

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: 12/21

Date to Members: 25/03/2021

Member's Deadline: 31/03/2021 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2020. 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. You may also wish to refer to the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

- a) Be made in writing using the attached form by emailing MemberReferral@southglos.gov.uk identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The 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 You may wish to consider the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

If would be helpful if you could indicate if you:-

- Have discussed the application(s) with the Case Officer and/or Development Manager
- Have discussed the application(s) with ward Member(s) if the site is outside of your ward
- Consider the site would benefit from a visit by the committee, setting out the reasons

Valid referral requests will be considered by the Committee Chair, in consultation with the Spokes, against the criteria given in the Members' Planning Code of Good Practice in the Council's constitution and you will be notified of the Chair's decision. Applications which are not referral, or where the referral request is not agreed by the Chair, will be determined by officers under delegated powers

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

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

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?

6. Do you feel a site visit is required or can issues be addressed by other means e.g. further information in the report, additional presentation material, video etc.

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

Dates and officer deadlines for Circulated Schedule Easter Bank Holidays 2021

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
13/21	5pm Tuesday 23 rd March	9am Thursday 25 th March	5pm Wednesday 31 st March	Thursday 1 st April
14/21	12pm Tuesday 30 th March	9am Wednesday 31 st March	5pm Thursday 8 th April	Friday 9 th April

CIRCULATED SCHEDULE 25 March 2021

-

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/18713/F	Approve with Conditions	Land At 22-34 Goldney Avenue Warmley Bristol South Gloucestershire BS30 5JG	Parkwall And Warmley	Siston Parish Council
2	P21/00019/F	Approve with Conditions	29 Over Lane Almondsbury South Gloucestershire BS32 4BL	Severn Vale	Almondsbury Parish Council
3	P21/00368/F	Approve with Conditions	6 Glendale Downend South Gloucestershire BS16 6EQ	Frenchay And Downend	Downend And Bromley Heath Parish Council
4	P21/00383/F	Approve with Conditions	24 Batley Court North Common South Gloucestershire BS30 8YZ	Bitton And Oldland Common	Bitton Parish Council
5	P21/00572/F	Refusal	Land At School House The British Yate South Gloucestershire BS37 7LH	Frampton Cotterell	Iron Acton Parish Council
6	P21/00611/F	Approve with Conditions	114 Tower Road North Warmley South Gloucestershire BS30 8XN	Parkwall And Warmley	Siston Parish Council
7	P21/01026/TRE	Approve with Conditions	Unit 1 The Old Estate Yard North Stoke Lane Upton Cheyney South Gloucestershire BS30 6ND	Bitton And Oldland Common	Bitton Parish Council

CIRCULATED SCHEDULE NO. 12/21 -25th March 2021

App No.:	P19/18713/F	Applicant:	Mr David Cahill
Site:	Land At 22-34 Goldney Avenue Warmley Bristol South Gloucestershire BS30 5JG	Date Reg:	17th December 2019
Proposal:	Demolition of existing garages. Erection of 6 no detached dwellings with new access and associated works	Parish:	Siston Parish Council
Map Ref:	367320 173316	Ward:	Parkwall And Warmley
Application Category:	Minor	Target Date:	6th February 2020



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

P19/18713/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.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of 20 garages at the rear of 22-34 Goldney Avenue and the erection of 6 dwellings. The access is proposed to be widened as part of the scheme and to facilitate this a single storey structure on the side of no.22 Goldney Avenue will be removed and its garden reduced in width and length.
- 1.2 The site is within the settlement boundary. The site is bounded by The Dramway public footpath, the Bristol and Bath Railway Path cycle route to the south west, by the graveyard to the grade II listed St Barnabus Church to the south east and two storey houses to the north and east.

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
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS10	Minerals
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS24	Green Infrastructure, Sport and Recreation Standards
CS29	Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP5	Undesignated Open Spaces
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP10	Active Travel Routes
PSP11	Transport Impact Management

PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP22	Unstable land
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.

South Gloucestershire Design Checklist (Adopted) 2007)

South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

Affordable Housing SPD (Adopted) Sept.2008.

Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide

SPD – (Adopted) March 2015

SPD: Development in the Green Belt (Adopted) 2007

3. RELEVANT PLANNING HISTORY

3.1 PK18/4221/O Demolition of garages and erection of 8 No. dwellings (outline) with access, appearance, layout and scale to be determined. All other matters reserved. Withdrawn

3.2 P19/0222/O Demolition of garages and erection of 7 No. dwellings (outline) with access, appearance, layout and scale to be determined. All other matters reserved (Resubmission PK18/4221/O). Withdrawn

4. CONSULTATION RESPONSES

4.1 Siston Parish Council

- families living in the existing terraced housing in this short cul-de-sac have no opportunity for off-street parking.
- resident parking, as originally designed and provided for is no longer available so almost every road space is filled by vehicles belonging to existing householders This seriously inhibits the free passage of emergency and large vehicles, leaving members with grave concern at the effect of increased vehicle movement of all sizes to and from this backland site.
- Refute claim that such a residential development will reduce the traffic movements along its access drive.
- the site access between no.'s 20 - 22 is totally inadequate for larger vehicles entering or leaving this site.
- a further claim that a limited number of properties only have right of vehicle access to each rear garden is disputed, a visit to the site showing almost all have long enjoyed such a right. This should also raise questions as to whether the proposed vehicle manoeuvring space here will be sufficient for both new and current property occupiers.
- need for a protected and dedicated footway along the whole of this private site access drive, to enable safe passage for the many

pedestrians wishing to use the soon to be adopted and newly registered Public Right of Way.

- The existing right of way remains blocked by the developer giving rise to the concern that, if the development were to be given permission, it is felt unlikely the Right of Way would be respected.
- Members also have concerns regarding obstruction of the existing vehicular access for properties 24 - 34 Goldney Avenue.
- It is felt, the removal of part of 22 Goldney Avenue will also detract from the row of houses along both sides of the road, changing the pleasing symmetry of this row of properties.
- Regarding access, concerns have been expressed about the ability of construction traffic to safely manoeuvre through Goldney Avenue to then turn safely onto the site.

The Coal Authority

We have commented on this site in several letters to the LPA, the last of which was dated 11 February 2020.

The applicant has now provided a copy of a letter/report dated 22 October 2019, prepared by Obsidian Environmental and addressed to my colleagues in the Permitting Team at the Coal Authority. I have sought technical advice on the information contained in this letter and it has been confirmed that this information, including the relationship of the shaft cap to the dwellings, has been subject to appraisal as part of the permit process.

The authors of the report note that a second phase of ground investigations is proposed, including the investigation of shallow coal mine workings which needs to be completed. We would also expect consideration to be given to the potential risks posed to the development by mine gas.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any mitigation measures that may be necessary.

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property.

The Coal Authority has no objection to the proposed development subject to the imposition two conditions relating to further investigations prior to commencement of the works and the mitigation undertaken prior to occupation of the houses.

4.2 Other Consultees Public Rights Of Way

There is a current application for a footpath to be added to the definitive map and statement (legal record of public rights of way). This route is shown on the plan proposed and is sought to be two metres wide. The path application was

determined by the Public Rights of Way and Commons Registration Sub Committee on 12th September 2019, to show use by the public for a sufficient period to determine to make an order to add the path to the definitive map.. A width of 2m is suggested alongside plot one.

The amended plans seem to have retained the proposed pedestrian link from Goldney Avenue through to the Dramway. This is substantially in the same position as the Claimed route that has been the subject of a definitive map modification order to add the path to the definitive map. The order has been made but not confirmed yet as there has been an objection raised. A plan showing the claimed route was uploaded in late 2019. The Dramway path runs to the west of this proposed development and Local Plan Policy PSP10 seeks to make connections to existing active travel routes. Provided the pedestrian link to the dramway is provided by the development - no objection.

Conservation

Grade II church is adjacent to the south of the site is the Dramway, which as a non-designated heritage assets its setting and amenity needs to be sustained if not enhanced when considering any development proposals. While the existing site context and character is noted, replacing the line of trees with prominent views of close-boarded fences in views from the historic Dramway would be visually intrusive and harmful. The siting and orientation of the houses needs to be reconsidered in my view, as the gardens of any new development should be set against the rear of the existing gardens and so any new houses address the Dramway, although they would need to be set back into the plot to provide access but also retention of the sites mature planting. Overall a far more considered approach is required that demonstrates sufficient regard to the existing features and characteristics of the site.

Further to amendments:

The amendments are noted in respect of the position of boundary treatment and retention of planting. While this would clearly help mitigate the impact and seek to address previous concerns,

Considerations should now relate to the viability of planting and if there is any further mitigation measure required; and implementation and future management in perpetuity.

LLFA

No objection subject to a condition requiring detailed layout of drainage.

Ecologist

No designated sites will be impacted by this development.

The buildings are unsuitable for roosting bats and the immediate surrounding area is of low ecological value, if there have been any significant changes since the initial report these will need to be reported to the local authority and reviewed.

Conditions relating to proceeding in line with the Mitigation Measures provided in Chapter 6 of the Ecological Appraisal (Ethos, November 2018), a “lighting design strategy for biodiversity” and evidence of the installation of the ecological enhancement features should be attached to any consent.

Archeology

No comment

Environmental protection

No objection subject to conditions regarding studies to mitigate for the site being within 250m of filled land.

Highway Structures

No comment

Other Representations4.3 Local Residents

Objections from 22 people

- Concerns about shortage of parking on street spaces, parking in the turning area, already and that this will be made worse by the proposal leading to lack of access to the site and existing road by utility, emergency vehicles etc.
- The houses had been built in 1947, when the mine shaft collapsed new garages were erected by Warmley District Council and the spare area left grassed and used by children as a recreational area by children (e.g. football) . The land was maintained by the following councils until merlin took over and continued mowing. So it's been recreational use for over 70 years.
- Houses will be overshadowed by trees making dark insides to the houses.
- Overbearing on 22-36 Goldney Avenue
- Loss of parking, on street parking problems, . Have already lost parking from the garages. Concern about overflow from the new development
- the increase vehicle movements will impact onto road safety and out onto A420 London Road
- Neighbours have rights of vehicular access to the rear of their properties – this should be free and unhindered at all times. What measure will be put in place to ensure safe access to the rear of neighbour's houses?
- Concern that a council refuse wagon / emergency vehicle won't get into site and loss of grass verge?
- There are covenants and restrictions on the deeds to this land and that of the neighbouring houses in respect of access, utilities etc.
- Loss of privacy to surrounding houses and gardens
- Concern about hedgehogs so clearing of eth site must be done sensitively
- Loss of light to neighbouring dwellings
- Is drainage and impact on The Dramway and its trees considered.
- Concern about comments from the Coal Authority
- Concern about distance from a fire hydrant.
- Want pavement down the access route to prevent accidents.
- dropped kerb at the rear of number 26 Goldney Avenue is not shown on the new plan
- Concern about waste collection – how will this occur

