted to having only two bedrooms to accord with SGC parking standards.

#### Access, appearance and landscaping (the reserved matters)

- 5.6 Whilst access, appearance and landscaping are reserved matters, sufficient details have been received to understand that these will be satisfactorily able to be agreed in due course.
- 5.7 Safe access to a single parking space is achieved for the two bedrooms indicated in the new house and this can be conditioned as part of the scale above. Existing access to parking and existing garage spaces for 26 and 28 Barrs Court Road is retained.
- 5.8 In terms of appearance the width of the fenestration could be proposed wider and there could be acknowledgement of the partial brick frontage in the reserved matters scheme in due course to better reflect the neighbouring houses. This is however not for determination in this outline proposal. It is evident that a scheme of reserved matters could be designed to properly reflect the existing house and overall the proposal would retain the character of the area.
- 5.9 There is a boundary hedge/shrubs at the rear of the site which is fairly non-descript but serves some purpose between this street and that at the rear. None of the shrubs/small trees are worthy of a tree preservation order and there location makes it unlikely that they would be damaged by site works. As such this is not a reserved matter which needed to be considered in this application.

#### Residential Amenity

- 5.10 Development should not be permitted which has a material prejudicial impact

on residential amenity.

- 5.11 This new house is not considered to materially prejudice the residential amenity of the neighbours. This is due to the juxtaposition of the houses with the newer houses at the rear which face predominantly at an angle towards the existing house, not the site specifically. Similarly the neighbouring bungalow is on the far side of the existing garages and windows do not face in that direction currently.
- 5.12 The amenity space provided for the proposed dwelling is currently shown at 98m<sup>2</sup> so it exceeds the minimum provision (50m<sup>2</sup>) for a two bedroom house. The retained garden for the existing three bedroom house is modestly under provided for (55m<sup>2</sup> instead of 60m<sup>2</sup>) but a simple boundary amendment can satisfy the requirements of PSP43 and on average there is sufficient between the two gardens. This is not considered determinative in this instance, particularly as there is also a modest walled front garden with easier access than that the lower level existing garden at the rear. A condition securing a minimum of 60m<sup>2</sup> garden for No 26 can be added to the decision notice at this stage.
- 5.13 Subject to the suggested condition, the impact on amenity is acceptable.

#### Transport and Parking

- 5.14 Located in the urban area and close to public transport routes, the siting of development is sustainable. Therefore the most significant concerns are the provision of a safe access and adequate off-street parking.
- 5.15 No objection is raised to the new access on this straight, lightly trafficked road with adequate visibility.
- 5.16 In terms of parking provision the original houses maintain their own existing spaces and garage spaces the current house received one space for its two bedrooms. This meets the council's current parking standards and is acceptable.
- 5.17 Electric vehicle charging should be provided. This too can be controlled through a suitably worded condition. Subject to the above, there is no objection on highways grounds.

#### Landscaping and Biodiversity

- 5.18 It is not considered that the proposal would have a significant adverse impact on biodiversity. Forthcoming landscape proposals would need to demonstrate what and how the existing landscaping will be protected and retained.

### Drainage

- 5.19 The site is in the urban area and it is likely that suitable drainage can be achieved. This matter therefore does not need to be addressed by condition.

### Coal Mining

- 5.22 The application site falls within the defined Development High Risk Area. The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground shallow coal mining.
- 5.23 The Coal Authority has been consulted and additionally during this application received an appropriate and up-to-date coal mining information for the proposed development site. This information has been used to inform a Coal Mining Risk Assessment (or equivalent) (November 2019, prepared by the commercial arm of the Coal Authority) to accompany the planning application.
- 5.24 The report has identified that the proposed development site is not known to have been subject to past coal mining activity. The risk to the site from legacy mining features is considered low.
- 5.25 The submitted report indicates that it would be a prudent for a Gas Risk Assessment to be undertaken, which may recommend the incorporation of basic gas protection measures within the development. This is a matter for the Building Regulations process to manage. As such the Coal authority raise no objection to the application.

### Impact on Equalities

- 5.26 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.
- 5.27 With regards to the above this planning application is considered to have a neutral impact on equality.

### Other Matters

- 5.28 A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.
- 5.29 The amendments made to the garage during the application indicate that the



garage can accommodate a new roof without gutters and overhanging eaves in the neighbours land. It is understood that the old garage door has been removed although that is not strictly relevant to the planning application. The tenure of the house is irrelevant to the decision sought—an independent stand-alone domestic house is sought, not an annex to the original house and it may thereafter be sold or leased.

### Planning Balance

5.30 While the proposal is not exemplary, it is still of good design; it takes into account local distinctiveness and responds well to the constraints of the site. The proposal would result in one additional dwelling. The benefit of additional housing provision outweighs the minor issues with the proposal outlined elsewhere in this report which can be mitigated with conditions.

## **6 CONCLUSION**

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

6.2 The recommendation to 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 outline planning permission is GRANTED subject to the conditions listed below.

**Contact Officer: Karen Hayes**  
**Tel. No. 01454 863472**

### **CONDITIONS**

1. Approval of the details of the appearance of the building(s), the means of access thereto 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 appearance of any buildings to be erected, the means of access to the site 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 & Country Planning Act 1990 (as amended).

4. 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 & Country Planning Act 1990 (as amended).

5. The existing house shall be allocated at least 60 square metres of rear garden area. This shall be shown on a plan forming part of the reserved matters application and retained as such once reserved matters are agreed.

Reason

Policy PSP43 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017 requires that a three bedroom house requires 60m<sup>2</sup> of private garden and the layout of the rear gardens does not facilitate this limited amount without amendment. No mitigation or justification is provided to justify a level below the policy levels.