- seven properties on this plot would be overcrowding in terms of housing and traffic.
- People park in Goldney avenue to cycle to work or walk dogs.
- No details of how the garages will be demolished or how the boundary will be re-secured adjacent to no 20 Goldney Avenue. Also the boundary as shown in refuted and the owners have written to the developer direct. How with that boundary be protected during works ?
- Concern at inaccuracies on plans
- Ownership of the parking spaces is not clear, which belong to which house?
- Concern about size of parking spaces and design of houses not matching those in Goldney Avenue.
- Goldney Ave is deemed unsuitable to HGVs due to the potential impact on current infrastructure (water mains etc). How does the developer propose to deliver goods to the site to build the houses?
- An alleyway has been planned in order to accommodate the current access to the Dramway for residents in the area, which was entered into public record in September 2019. Despite this, to date, there has been no attempt to restore the access to the Dramway by the land owner. Does it meet Council standards.
- Concern about the swept path analysis not showing approach from both directions off Goldney avenue
- Concern that the lane cannot take the weight of HGV's or similar
- No. 22 has a covenant on it that clearly states that the property must not be devalued or cause other properties to be devalued, demolishing a part of the house and reducing the Garden will affect all the adjacent properties' values on Goldney Ave. The development will break the covenant.
- The garages have asbestos roofs and residents want to know that it is removed by professionals – health risk.
- Right of way should not be obstructed
- Does the path respond to horse rider, disables persons needs etc.
- Notes Coal authority request for a condition.
- Concern for ecology
- Level change of 0.5m currently exists between No 20 and the site and detail should be submitted to protect the road and neighbour.
- Will there be a footpath along the private drive.
- Concern at having to live opposite a junction
- Concern about tree in front of No 11 but next to the site
- Only two visitor spaces shown
- Concern about devaluation of homes
- Residents will have to drive through a construction site
- Reference to Joint Rights of Way Improvement Plan 2018-2026

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal site is located within the built up settlement of Warmley where Policy CS5 establishes the locational strategy for development and directs

- development to such sites. The site has not been specifically identified within the development plan however due to its location and partial previous use as a garage site the site would be considered a suitable position for development subject to site specific consideration.
- 5.2 Policy CS16 of the Core Strategy (2013) states that housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services; such as the case with the subject site. The policy continues to state that development should be informed by the character of the local area and contribute to the high quality design objectives set out in Policy CS1; improving the mix of housing types in the locality; and providing adequate levels of public open space, semi-private communal open space and private outdoor space. Policy CS17 requires that new housing development provide a wide variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households.
- 5.3 Paragraph 11 of the National Planning Policy Framework makes a presumption in favour of sustainable development. In terms of the decision making process, the National Planning Policy Framework goes on to set out that this means 'approving development proposals that accord with an up-to-date development plan without delay. In this instance, the development plan is made up of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017. Officers are satisfied that the proposed development is consistent with the scope of the relevant principle policies contained in the South Gloucestershire Core Strategy (adopted) December 2013 (namely, policies CS5 and CS34). Therefore, as required by the National Planning Policy Framework, officers consider that there is a strong presumption in favour of approving the proposed development, subject to detailed consideration of the following issues and relevant development plan policies.
- 5.8 Accordingly, significant weight is afforded to the presumption in favour of approving the proposed development.
- 5.5 The proposal is for full planning permission to erect 2 semi detached and 4 detached dwellings. Consequently the main issues to deliberate are whether the proposal would be suitably situated; whether access provisions would be acceptable; whether impacts on any heritage asset or neighbour is acceptable; whether the proposal would be considered sustainable development, making best use of the land available.
- 5.6 Transportation
Sustainability of the site
The site is located within the urban area and benefits from being close to significant employment sites and backs onto the Dramway public path and the Bristol and Bath Railway Path/Cycle route. Additionally there are bus links to Cadbury Heath on a 20minute service frequency, bath service, half hourly service to Bath within 400m and further options within including Bristol City centre approximately every two and a half hours from 7.11am. The current

range of schools and services are all within the ranges set out in PSP11. Whilst the nearest supermarket and comparison goods shops are approximately 2km away rather than the 1.2km sought in PSP11 the site is well connected by bus to such facilities. Overall given that this is a small proposal within the urban area officers consider the site a sustainable location for development.

5.7 Traffic

The garages and the access road are private property having long since been disconnected from the houses they once served. As such as 'standalone' garages, these can be rented or be used as storage— each garage can therefore generate traffic on their own merit if they are rented. It must also be noted that the use of these garages can restart at any time and without a need for submission of a formal planning application. Each garage can potentially generate minimum of two movements per garage each day (one trip out and one trip in). With 21no. garages on site then, the site can generate 42no. car trips a day – this is a minimum number trips that can be generated from this site. By comparison, total daily traffic associated with each house is estimated to be in order of 5 or 6 movements. Accordingly, the proposed 6no. dwelling on the site would result in total daily vehicular movements of 30 (i.e. 6x5) or 36 (i.e. 6x6). During AM peak hour, we anticipate traffic from the new development to be in order of 3 or 4no. car movements with similar of number PM peak traffic movement travelling back to their homes. Such level of traffic cannot be considered significant and it would not prejudice road safety. It is considered that the traffic generation with new development in place would potentially be reduced from its permitted use.

5.8 Access to site

The proposed means of access to the site will be via the existing private drive alongside No. 22 Goldney Avenue. As part of this application, it is proposed to improve the lane by removing the existing side extension to No. 22 in order to widen the road. The width of the new road varies - passing the existing house, the road has a minimum width of 4.2m but it widens to 5.0m at the entrance near Goldney Avenue with the new road along the new houses measuring 5.5m wide. overall, the new road is considered acceptable to serve this development. The existing access is private and this would remain as a private road and a management company will need to take on its maintenance – a condition can adequately secure these details. The existing access will continue to serve the existing properties with rear access and garages backing onto it as well as serving the proposed new housing development.

5.9 Details submitted with this application includes vehicular tracking diagrams. The revised access is suitably wide enough to facilitate a reasonable size service vehicle including fire engine and delivery vehicle. The proposed design includes an acceptable turning area within the site to ensure that such service vehicles can access and egress the site entrance in forward gear.

5.10 Access from this site onto the wider highway network is via Goldney Avenue – a class iv adopted highway. Goldney Avenue is generally 5m wide with grass verge and footway on both sides of the road. The road is considered adequate to accommodate two vehicles to pass although I note from site visits that there

is some on street parking at this location. Notwithstanding some on street parking at this location, the road operates safely for all its users.

Refuse needs to be handled differently and the applicant has been advised that SG Council uses 11.3m long refuse vehicles rather than the 9.07m long refuse vehicles they showed on their auto tracking. The developer has indicated that they cannot accommodate the longer vehicles within the site and as such has proposed that they use a private contract to collect refuse from the new homes. A condition will adequately secure the detail of this contractor and the type of vehicle to be used.

5.11 Parking capacity

Parking at the site is a highly contentious concern to adjoining residents in the surrounding properties as they access their rear garden parking areas via the existing road. It is understood that parking has occurred on the access road itself too but seemingly this is not part of the rights of the neighbouring owners, who may only access over the road, not park on it. There is some disagreement about which houses have a right of access to their rear gardens for parking but the proposal does not block any of the rear gardens or their parking areas. Whether or not there are rights to access the rear gardens of all of the houses is a civil matter and because the rear gardens are not obstructed by the proposed layout this can be appropriately dealt with as a civil matter without prejudice to the existing neighbours or the planning application.

- 5.12 The access road will stay in place but be widened and also becomes the access to the front of the new houses which each have two parking spaces off the road to accord with SGC parking standards. Additionally there are two visitor car parking spaces shown to be provided. The proposal therefore caters for its own parking needs which are set out in PSP16 and the residential Parking standards SPD but cannot be held to account for unauthorised use of its land or an existing parking situation.

5.13 Dramway linking footpath

The single track access has for a long time been used as a walking route to the Dramway footpath. This has been established as a right of way and been the subject of a definitive map modification order to add the path to the definitive map. Although the physical path is blocked at present with security fencing, the route is acknowledged in the application and a two metre wide path is proposed beside plot one.

The access is proposed to be widened to facilitate cars to pass and facilitate easier large vehicle access. It is not considered necessary that a pavement is created at this location given that the access road is not going to be materially differently trafficked than the lawful use and the road will be wider to facilitate separation from an oncoming vehicle should that occur.

5.14 Coal mining legacy/contamination

Much concern has been raised by the neighbours about the existence of coal workings on the side and this has been addressed in the application and the appropriate authority, The Coal Authority consulted. As a result the Coal Authority have thoroughly looked over the submission in accordance with their

specialisms. The Coal authority has confirmed that it is satisfied with the documents submitted thus far and subject to additional information required prior to commencement of the development there is no reason to withhold planning permission on the grounds of the site having a coal history. Notwithstanding that prior to occupation of the buildings a further condition seeks evidence that the appropriate mitigation is appropriately carried out such that there would be no harm to occupants and as such to surrounding properties.

Further to the coal mining legacy a landfill site with 250m may impact on the dwellings and as such a contamination risk assessment is also required by Environmental health team. As such the proposal is considered acceptable in relation to Policy PSP22 and three conditions are necessary and remediation of the Coal works attracts limited weight in favour of the scheme.

5.15 Design, layout and appearance

Goldney Close has a mixture of house styles and ages of properties. Whilst the end of the cul-de-sac has a distinct cottagey feel with semi-detached houses having small windows in rendered walls and having steeply pitched roofs other houses take different forms and include red brick as proposed by the developer in this scheme and a mix of roof tiles over shallower roofs.

5.16 The proposal creates a distinct row of six houses with eaves at 5m high and ridges at 8m. The houses have a modern appearance with good levels of natural light due to large windows. The proposal is to use Redland Breckland black stonewold tiles, a flat profiled two tone tile, with render and brick to walls and details to be facilitated in brick. Details of these will need to be agreed. Windows are proposed a white pvcu. This is considered acceptable and provides an acceptable design to this separate row of houses.

5.17 Parking spaces are to the sides of properties except in relation to the original house which gains two spaces at the end of their garden.

5.18 The proposal is a small cu-de-sac replacing dilapidated garages and incorporating a pedestrian link to the Dramway. The design will offer additional surveillance to the footpath link and the rear accesses to the neighbouring houses which is a benefit of the scheme in terms of security. The police crime officer has commented on the scheme and as such the scheme will include security lighting to the parking areas and has been designed with fencing to the side of plot one. This will need to be specially designed not to disturb the flight path of bats.

5.19 Overall, the layout, design and appearance of the proposed development is considered to be acceptable in the context of the surrounding development and if afforded neutral weight.

5.20 Impact on heritage

The Dramway is considered to be a non-designated heritage asset and as such its setting and amenity needs to be sustained if not enhanced when considering any development proposals. Additionally St Barnabus Church to the east of the

- site is grade II listed but its location is such that the proposed houses are not considered to affect its setting.
- 5.21 The row of houses will back onto The Dramway with its trees forming the backdrop to the development. This facilitates best use of the site without having houses too close to the top of the bank above the Dramway path. A small amendment to the scheme now excludes part of the site such that the existing Hawthorn trees (possibly the remains of an old hawthorn hedge) form the rear boundary of the site rather than being within the gardens and a hedge is proposed to be planted to mark the boundary between the gardens and the Dramway. Whilst enclosure of the site would have some harm to the transition between the nearby houses and the Dramway itself, where the garages are not present neutral weight is afforded overall as a result of the additional planting along the rear mesh fence. A condition removing the right to erect new fencing will be attached to ensure that the rear fencing is not replaced to the detriment of the Dramway.
- 5.22 Impact on residential amenity
Existing occupiers
The new houses are located some 7.5m away from the neighbours rear fences and as such there is at least 28m between the rear elevation of the existing houses and the new windows. This is considered ample distance to protect residential amenity and exceeds the general 21m back to back distance often referred to when considering privacy.
- 5.23 There is some concern about how the existing houses will access their parking facilities during works but this short term difficulty during construction is a civil matter which must be managed by the applicant and those with rights over the land and should not be a reason to refuse planning permission. A condition is attached to ensure that there is no unnecessary delay in the provision of the proposed road and that a management company is put in place to manage maintenance given the increased number of houses having interest in the access way.
- 5.24 Concern has been raised about the physical impact of the road widening on No 20 Goldney Avenue and this again is a civil matter. Never the less a condition relating to landscape details seeks clarification about how the boundary between the site, particularly when the garages are removed, and 20 Goldney Avenue will be secured. Whilst this will have some harmful impact to the use of the long garden of 20 Goldney Avenue when the garages are being removed and there will be some impact during the reconstruction of the driveway, this would be a temporary situation which is a civil matter and overall there is a neutral impact on residential amenity.
- 5.25 Future occupiers
Policy PSP43 sets out the minimum provision for private amenity space required for new dwellings across the district. Three bedroom houses should have 60m² and a four bedroom house 70m². The site complies with these policy standards. In view of this, the levels of amenity space available is considered to be acceptable and in accordance with the requirements of Policy PSP43. Given the impact on trees, parking and garden sizes if extensions

were to be added to the houses it is necessary to remove permitted development rights in respect of extensions and outbuildings..

5.26 Landscape and trees

Approximately half of the site is hardsurfaced parking court/garages and the other half is rough grass/ overgrown weeds. The site is surrounded on two sides by trees which form a woodland backdrop to this site. The trees within the Dramway are located south west of the proposed houses so there may be some pressure to carry out tree works over time but the trees in the Dramway are subject to woodland Tree Preservation Order no.1016 and so are afforded statutory protection. As such any works would be controlled and only granted permission if it were in the best interests of the trees. Being deciduous there would be more light penetration in the wintertime. Other trees in the Graveyard and within the Churchyard are sufficiently remote so as not to be harmed by development but measures proposed in the Arboricultural report are in line with the recommendations within BS5837:2012 Trees in relation to design, demolition and construction – recommendations. The tree report addresses the tree protection issues adequately in that Tree Protection Fencing is specified in the appropriate locations to safeguard the root systems of the trees. The retention of the existing hard standing during the demolition and construction phases is a good idea as this can then be used as a material storage area and will avoid soil and root compaction.

5.27 A condition is necessary to secure the mitigation which maintains the trees with careful groundworks. Whilst the trees are likely to overshadow the gardens and the houses may lose direct sunshine later in the day this is balanced against the benefit of living so close to nature and, because the mitigation is proposed, impact on landscape is afforded neutral weight.

5.28 Additionally a street tree is located directly in front of 22 Goldney Avenue, within the public highway and this may be subject to canopy reshaping as a result of the proposed to widen the access road. Whilst this has some merit in the streetscene it is currently misshapen as a result of its location so close to the road and its situated beneath a power cable. Any works in the highway permitted by Streetcare will need to consider this further. Whilst impact on a street tree is regrettable this is a small tree impact on it is afforded only limited weight against the application.

5.29 Energy efficiency

The scheme is for only six houses but they are designed to make good use of the sun in that large windows are proposed on the southwest elevation and the roofs would on the whole lend themselves to mounting solar technology. Whilst there is some concern about the houses being close to the Dramway woodland trees the limited nature of these six houses will not place a significant burden on electricity if the close proximity of the trees encourages use of resources rather than natural light to be used to light or heat the house at certain times of year and given that the trees are deciduous they will lose their leaves in Autumn. As a whole however the proposal will need to meet current building regulations and provide one 7Kw / 32amp electric car charging points for each new dwelling. This level of enhancements are acceptable in this instance and is afforded neutral weight in the planning balance.

5.30 Ecology

No designated sites will be impacted by this development. The buildings are unsuitable for roosting bats and the immediate area of the site is of low ecological value.

Conditions relating to proceeding in line with the Mitigation Measures provided in Chapter 6 of the Ecological Appraisal (Ethos, November 2018), a “lighting design strategy for biodiversity” and evidence of the installation of the ecological enhancement features are required to mitigate any harm from the development itself. This is afforded limited weight in favour of the scheme.

5.31 Drainage

No objection is raised to the principle of the proposal but fuller drainage details are required to be submitted as a condition to ensure that the most sustainable solution is taken forwards. Drainage matters are afforded neutral weight.

5.32 Affordable housing and community facilities

Given that the site is only proposed to accommodate 6 houses the development falls below the threshold for both affordable housing and community provision in an urban area.

5.33 Other matters

It is understood that there are restrictive covenants on the nearby houses on account of them having been council housing and the Council at the time seeking reassurance that their other houses locally would not be degraded by the actions of an owner occupier – This specifically includes 22 Goldney Crescent in a covenant seen by the planning officer dated 23/7/1984 but land covenants on the deeds to the house are a matter between the current owner of No 22 Goldney and the covenant owner rather than for the Local Planning Authority. Legal issues cannot usually be taken into consideration in the determination of a planning application as they are matters of civil law rather than planning law. An informative will be added to draw the developers attention to any covenants on the deeds.

5.34 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.

5.35 Planning Balance

The proposal is afforded significant weight as it is appropriate development in a sustainable location in the urban area of Warmley. Modest weight can be afforded as the proposal would have a net gain of 6 houses to the 5year housing land supply.

The improved visual amenity of the site by comparison to the dilapidated garage site, increased security to the Dramway link and rear accesses to nearby houses, benefits to biodiversity, full remediation of the coal workings all add further weight in favour of the proposal.

Weighing against the application is the loss of potential parking spaces within the old garages but as these have no current links to the surrounding houses this can only be afforded limited weight. Also weighing against the scheme is the potential impact on a relatively small street tree and potential disruption to neighbours during the works.

Overall the application merits clearly outweigh the harms of the development.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

CONDITIONS

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

Reason

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

2. No development, other than any necessary demolition shall commence until;
 - a) a scheme of intrusive site investigations has been carried out on site to establish the exact risks posed to the development by past coal mining activity, and;

- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework and PSP22 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017.

3. Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason:

To demonstrate that appropriate remedial and mitigatory measures as identified have been carried out as agreed. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework and PSP22 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017.

4. Developments with the potential to be affected by land contamination

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: In the interests of the future occupiers, in accordance with the policy PSP21 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017, CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a precommencement condition because the works necessary to complete the condition may require remedial action if not carried out before development commences.

5. Prior to the demolition of the garage block adjoining 20 Goldney Avenue detail of a means of securing that property from the site works (demolition, road alterations) shall be submitted to and agreed in writing by the Local Planning Authority. The works shall then proceed in accordance with those details.

Reason: In the interests of residential amenity, to accord with policy PSP8 of the South Gloucestershire Local Plan: Policies Sites and places plan 2017 and the National Planning Policy Framework.

6. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. A detailed development layout showing the location of surface water proposals is required along with results of percolation tests and infiltration calculations to demonstrate that the proposal is suitable for this site.

Reason: To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2019

For the avoidance of doubt the following details should be submitted when seeking to discharging the above drainage condition:

- A clearly labelled drainage layout plan showing the exact location of any soakaways and the Root Protection Zones of trees.
 - Evidence is required to confirm that the ground is suitable for soakaways. Percolation / Soakage test results in accordance with BRE Digest 365 and as described in Building Regs H - Drainage and Waste Disposal
 - Evidence that the soakaway is appropriately sized in accordance with BRE Digest 365 Soakaway Design.
 - Sp. Note; - Soakaways must be located 5 Metres from any structure including the Public Highway
 - Sp. Note: - No surface water discharge will be permitted to an existing foul sewer without the expressed approval of the sewage undertaker.
 - Sp. Note; - No public surface water sewer is available.
7. Prior to occupation of any dwelling its off-street car parking and turning area, in addition to the widened access shown on Proposed site plan 2990/11 Rev C received 16/9/2020 shall be set out and finished in accordance with the materials submitted and approved in the landscape condition (number). This shall subsequently maintained satisfactory thereafter.
8. Prior to the commencement of development details of a management company which shall have responsibility for maintaining the means of access implemented under condition 7 shall be submitted to and approved in writing by the Local Planning Authority . The details of the management company shall include their name and address and details of all parts of the means of access to be maintained and frequency of maintenance.

Reason: To ensure continued provision and maintenance of a satisfactory means of access in the interests of highway safety in accordance with PSP11 of the South Gloucestershire Policies Site and Places Plan 2017.

9. Prior to occupation of the first dwelling on site, details of the private refuse/recycling contractor (including name and address) and type of vehicle to be used to service the site shall be submitted to and agreed in writing by the Local Planning Authority. The refuse collections shall thereafter continue as such thereafter.

Reason

The developer is unable to accommodate the vehicles used by South Gloucestershire Council in their private road design and this would prevent the need for future residents to drag their bins an unreasonable distance, to accumulate rubbish bins and associated unneighbourliness close to houses on Goldney Avenue. In accordance with PSP8 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

10. Prior to the occupation of the first house full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved prior to occupation of the first house. These details shall include as a minimum:
- details of mesh or wire security fencing to be positioned along the Dramway facing side of the gardens in the position shown on the proposed block plan,
 - details of all other fencing paying particular regard to and addressing any change in levels once the garages alongside 20 Goldney Avenue are demolished;
 - a proposed scheme of native hedge planting to be located on the Dramway side of the rear garden fences and planting to the front of the houses [planting plans; written specifications (including cultivation and other operations associated with plant establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities; implementation programme].
- The scheme shall be completed prior to the occupation of the final house and maintained as such thereafter.

Reason: The use of standard solid fencing at the Dramway would detract from the non-designated heritage asset of the Dramway and solid fencing would also prevent establishment of screen planting. To protect the character and appearance of the Dramway non-designated heritage asset and to protect the privacy of neighbouring properties, to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the , policies PSP2, PSP3 and PSP17 of the South Gloucestershire Local Plan: Policies Sites and places plan 2017 and the National Planning Policy Framework.

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.

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

Reason

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

12. The development shall proceed in strict accordance with the Mitigation Measures provided in Chapter 6 of the Ecological Appraisal (Ethos, November 2018) (PSP19);

Reason

To ensure the works are carried out in an appropriate manner and in the best interests of the ecological value of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP17 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

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

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

To ensure the works are carried out in an appropriate manner and in the best interests of the ecological value of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP17 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

14. Prior to first occupation of any of the houses, evidence of the installation of the ecological enhancement features recommended in the Ecological Appraisal (All Ecology, November 2018) shall be submitted to the local planning authority for approval in writing. This shall include, but is not limited to, bird boxes, bat boxes, permeable fencing and native planting (PSP19).

Reason

To ensure the works are carried out in an appropriate and timely manner and in the best interests of the ecological value of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP17 of the South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

15. Only land to the north and east of the rear garden fence line shown on proposed site plan 2990 11C received 16/09/2020 shall be considered to be residential curtilage.

Reason

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

16. 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 (extensions), B (additions to the roof), D (porches), E (incidental buildings), F (hardstanding)), or any minor operations as specified in Part 2 (Class A Gates/fences/walls), 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 protect the surrounding trees, minimal garden areas and character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, PSP8 of the South Gloucestershire Local Plan Policies sites and places plan and the National Planning Policy Framework.

17. Prior to the commencement of development details of the render and bricks/mortar for the 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 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.