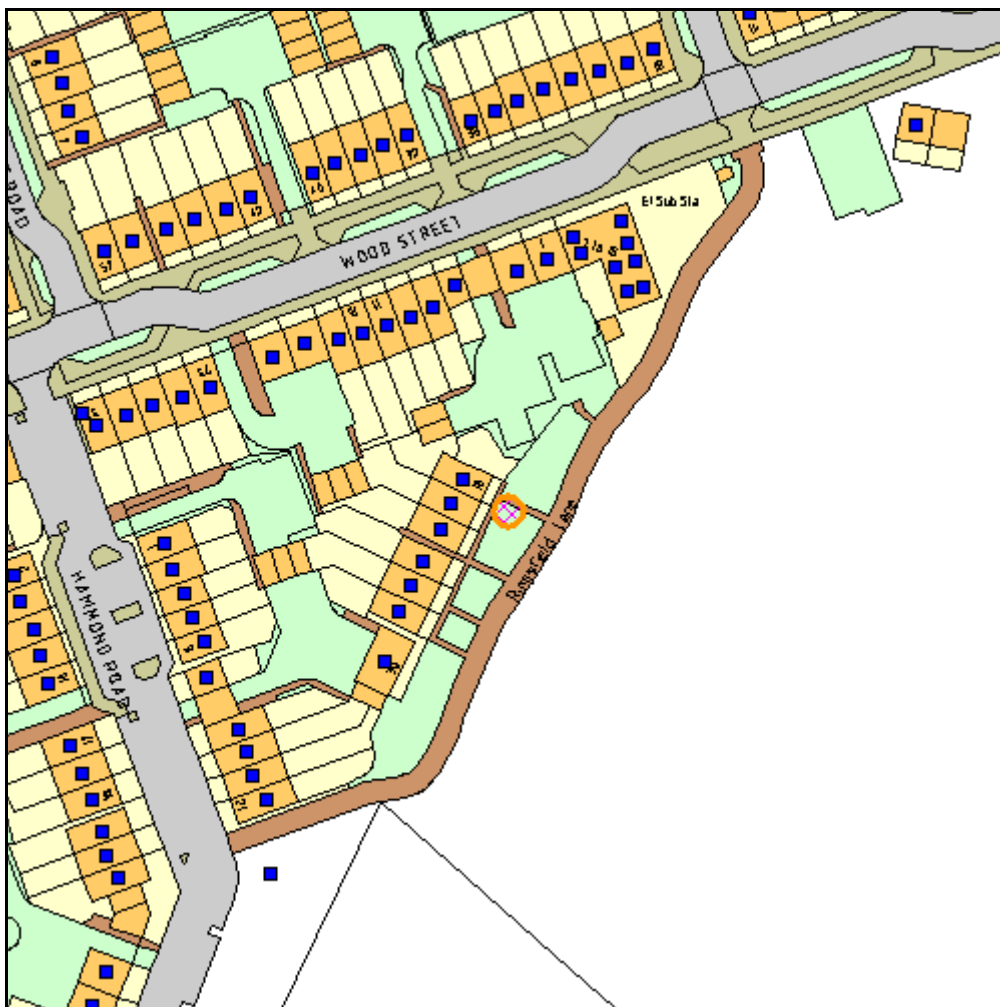
6. The reserved matters application shall demonstrate a proposed house of no more than two bedrooms.

Reason

Policy PSP16 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017 requires that a three bedroom house has two parking spaces and the layout allows for only one car parking space. No mitigation or justification is provided to justify a parking level below the policy levels.

**CIRCULATED SCHEDULE NO. 08/20 – 21 FEBRUARY 2020**

<b>App No.:</b>	P20/00859/TRE	<b>Applicant:</b>	Mr Aaron Wilshire Top Tree Services Ltd
<b>Site:</b>	18 Ringsfield Lane Patchway Bristol South Gloucestershire BS34 5AQ	<b>Date Reg:</b>	15th January 2020
<b>Proposal:</b>	Works to fell 1 no. Hawthorn tree. Tree covered by Preservation Order SGTPO23/14 dated 4th November 2014.	<b>Parish:</b>	Patchway Town Council
<b>Map Ref:</b>	359936 181241	<b>Ward:</b>	Charlton And Cribbs
<b>Application Category:</b>	Works to trees	<b>Target Date:</b>	11th March 2020



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100023410, 2008.

**N.T.S.****P20/00859/TRE**

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.

## **1. THE PROPOSAL**

- 1.1 Works to fell 1 no. Hawthorn tree
- 1.2 18 Ringsfield Lane, Patchway.

## **2. POLICY CONTEXT**

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

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None relevant

## **4. CONSULTATION RESPONSES**

- 4.1 Patchway Town Council

Objects to this application on the basis that in the current environmental crisis that the UK is in, we will not support the unnecessary felling of trees in our town.

### **Other Representations**

- 4.3 Local Residents

None received

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Works to fell 1 no. Hawthorn tree
- 5.2 Principle of Development

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

The Hawthorn is growing on an area of open space near 18 Ringsfield Lane. The tree is in very poor condition. With deadwood and decay fungi present.
- 5.4 The proposal to remove the tree is acceptable as the tree is in serious decline.
- 5.5 The Town Council objects to the unnecessary removal of trees in the light of climate change. It is agreed that tree removal will only be supported when

trees are beyond remedial works to retain them. When trees subject to tree preservation order are removed there is a requirement to replant to mitigate for their loss therefore there is a condition for a tree to be replanted to mitigate for the loss of amenity. There are no objections to this proposal.

## **6. RECOMMENDATION**

6.1 That consent is **GRANTED** subject to the conditions detailed within the decision notice.

**Contact Officer: Lea Bending**  
**Tel. No. 01454 864201**

## **CONDITIONS**

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

Reason

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

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

Reason

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

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

Reason

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