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

2992/16 Rev A	Location plan received 16/9/2020
2990/10	Existing site plan rec 12/12/2019
2990/11 Rev C	Proposed site plan received 16/9/2020
2992/12 Rev D	Proposed Block Plan received 10/11/2020
2992/18	Existing and proposed elevations to 22 Goldney Avenue received 24/7/2020
2990/14 Rev A	Proposed plans and elevations of plot 4 and 5 received 29/9/2020
2990/13 rev A	Proposed elevations and floor plans Plot 1 received 16/9/2020
2990/17	Proposed elevations and floor plans Plots 2/3 received 10/11/2020
2990/15 Rev A	Proposed elevations and floor plans Plot 6 received 10/11/2020.....

Swept path analysis 1 refuse vehicle 9.07m long vehicle

Swept path analysis 2 fire appliance
Swept path analysis 3 fire tender /van
Swept path analysis 4 large car All received 12/12/2019

Arboricultural Report - including Churchyard trees close to site received 22/7/2020
Bat report received 12/12/2019

Coal Mining Risk Assessment received 12/12/2019

Obsidian Environmental Report letter to coal authority #LR2 dated 28/6/2019
RECEIVED 16/7/2020

Obsidian Environmental Report letter to coal authority #LR3 dated 3/6/2019
RECEIVED 16/7/2020

Obsidian Environmental Report letter to coal authority #LR4 dated 22/10/2019
RECEIVED 16/7/2020

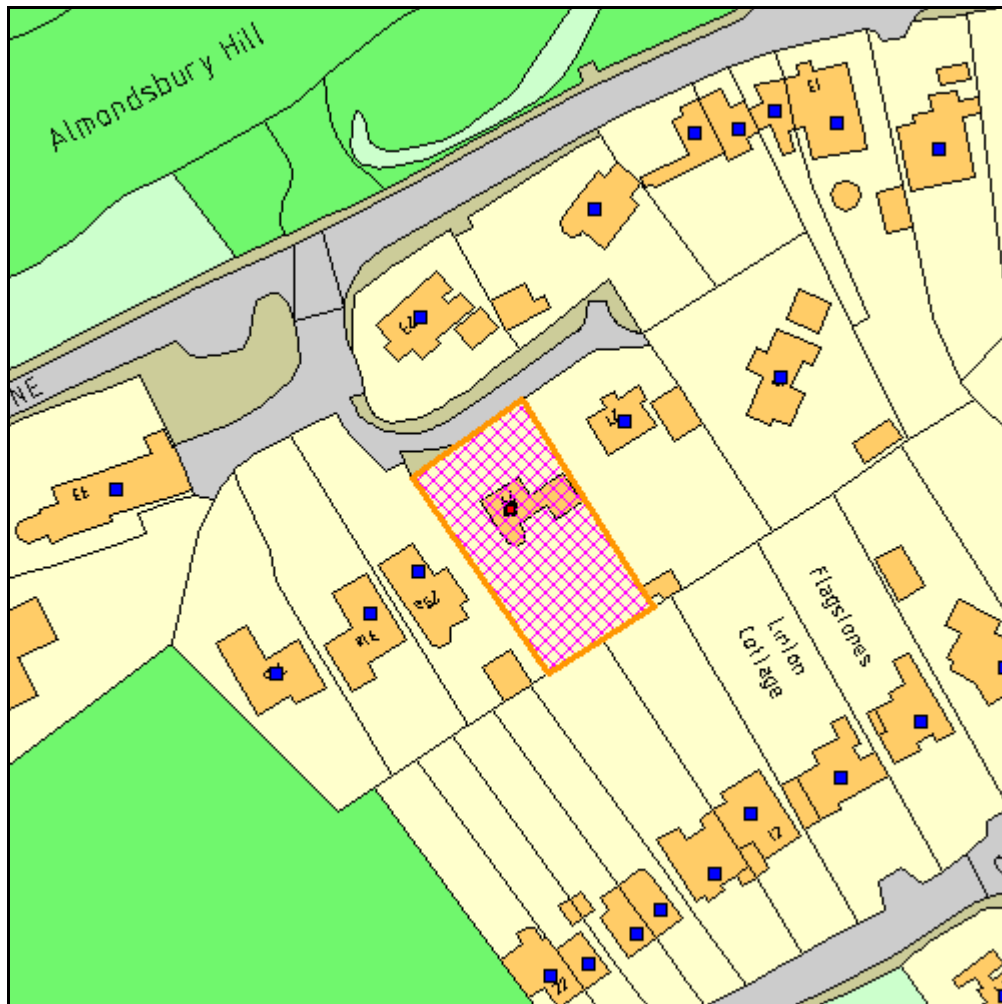
Reason

In the interests of clarity add to prevent the need for remedial action.

Case Officer: Karen Hayes
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 12/21 -25th March 2021

App No.:	P21/00019/F	Applicant:	Mr And Mrs A Moore
Site:	29 Over Lane Almondsbury South Gloucestershire BS32 4BL	Date Reg:	13th January 2021
Proposal:	Erection of 1 no. three storey and single storey side extension, 1 no. two storey side extension with raised platform, two storey front extension with balcony and raising of roofline with rear dormer window to facilitate loft conservation.	Parish:	Almondsbury Parish Council
Map Ref:	360380 183768	Ward:	Severn Vale
Application Category:	Householder	Target Date:	8th March 2021



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. P21/00019/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.

This application has been referred to the Circulated Schedule on account of the number of representations received contrary to the officer's recommendation.

1. **THE PROPOSAL**

- 1.1 Planning permission is sought for various extensions and alterations including a part three-storey part single storey side and rear extension on the north east elevation to replace the existing garage, a two-storey front extension with balcony, a raising of the roof line and the introduction of a rear dormer to facilitate a loft conversion at 29 Over Lane, Almondsbury.
- 1.2 As originally submitted, this application also sought planning permission for a part two-storey part single-storey side and rear extension with a green roof/roof terrace on the south western elevation as well as related alterations to the south western boundary treatment. The revised application however is essentially a resubmission of the previously approved PT18/2010/F (as amended by P19/2382/NMA), but with a variety of minor alterations.
- 1.3 The application site comprises of a rectangular shaped plot featuring a two-storey detached dwellinghouse of mid 20th Century construction finished in render. The associated curtilage comprises of an attached garage served by a driveway that provides sufficient parking space for two vehicles, an open front garden and a substantial enclosed rear garden featuring sheds, glasshouses and a single storey outbuilding situated along its north eastern boundary. The site is accessed via a private spur of Over Lane and is surrounded by detached housing exhibiting a mix of built forms, each within similarly proportioned plots.
- 1.4 The application site is situated within the Almondsbury settlement boundary, has been identified as having potential for archaeological interest and is washed over by the Green Belt.

2. **POLICY CONTEXT**

- 2.1 National Guidance
 - i. National Planning Policy Framework 2019
 - ii. National Planning Practice 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
- CS34 Rural Areas

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

PSP1	Local Distinctiveness
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development Within Existing Residential Curtilages, Including New Extensions and New Dwellings
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

- i. Design Checklist SPD (Adopted 2007)
- ii. Technical Advice Note: Assessing Residential Amenity 2016
- iii. Residential Parking Standards SPD (Adopted 2013)
- iv. Residential Design Guide SPD (Draft)

3. RELEVANT PLANNING HISTORY

- 3.1 P19/2382/NMA Non-material amendment to PT18/2010/F to alter the windows and enlarge the rear dormer. **No Objection** 8th March 2019.
- 3.2 PT18/2010/F Erection of two storey side and single storey side and rear extension to form additional living accommodation. Erection of first floor front extension to include balcony. **Approved with Conditions** 31st May 2018.
- 3.3 The permissions detailed above are currently actionable but have not yet been implemented.

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

No response.

4.2 Neighbouring Residents

This application has received six letters of objection and one that neither objects nor supports the proposed development. The concerns raised via the neighbour consultation process pertain to the following issues:

Loss of privacy. The potential for overlooking of properties in Oaklands Drive on account of the 'panoramic views' afforded from the green roof/roof terrace as well as additional fenestration on the southern elevation, particularly the second storey dormer. In addition, the green roof/roof terrace, windows on the first-floor side elevation and the front balcony would allow for overlooking of adjacent properties in Over Lane. Concern was also raised for the privacy afforded the residents of the host dwelling as these views are afforded in both directions.

Loss of light. The proximity of the development to adjoining properties would diminish the degree of light afforded to them.

Scale. The development is excessive in its proposed building footprint and additional height such that it would be overbearing and intimidating to neighbouring properties, to the detriment of their amenity.

Green Belt. The extension would be greater than 30% of the original dwelling, a disproportionate addition incurring no very special circumstances to justify its development of the Green Belt.

Character. By virtue of the proposed scale and the addition of a second storey, the development would be drastically out of keeping with the existing character of its immediate surroundings and that of the adjoining conservation area.

Property Values. The proposal would diminish the value of adjoining properties due to loss of privacy.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site is situated within the Almondsbury settlement boundary and is currently utilised as a C3 dwellinghouse. The proposed development would extend the area of living accommodation at the expense of a strip of the side and rear garden area. This minor intensification of the existing residential use is a form of development that is supported by PSP38 subject to considerations of visual amenity, residential amenity and highway safety. In addition, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. As such, the proposal raises no issues in principle subject to the various material considerations addressed below.

5.2 Development within the Green Belt

The most intractable element of this proposal, as originally submitted, related to the scale of the proposed works upon land that has been designated as Green Belt land. Chapter 13 of the National Planning Policy Framework sets out the national guidance regarding Green Belt policy, this stresses that their essential characteristics are their openness and their permanence. Paragraphs 143-145 expand upon this, clarifying that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. These '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. There are exceptions to this, detailed in paragraph 145, of which part c) is relevant to this proposal:

- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy PSP7 of the South Gloucestershire Development Plan, Policies Sites and Places Plan (2017) expands upon this exception, specifying that additions resulting in a volume increase of 50% or more of the original building would most likely be considered a disproportionate addition and be refused as inappropriate development. Paragraph 4.7 of the supporting text expands upon this, clarifying that 'original building' relates to the building as first granted planning permission (or the volume of the building on July 1st 1948 for older buildings) and that any additions that have occurred since shall be considered cumulatively.

When we apply this policy framework to the application site and its planning history, it reveals the previously approved PT18/2010/F secured an increase from the original building's volume of approximately 440m³ to approximately 740m³. The subsequent P19/2382/NMA marginally increased this volume further. As such, the extant permissions have already authorised extensions in accordance with the 50% threshold and the proposed additional wing to the south western elevation of this property would amount to an increase of more than 100% of the original building's volume. This degree of additional building volume within Green Belt land is contrary to PSP7 and in the absence of any 'very special circumstances', would warrant a reason to refuse the scheme on account of its disproportionate size.

The applicant has responded to this assessment of the original submission with a revised scheme that has removed the entire additional wing to the south-western elevation. In addition, the enabling alterations to the boundary treatment have also been removed.

As a result, the only additional building volume proposed, beyond that which has been previously approved in the PT18/2010/F permission, relates to an extra 0.25 metre rearward projection of the single storey element on the north-eastern wing. This minor addition is not considered to constitute a disproportionate form of development and would have no substantive impact upon the openness of the Green Belt. Therefore, the revised scheme is deemed to accord with both PPS7 and the exception detailed in part c) of paragraph 145 of the NPPF.

5.3 Design, Character & Appearance

On account of the withdrawal of the proposed south western wing, the design of the revised scheme is very similar to the previously approved PT18/2010/F (as amended by P19/2382/NMA). There have been no relevant changes to local or national planning policy since this approval was determined and consequentially all the elements of this proposal that are unaltered from this previous approval have already been assessed against these policies and deemed to be acceptable, subject to the conditions of the original permission.

As a consequence, elements of this proposal such as the raising of the roof, the introduction of a forward balcony, the side and rear extensions on the north eastern elevation and the introduction of a rear dormer to form a second storey are all necessarily acceptable. The proposed differences included in this revised application relate to the introduction of a soil pipe, amendments to the cladding and fenestration as well as an alteration to the roof of the dormer and an additional 0.25 metre projection of the single storey element to the rear. These shall be addressed in turn.

The proposed partial replacement of the timber cladding on the rear and side elevation with feature grey brick would have the effect of breaking up the rear elevation into three distinct sections of render, brick and timber cladding. Whilst this does constitute a material difference to the previously approved scheme, if constructed, this change would qualify as a permitted development and is not considered to compromise the appearance or coherence of the development.

With regard for the additional 0.25 metre projection of the single storey rear extension, this minor change would have no significant impact upon the overall massing and scale of the extension, which would retain its subservient characteristic. As such, this enlargement of the previously approved scheme does not incur any new issues and is considered a benign alteration that raises no additional concerns.

The slight alteration to the roof dormer involves the introduction of a marginally sloped rather than flat roof. Whilst this is unlikely to be apparent from any public or private vantage point, it does constitute a more sympathetic design for a rear dormer and is considered an improvement that accords with the guidance in the draft Residential Design Guide SPD.

The various alterations proposed to the fenestration include the addition of a stairwell window to the rear dormer, a doubling of the ground floor bathroom window on the rear elevation, replacement of the small window on the north eastern elevation of the single-storey rear extension with a floor-to-ceiling window to match the one adjacent and the replacement of an obscure glazed floor-to-ceiling window in the south west elevation with three high level, non-opening windows. Whereas the doubling of the ground floor bathroom window and the introduction of a second window to the rear dormer serve to add balance and coherence to the rear elevation, the other alterations are largely incidental with no significant impact in terms of the overall design, character or appearance of the property.

The final element involves the introduction of a soil pipe protruding from the rear dormer. This, too, would qualify as a permitted development and is considered a reasonable addition that would not unduly clutter the roof or otherwise compromise the character of the dwellinghouse.

In conclusion, the relatively minor alterations to the previously approved PT18/2010/F (as amended by P19/2382/NMA) proposed in this revised application are considered to accord with the design requirements set out in CS1 and part 1) of PSP38. The enhancement in the design credentials of the

host dwelling as a result of this development would also serve to enrich local distinctiveness in accordance with PSP1.

5.3 Residential Amenity

On account of the revisions to the originally submitted scheme, many of the residential amenity concerns arising from the now omitted additional wing to the south western elevation have been eliminated.

Of the concerns raised with this proposal that are still relevant to the revised scheme, the potential loss of privacy to residents of Oaklands Drive from the dormer to the rear of the dwellinghouse remains to be addressed. Whilst the dormer is a feature of the previously approved PT18/2010/F (as amended by P19/2382/NMA), this proposal seeks to add a second window to it such that the potential for overlooking needs to be reassessed.

This window would not serve a habitable room but rather the transitory function of a stairwell and landing area, reducing the potential harms arising from the outlook afforded from this window. The window is also situated in excess of 50 metres from the rear windows of properties on Oaklands Drive. This is considerably more distant than the 28 metres that is the minimum requirement for securing an acceptable degree of privacy between dwellings of two or more storeys as expressed in the Technical Advice Note: Assessing Residential Amenity. As such, the outlook afforded from this additional window is compliant with the relevant guidance and would not result in an unacceptable loss of privacy.

Another alteration to be addressed relates to the fenestration on the revised south western elevation. This could potentially impact upon the privacy afforded to the immediately adjacent property, No. 29a Over Lane. Whilst the three windows are not obscure glazed, they are all non-opening and situated 1.75 metres above the floor level. This severely restricts the potential for downward outlook, effectively precluding any loss of privacy to occupants of the ground floor habitable rooms of No. 29a Over Lane.

Aside from these privacy concerns arising from changes to the fenestration, the residential amenity considerations for this revised proposal are identical to the previously approved PT18/2010/F (as amended by P19/2382/NMA). As there have been no relevant changes to local or national planning policy since this proposal was assessed and deemed to be acceptable, these elements remain acceptable, subject to the conditions of the original permission.

5.5 Sustainable Transport & Parking Provision

The proposed works, as originally submitted, would serve to provide additional living accommodation within the property, increasing the provision of bedrooms from four to five. This has the potential to expand the degree of occupancy within the dwelling. PSP16 stipulates that the minimum provision of off-street parking for five or more bedroom dwellings is a provision of three spaces. The proposed integral garage is of sufficient scale to qualify as one parking space whilst the driveway would amply accommodate the remaining two parking

spaces. The revisions to this scheme have subsequently reduced the number of bedrooms to four, but no further changes were proposed to the parking arrangements. As such, the parking and transportation provision for the proposed development is in excess of South Gloucestershire's minimum parking standards and is therefore considered to be acceptable.

5.6 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 It is recommended that planning permission is GRANTED subject to the conditions detailed on the decision notice.

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. This decision only relates to the following plans and materials:

Ground Floor Plans - Drawing No: H/2004/06 Rev: B

First Floor Plans - Drawing No: H/2004/07 Rev: C
Second Floor Plans - Drawing No: H/2004/08 Rev: B
Proposed North East Elevation - Drawing No: H/2004/10 Rev: D
Proposed South East Elevation - Drawing No: H/2004/11 Rev: D
Proposed South West Elevation - Drawing No: H/2004/12 Rev: D

The above plans all received by the Local Planning Authority on 19th March 2021; and

Proposed North West Elevation - Drawing No: H/2004/13 Rev: C

Received by the Local Planning Authority on 23rd March 2021.

Reason:

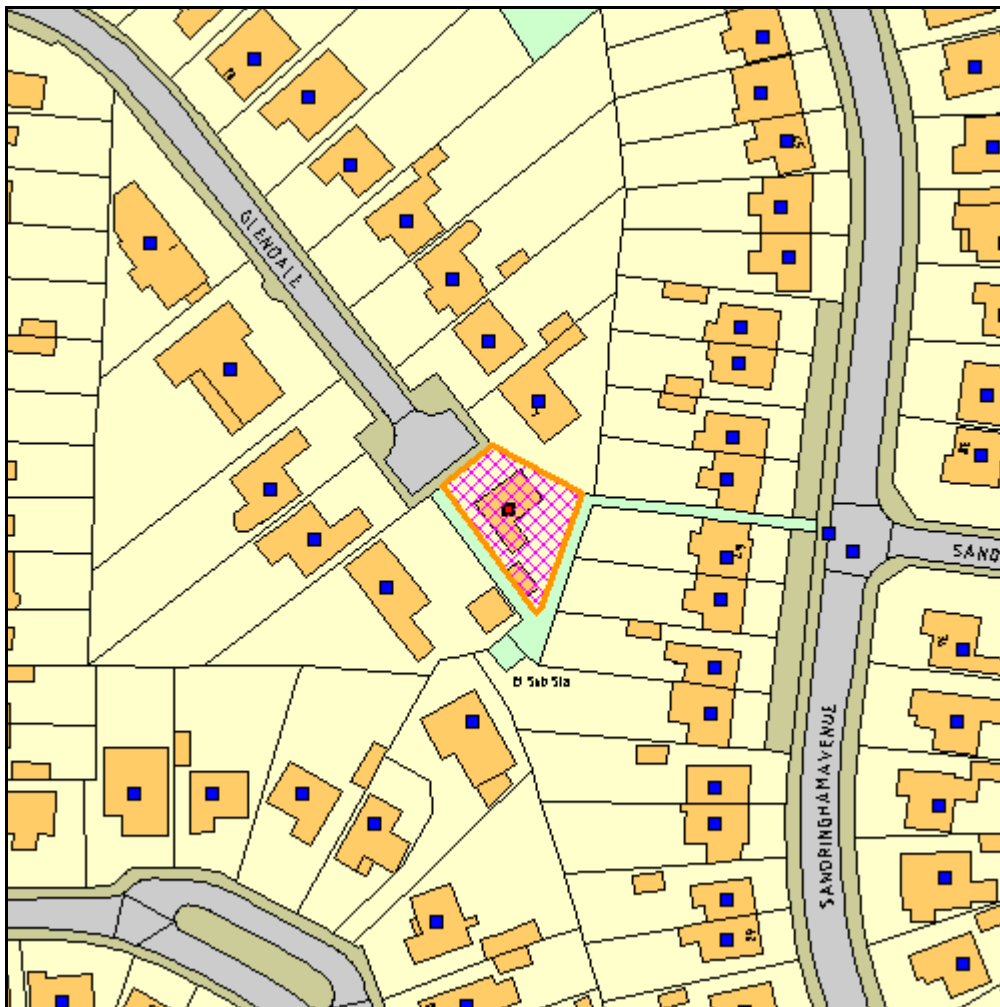
For the eradication of doubt as to the parameters of the development hereby permitted, ensuring a high quality design in accordance with policy CS1 of the South Gloucestershire Local Plan, Core Strategy 2013.

Case Officer: Steffan Thomas

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 12/21 -25th March 2021

App No.:	P21/00368/F	Applicant:	Mr Jack Stanley
Site:	6 Glendale Downend South Gloucestershire BS16 6EQ	Date Reg:	29th January 2021
Proposal:	Erection of a single storey rear and side extension to form additional living accommodation. Installation of 3no. front rooflights and 1 no. rear dormer to facilitate loft conversion.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365146 177765	Ward:	Frenchay And Downend
Application Category:	Householder	Target Date:	24th March 2021



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. N.T.S. P21/00368/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.

This planning application will be added to the Circulated Schedule because the proposal has received in excess of 3No objections from Local Residents which are contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a single storey rear and side extension to form additional living accommodation, and the installation of 3No front roof lights and 1No rear dormer to facilitate a loft conversion, as detailed on the application form and illustrated on the accompanying drawings. The existing garage is to be demolished.
- 1.2 The application site can be found at 6 Glendale and is a single storey detached property within the established built up area of Downend.
- 1.3 Under Permitted Development of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the rear dormer element of the proposed loft conversion complies with the legislation, and therefore does not require subsequent planning consent.
- 1.4 As part of the assessment and determination of this application, the original submitted application originally included in the description of works, that of the installation of 2No front dormers. This element of the proposal has been removed and replaced with a proposal to install 3No rooflights instead by the applicant. As such, a re-consultation has taken place due to the change in description of the proposed works and the revised plans etc.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework February 2019
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

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

- 2.3 Supplementary Planning Guidance
 South Gloucestershire Design Checklist (Adopted 2007)
 Residential Parking Standards SPS (Adopted 2013)
 Householder SPD (Adopted 2021)

3. **RELEVANT PLANNING HISTORY**

- 3.1 None.

4. **CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council
 No Objections.

Sustainable Transport (Transportation DC)
 No Objections.

Other Representations

- 4.2 Local Residents
 9No letters of Objection received:
- *Concerns over loss of privacy and potential overlooking;*
 - *Concerns of an overbearing nature of the proposed dormer;*
 - *Excessive scale and size of rear dormer;*
 - *Potential impacts upon the existing the character and appearance of the existing street scene and the wider context of the area; and*
 - *Concerns over 'modern' materials being proposed and of them being out of character with the existing area.*

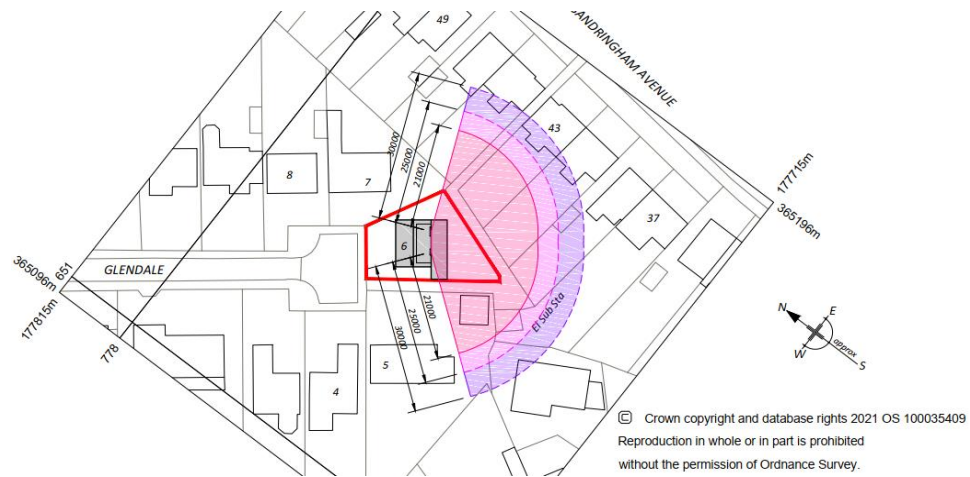
1No letter of Support received.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. It states that new dwellings and extensions within existing residential curtilages are acceptable in principle but should respect the overall design and character of the street and surrounding area. They should not prejudice the amenities of neighbours, or that of highway safety and the parking provision should be of an acceptable level for any new and existing buildings. The adequate provision of private amenity space should also not be sacrificed for any new development that forms part of a settlement pattern that also contributes to local character.

- 5.2 Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context.
- 5.3 The proposal is for planning permission for the erection of a single storey rear and side extension, and the installation of 3No front rooflights and 1No rear flat roof dormer window, to facilitate a loft conversion. Consequently the main issues to deliberate are the impact on the character of the area and the principle dwelling; the impact development may have on the amenities of neighbouring occupiers and the resultant dwelling; and the proposals impact on highway safety/parking provision.
- 5.4 Design and Visual Amenity
Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.5 The single storey rear/side extension, will have an overall width of 12.15 meters and be to a maximum depth of 3.745 meters, narrowing to 3.445 meters, with 1No bi-fold door and 2No windows to the rear elevation into the existing private amenity space. It is proposed to have a flat roof with 1No lantern roof light, extending to 2.7 metres in height to the eaves from the existing ground level. In essence, the single storey side and rear extension will provide a continuous single storey, across the width of the rear of the original dwellinghouse.
- 5.6 To the front roof facade, 3No anthracite grey rooflights are proposed, 1No to each proposed bedroom with 1No smaller rooflight to the centre. To the rear, a flat roof dormer is proposed, incorporating 1No window and 1No bi-fold door with a Juliet balcony. (The flat roof proposed will only be to a maintenance type construction, and therefore will not for any other use, i.e. a balcony). It will have an overall width of 7.7 meters, and will extend to the eaves by 5.3 meters from ground level.
- 5.8 As stated in paragraph 1.3 under the 'Proposal', the installation of the flat roof rear dormer, to facilitate the loft conversion, can be implemented without the benefit of planning permission, as it complies with the requirements of Part B of the General Permitted Development Order 2015.
- 5.9 Compliance with Part B of the GPDO has to ensure a number of criteria; including the proposed cubic content of the resulting roof space which is a maximum of 40 cubic meters for this type of dwelling; the fact that it does not extend beyond the roof plane/slope fronting the highway or the front façade; or indeed exceed the height of the highest part of the existing roof. As there is also no evidence to suggest any restrictions on permitted development rights to this application site, there can be no objection on the basis of design or visual amenity.

- 5.10 The proposals have been planned through their design to complement the existing dwelling in the choice of the materials, details and components, ensuring that the aesthetical appearance of the dwelling continues to compliment both the host dwellinghouse and that of the neighbouring properties wherever possible.
- 5.11 Materials and components will be matched to the existing dwelling, and therefore the scale and form of the proposed extensions do respect the proportions and character of the existing dwelling. Concerns have been raised that some of the material choices are too 'modern' and not in keeping with the surrounding dwellings and neighbouring properties.
- 5.12 Officers have concluded that all the specified materials, as annotated on the Proposed Elevations (drwg ref 20-KDS-044 PL09 Rev A) are not unsympathetic or uncomplimentary in any way to that of the host dwellinghouse, or indeed to any surrounding dwellinghouses, and therefore have concluded that the proposals are in compliance with current policies of CS1 and PSP38.
- 5.13 Residential Amenity
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance.
- 5.14 The impact on residential amenity has been assessed in terms of the surrounding neighbouring properties. Weight is being given to the fact that the dormer window could be erected under permitted development rights – even if this application were to be refused. Given the position of the extensions and the scale, officers are satisfied that the impact will be minimal. Accordingly, officers are satisfied that the proposed development would not result in a significant overbearing impact to any of the occupants of the neighbouring property.
- 5.15 It has been noted, that the application does include a juliet balcony to the facade of the rear dormer, and officers have concluded that although it could be perceived as permitting increased levels of overlooking upon the adjacent neighbouring gardens, with a possibility of having a detrimental impact on the level of amenity afforded to neighbouring dwellings.
- 5.16 It can be seen from the extract below, of the submitted Distances Plan (drwg ref 20-KDS-044 PL10), that the distances from the proposed rear façade of the rear dormer have been clearly demonstrated, and as such almost all exceed that of the 21 meter guidance, as detailed in the South Gloucestershire Council Householder SPD, Adopted January 2021.



5.17 Therefore, as the site is located in a built up residential area and given the scale and location of the proposed dormers, the proposal should not result in an unacceptable impact on the residential amenity of neighbouring occupiers in terms of privacy or overlooking. Therefore it has been concluded that the impact on the neighbouring residential amenity would be limited and therefore it should not result in an unacceptable impact.

5.18 Transport

Policy PSP16 of the Policies, Sites and Places Plan sets out the Council's parking standards. The proposal includes 2No further bedrooms, totalling 4No bedrooms and although the proposed development will remove parking from the existing garage, there is still adequate space available on the driveway to the side of the dwelling to provide parking which complies with South Gloucestershire Council's residential parking standards. On that basis there is no transportation objection raised.

5.19 Private Amenity Space

The dwelling benefits from a good amount of existing private amenity space to both the front and rear of the property. PSP43 sets out standards which are based on the number of bedrooms at a property. The proposed extensions will create a total of 4No bedrooms and as such, should have at least 70m² of private amenity space. The existing dwelling has 2No bedrooms, and as such should have at least 50m² of private amenity space.

5.20 The proposal demonstrates that these standards are to be maintained, and as the dwelling still benefits from an existing large amount of private amenity space and that the existing garden should still benefit from private amenity space of sufficient size and shape, to meet the needs of the occupants and indeed any future occupants.

5.21 Consideration of likely impact on Equalities

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

people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 That the application be **APPROVED**.

CONDITIONS

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

Reason

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

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

Site Location Plan (Date received 24/01/21)

20-KDS-044-PL01 Rev A Existing Block Plan (Date received 27/01/21)

20-KDS-044-PL02 Rev A Proposed Block Plan (Date received 27/01/21)

20-KDS-044-PL03 Existing Ground Floor Plan (Date received 24/01/21)

20-KDS-044-PL04 Existing Roof Plan (Date received 24/01/21)

20-KDS-044-PL05 Existing Elevations (Date received 24/01/21)

20-KDS-044-PL06 Rev A Proposed Ground Floor Plan (Date received 22/02/21)

20-KDS-044-PL07 Rev A Proposed Room in Roof Plan (Date received 22/02/21)

20-KDS-044-PL08 Rev A Proposed Room in Roof Plan (Date received 22/02/21)

20-KDS-044-PL09 Rev A Proposed Elevations (Date received 22/02/21)

20-KDS-044-PL10 Dimensioned Ordnance Survey Map (Date received 22/03/21)

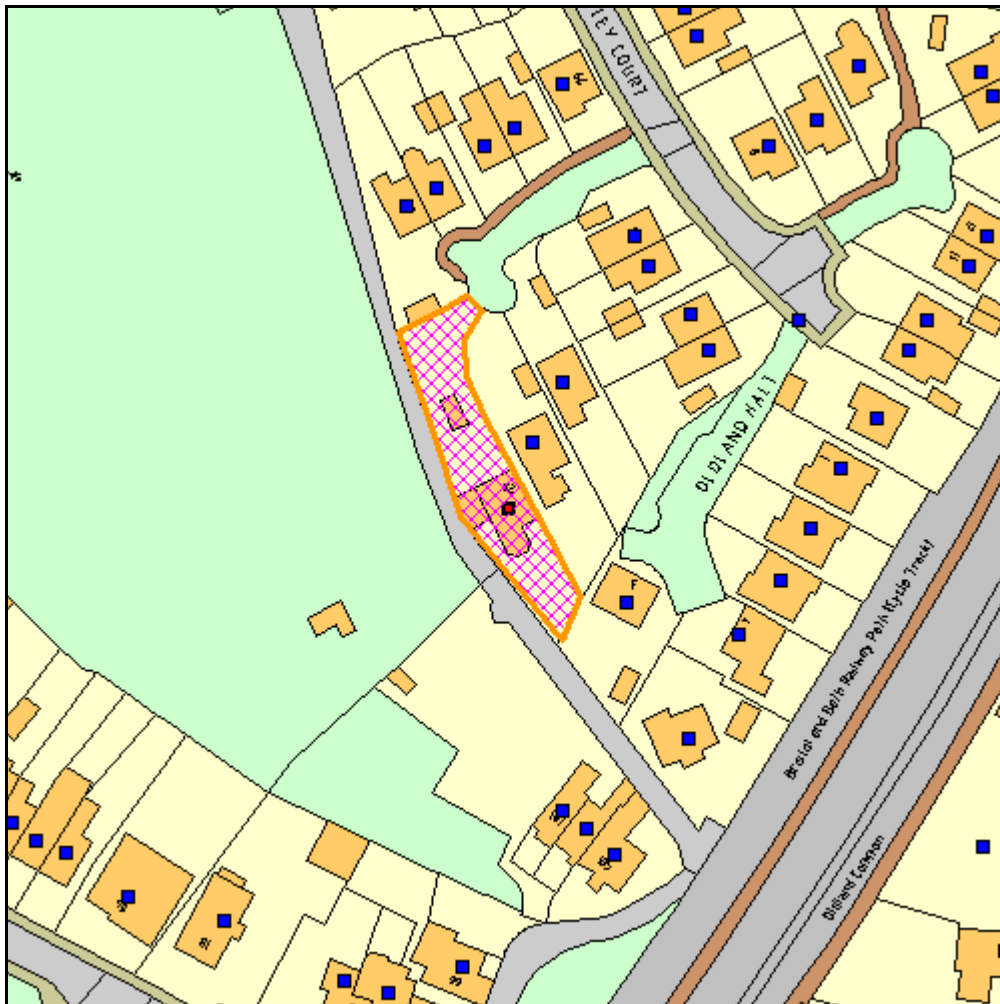
Reason

To define the terms and extent of the permission.

Case Officer: Helen Turner
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 12/21 -25th March 2021

App No.:	P21/00383/F	Applicant:	Mr Neil
Site:	24 Batley Court North Common South Gloucestershire BS30 8YZ	Date Reg:	29th January 2021
Proposal:	Demolition of existing conservatory. Erection of single storey side and front extension to form additional living accommodation. Installation of rear dormer to facilitate loft conversion (resubmission of P20/20532/F).	Parish:	Bitton Parish Council
Map Ref:	367557 171753	Ward:	Bitton And Oldland Common
Application Category:	Householder	Target Date:	22nd March 2021



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

P21/00383/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.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the following: demolition of existing conservatory; erection of single storey side and front extension to form additional living accommodation; and, installation of rear dormer to facilitate loft conversion at 24 Batley Court.
- 1.2 The application site is set within the wider settlement boundary of Bitton which is typically made up of housing dating from the 20th century up to the present. The property itself forms a hipped roof detached dormer bungalow which benefits from off street parking and has a garden situated towards the rear.
- 1.3 This proposal is a further submission of P20/20532/F with the case officer noting at this juncture that the proposal falls under the same assessment as the previous scheme due to a similar form, sitting, scaling and massing. This analysis is set out in section 5 of the report.
- 1.4 *Procedural Matters* – Amended plans have been received from the applicant’s agent. This has not altered the scope or description of development, and as such, no further public consultation has been conducted. The case officer is satisfied this has not disadvantage the public interest.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

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

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

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 Ref: P20/20532/F. Permission Refused, P20/20532/F
Proposal: *Demolition of existing conservatory. Erection of single storey side and front extension to form additional living accommodation. Installation of rear dormer to facilitate loft conversion.*
Reason: *The proposed development (specifically the rear dormer), if built, would fail to respect the form, scale and proportions of the host building and be contrary to policies CS1 and PSP38 of the SG Local Development Plan.*

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
 The Parish Council objects to the planning application based on the following grounds: there appears to be no significant change in the revised plans from the previously refused scheme.
- 4.2 *[Officer Comment]* The above comment has been noted. However, due to further revisions in design, the objection comment is considered to be addressed with additional assessment conducted in section 5 of this report.
- 4.3 Sustainable Transport Officer
 No objection.
- 4.4 Local Residents
 No comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
 Policy PSP38 permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. The development is acceptable in principle but will be determined against the analysis set out below.
- 5.2 Design and Visual Amenity
 Policy CS1 states that development proposals will only be permitted where the highest possible standards of design and site planning are achieved. It states that proposals are required to demonstrate that they: enhance and respect the character, distinctiveness and amenity of both the site and its context; and, have an appropriate density with an overall layout that is well integrated with existing development. Further to this, Policy PSP38 sets out that development must respect the existing form and design of the dwelling and that any development would: not prejudice the residential and visual amenity of neighbours; and, provide adequate parking provision. Both policies seek to ensure that development proposals are of the highest possible standards of design in which they respond to the context of their environment. This means

that developments should demonstrate a clear understanding of both the site and local history to ensure the character, distinctiveness and amenity is well assessed and incorporated into design.

Side/Front Extension

- 5.3 The proposed single storey extension would project to the side of the existing dwelling (southwest facing) by approximately 2800mm, feature a gable end - mirroring the existing - and function to create a larger living and kitchen/dining room. The proposed finishing materials appear to be similar to those used on the existing dwellinghouse.

Rear Dormer

- 5.4 The proposed rear dormer would project from the south-facing roof plane by approximately 4420mm, have a width of 7600mm and a height of 2400mm, which would also be set in from the existing eaves by 380mm as well as set in from either side of the property by at least 1200mm. The introduction of a rear dormer at the property would see the addition of 1no. bedroom to the dwelling.
- 5.5 Overall, it is considered that the proposed alterations would be an acceptable standard of design and would not result in unreasonable harm to the character of the site and its context. However, the case officer raises some concern to the scale of the proposed dormer and the impact this may have on both the aesthetic quality of the host dwelling and the wider street scene, although it is noted that revised plans have been received to improve the design and proportions of the proposal.
- 5.6 In consideration of the immediate area, it is recognised that the dormer would be situated at the rear of the property with proposed alterations not immediately visible in the public realm, and as such, would not detrimentally impact the street scene. Further to this, the case officer notes the context of the rear (and subsequent street scene), in which there are elements of design contrast. This is due to the recent development for 6no. detached dwellings where there are distinct differences in materials, styling and massing that gives rise to a juxtaposed rear view (when on looking at No.24 Batley Court). Here, it is considered the addition of a rear dormer would not significantly exacerbate the existing street variation as to point of refusing the application.
- 5.7 Furthermore, the case officer refers to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1, Class B where the applicant could lawfully construct a rear dormer. As set out in the GPDO there is no consideration of planning merit – purely whether the proposal meets the criteria as set out in the GPDO – indicating the works could be completed without the requirement of permission. Lastly, it is noted No.24 is of no architectural importance, suggesting the proposed alteration [rear dormer specifically] would not cause excessive harm to the existing building. Therefore, it is judged the proposal has an acceptable standard of design and complies with policies CS1 and PSP38.
- 5.8 Residential Amenity
Policy PSP8 relates specifically to residential amenity in which it states development proposals are acceptable, provided they do not create

unacceptable living conditions or result in unacceptable impacts on residential amenities. These are outlined as follows (but are not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and, odours, fumes or vibrations.

5.9 Given the sitting, scale, design and location of the proposal and in consideration to the neighbouring properties, the development would not result in any unreasonable impacts as described above.

5.10 Private Amenity Space

Policy PSP43 states that residential units, including those that are subject to development, are expected to have access to private amenity space that is: functional and safe; of a sufficient size in relation to occupants; and, be easily accessible. As the proposal would not affect access to the rear garden and seeks to increase living accommodation, officers are satisfied private amenity space for the host property would remain intact, and as such, the proposed installation of a side/front extension and rear dormer would comply with PSP43.

5.11 Transport (Access and Parking)

Policy PSP16 requires a dwelling of the proposed size (3 bedroom) to have 2 off street parking spaces. The submitted evidence indicates the provision of 2 off-street parking spaces would be available on site and as such, the proposal considered to be compliant with policy PSP16.

5.12 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application be **APPROVED** subject to conditions.

CONDITIONS

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

Reason

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

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

Location and Site Plan, Existing Plans and Elevations, Proposed Plans and Elevations (001:C)

Reason

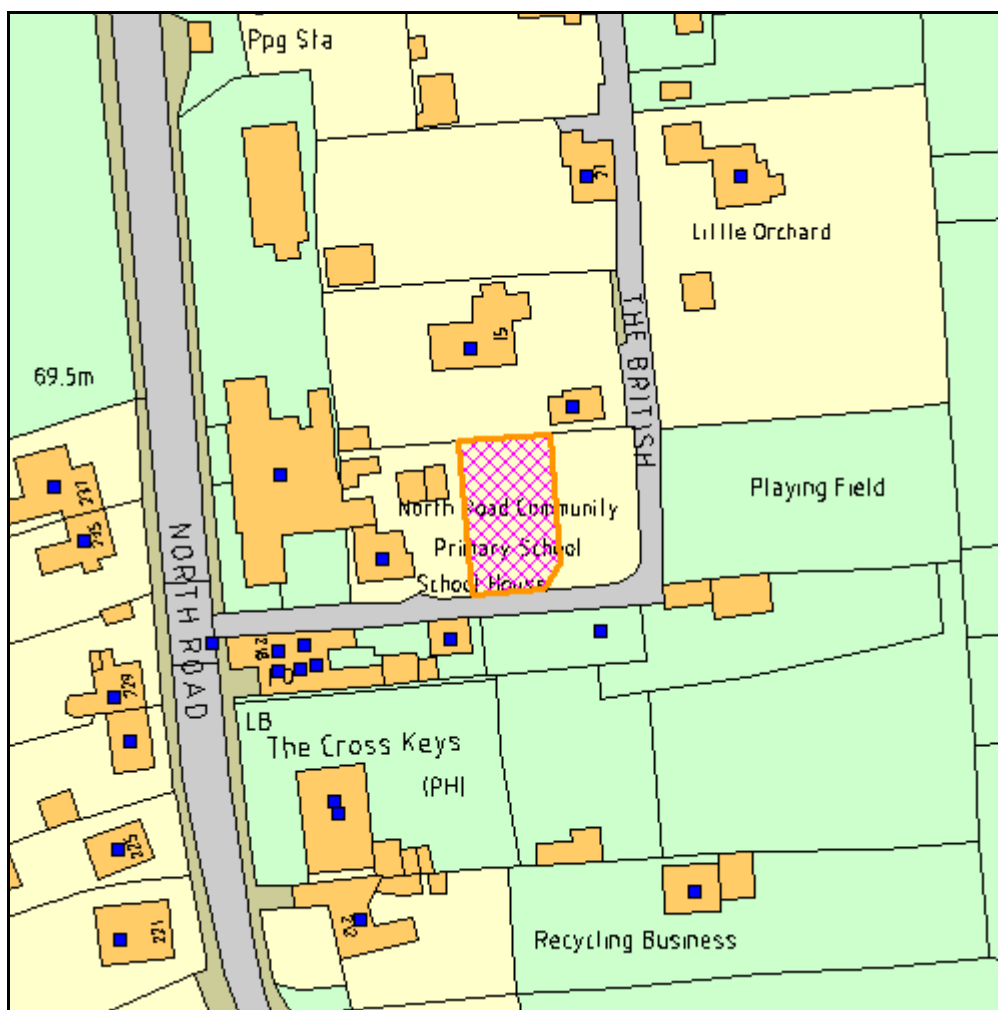
To define the terms and extent of the permission.

Case Officer: Ben France

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 12/21 -25th March 2021

App No.:	P21/00572/F	Applicant:	Mrs Louise Williams
Site:	Land At School House The British Yate South Gloucestershire BS37 7LH	Date Reg:	5th February 2021
Proposal:	Erection of 1 no. dwelling with access, parking and associated works (resubmission of P20/23983/F)	Parish:	Iron Acton Parish Council
Map Ref:	369917 183749	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	29th March 2021



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

P21/00572/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

The application appears on the Circulated Schedule as per the Constitution as the applicant is an employee of the Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a single detached, 3 no. bedroom property in the garden of The School House, The British. The application site is within the settlement boundary of Engine Common.
- 1.2 The proposal provides approximately 90sq.m of amenity space in the form of a private rear garden. Two parking spaces are to be provided to the front of the property. The building is two storey but to an extent appears as a bungalow with room within the roof space facilitated with two pitched roof dormer windows on the front elevation and roof lights on the roof slope. Other features include a modest projecting single storey rear extension and front porch. The structure would have a height of approximately 6.6 metres to the top of the roof slope and width of 10 metres. In terms of the main materials, the western/side elevation is finished in natural stone alongside the front elevation, while the eastern/side and rear elevations are shown as smooth render.
- 1.3 The application follows the recent refusal of 2 no. dwellings within the garden of The School House (P20/23983/F) It is also noted that a detached dwelling also within the garden of The School House (P20/20651/F) was approved, that lies immediately to the east of the current proposal. Also approval for alterations to the main house (P20/10847/F) were approved relatively recently. The details of all these proposals can be found within the planning history section below.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

CS30 Yate and Chipping Sodbury

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.

South Gloucestershire Design Checklist (Adopted) 2007)

South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD – (Adopted) March 2015

South Gloucestershire Council Waste Collection: guidance for new developments SPD (Adopted) Jan 2015

3. RELEVANT PLANNING HISTORY

3.1 P20/23983/F Erection of 2 no. dwellings with access, parking, new public footpath and associated works. Refused 29th January 2021. The application was refused for the following reasons:

- 1) By virtue of the amount of development on the site, its scale and massing, the proposal is considered to represent a cramped form of development and one that fails to respond to or respect the character of The British. The scheme also does not adequately reflect the existing street scene in terms of appearance and would be at odds with the current built form to the detriment of visual amenity. In addition the vast expanse of hardstanding to the front has very limited opportunities for successful planting and again would dominate and be at odds with the character of the area. The type and amount of development proposed has knock-on adverse impacts for residential amenity, on-site parking and highway safety.

As such the scheme fails to represent the highest standard of site planning and is thereby contrary to adopted planning policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP1, PSP8 and PSP43 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the NPPF in general.

- 2) The incremental increase of development and the resulting vehicular traffic using a substandard access road The British by reasons of restricted width for two-way vehicular traffic and lack of footway facility at its junction with North Road will result in additional conflict between vehicles and pedestrians to the detriment of road safety. In addition the scheme if implemented as proposed

would go against the previously approved scheme (application P20/10847/F) in relation to off-street parking and turning area in association with the School House. The proposal would be contrary to Policies PSP11 and PSP16 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.

- 3.2 P20/20651/F Demolition of existing outbuildings. Erection of 1 no. dwelling with access, parking and associated works (amendment to previously approved scheme PK16/1490/F).
Approved with conditions 24.12.20
- 3.3 P20/10847/F Demolition of existing conservatory, single storey side/front extension and rear lean-to extension. Erection of single storey side/front extension and two storey side and rear extension to provide additional living accommodation. Installation of first floor dormer window to front elevation, 4 no. solar roof panel blocks and 2 no. sections of 2 metre high fencing.
Approved with conditions 21.7.20
- 3.4 P20/11417/CLP Erection of 2 no. polytunnels.
Approved 18.8.20
- 3.5 P19/17631/TRE Works to trees as per proposed schedule of works received by the Council on 26th November 2019, covered by Tree Preservation Order SGTPO 10/09 dated 9th September 2009.
Approved 17.1.20
- 3.6 PK16/1490/F Erection of 1no. detached dwelling with access and associated works.
Approved 25.11.16

Committee overturn of refusal reason:

The British is a narrow, single track, road mainly without passing places and is unsuitable for two-way traffic. The junction of The British and North Road is substandard as it lacks sufficient visibility; there is also insufficient visibility at the location of the proposed access to the development. The British is used as a route for school pupils between the main school building and the playing field; there is no dedicated pedestrian footway. The proposed development would lead to the intensified use of The British and the road is not considered to be adequate to safely accommodate the additional traffic when considered cumulatively with the other uses of The British, particularly with regard to more vulnerable road users. The development would lead to the increased potential for conflict between road users and lead to undesirable vehicular movements along the stretch of The British between the blind bend and the junction with North Road. The development would lead to a harmful impact to highway safety and this harm has been identified as being severe. The proposed development is therefore contrary to the National Planning Policy Framework and policy CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

Reason for overturn given by Committee:

The British is a small residential cul-de-sac and residents are accustomed to the highway issues on the road and at the junction with North Road
 The development would enable the applicants, who require a bungalow for health reasons, to stay in the cul-de-sac
 The visibility splay at the junction with North Road cannot be improved
 No objection has been received from North Road Primary School
 Concerns over visibility can be overcome
 Could provision be made for visitor parking within the site?
 The development will contribute to the Council's 5 year land supply

Site to the south:

- 3.7 PK17/2400/F Partial demolition and alterations to existing shop to facilitate erection of 2no.dormer bungalows with access, parking and associated works.
 Approved 5.10.17
- 3.8 PK16/6886/F Demolition of existing buildings and erection of 2no detached dwellings and associated works. (re-submission of PK16/2429/F).
 Refused 28.4.17
 4 reasons: access; parking; amenity and design

4. CONSULTATION RESPONSES

4.1 Iron Acton Parish Council

Objection:

Iron Acton Parish Council objects to the proposal.

These dwellings if constructed can only be accessed via the narrow lane no through lane, The British. This lane is only sufficiently wide for one car or light truck at a time. There is no footway/pavement to protect pedestrians. Despite the developer's offer to provide space for a part of a footpath there is no room to construct a footpath along the narrowest part of the lane near the junction with North Road.

The access from North Road has no visibility splay. Vehicles emerging into North Road must encroach onto the North Road pedestrian pavement to gain vision up North Road. Vehicles cannot emerge and leave at the same time due to the narrowness of the lane entrance. The British has no passing places anywhere near the junction. It is mentioned in the application design statement that normal refuse/recycling lorries are too big for access and special vehicles have to be used.

The British is used as the only available route for children walking from North Road Community Primary School to the school's sports field.

Bearing in mind the narrowness of The British, Iron Acton Parish Council believes the danger to Primary School Children and other pedestrians can only be increased by additional development on that lane. IAPC is also concerned about the danger caused by the sub-standard junction with North Road.

South Gloucestershire Council has previously permitted some development on The British, but there has to be a limit where a line must be drawn. Every time an

application is made, the argument is made that it will cause only a small percentage increase in vehicle movements. All the small increases are cumulative over time. This development along with relatively recent additions will cumulatively have raised the number of dwellings by around 50%.

Iron Acton Parish Council would like to associate with the South Glos. Transport Officer's (Ali Khayatian) Consultee Comment regarding the sub-standard road and its junction, plus the lack of sufficient manoeuvring space provided within the submitted plan.

Should South Glos. Council be minded to permit this development it should be conditional upon appropriate precautions to avoid danger to primary school children and staff and to mitigate disruption to the school during construction.

Internal Consultees

4.2 Ecologist

Supplementary information required to confirm habitats impacted, mitigation and appropriate enhancement.

4.3 Tree Officer

No objection subject to a condition for tree planting (as per previous application).

Statutory / External Consultees

4.4 Sustainable Transport (summary – the full details can be viewed on the website)

Objection.

The British has a width of approximately 3 metres and serves 11 properties. There is no separate footway. There is limited visibility on the right of the access onto North Road although the offer to provide funds to lower the wall is noted. The width however cannot be improved to allow vehicles to safely pass other road users. The increase of one house could be considered a minor increase but is high in the context of the number of properties and background traffic levels.

Adequate parking is provided.

Lead Local Flood Authority

No objection

Other Representations

4.5 Local Residents

Three letters of **objection** have been received (two from the same person). The grounds of objection are summarised as:

The proposal will be detrimental to highway safety

A reduction in the height of the railings (suggested by the applicant) would reduce safety at the playground
 Impact upon privacy given clear line of sight into neighbouring property.
 There would be adverse impact caused during the construction period unless there is a CEMP (inc Children's health from noise and dust).
 Measures could be taken to improve visibility at the junction
 Additional traffic onto North Road is not needed

One letter of support has been received

A turning point for delivery vehicles is proposed that will benefit the wider occupiers by reducing the need to proceed along the whole road
 A footpath is to be installed that would be of benefit to the road

4.6 North Road Community Primary School

A letter of **objection** has been received from the school governing body. The points raised are summarised as follows:

- Disruption from dust, noise and vibration will have a direct impact on daily usage of outdoor learning classrooms
- Access for heavy plant and delivery lorries lies directly parallel to an area where youngest children learn and play outdoors – impact on health and well-being of pupils
- Use of all outdoor spaces are vital now and will continue to be over the coming months and years. To access the grassed field the children walk in single file down the right hand side of the lane, following the Countryside Code. Increase in works traffic will raise significant concerns around pupil safety whilst entering and leaving the school field. In addition the noise associated with the work will affect the tranquillity of this space which is used for our physical and emotional well-being curriculum.
- Daily impact of more dwellings would mean increased volume of idling cars waiting to exit The British onto North Road. This is directly next to the EYFS (early years foundation stage) outdoor learning areas and will have significant health and safety implications for our youngest pupils
- Need for vehicles to reverse from the driveways and from School House itself also raises concerns around the clear visibility of pupils walking along The British
- North Road is already a busy road and additional traffic calming measures are planned to reduce the speed along the road directly outside the school. More cars entering and leaving The British will further add to the traffic concerns raised by the wider school community.

5. ANALYSIS OF PROPOSAL

5.1 The application is for the erection of a single detached dwelling in the garden of The School House, The British, the application follows the refusal of an application for two dwellings previously (see Section 3 above)

5.2 Principle of Development

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 defined settlement boundaries. The application site is located within the area defined as Engine Common. As such, based solely on the location of the site within the context of the Council's locational strategy for development, the proposed development is acceptable in principle.

- 5.3 It is acknowledged that the provision of a new 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 and to reach a balanced decision. For this type of development at this location, the additional areas of assessment include; impacts on visual amenity and the character of the area, impacts on residential amenity, and impacts on the surrounding transport network. Furthermore, the Council is able to demonstrate a five year land supply of housing.
- 5.4 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 Policy PSP1 of the Policies, Sites and Places Plan requires development proposals to demonstrate an understanding of the character of an area. Development proposals should make a positive contribution to the distinctiveness of a locality and innovative architectural responses to design issues are encouraged.
- 5.6 PSP38 is supportive of new residential dwellings within existing residential curtilages, but subject to an assessment of design, landscaping, amenity, highway safety and parking issues, as well as any other material planning considerations.
- 5.7 The application is therefore considered acceptable in principle subject to consideration of the following issues.
- 5.8 Design and Visual Amenity
 In recent months and following on from the report written by the *Building Better, Building Beautiful Commission (2020)* the government has indicated its commitment to promoting high quality design for new build homes and neighbourhoods. The report proposes three aims: *Ask for beauty; Refuse ugliness and Promote stewardship*. The recent government white paper has just three areas or pillars, for discussion, the second of which is entitled Pillar 2: planning for beautiful and sustainable places. This demonstrates the importance the government is placing on this focus area of planning with the emphasis on enhancing and caring for our environments, long-term investment in such topic areas as beauty, sustainability, bio-diversity, landscape, history and community so as to pass these qualities onto generations to come.

5.9 The over-arching banner of design is therefore, very much at the forefront of planning. It is clear that substandard design or poor site planning should not be supported. It is acknowledged that development should make the best use of land as a limited resource but that aim should not be to the detriment of character or site planning/appearance of the existing site and its environs.

5.10 *Application site:*

The application site sits at the start of The British on the north side, following on from the rear of the school and extending east for around 50 metres until the lane dog-legs to the north. The site is made up of a detached property, School House, and its open garden, emphasised now by the removal of a hedge which until recently enclosed it to the south and east sides, and which contributes to the airy feel of the road. It is noted that the applicant has recently gained planning permission for a detached dwelling to the end of the garden at the point furthest away from the main house and also a large extension to the main house. The application being considered here would be for a single detached properties in between the main house and the approved new dwelling.

5.11 *Character of the area:*

The British is a side road off a main highway, North Road, the entrance into which is flanked to the north by North Road Community Primary School and to the south by a dwellinghouse (formerly the Post Office now shut). The British is a single track cul-de-sac initially running west to east for around 70 metres whereupon it turns sharply to the north running straight for around a further 130 metres to its end. Typically the carriageway is around 2.8 metres wide past this dog-leg but achieving less in other places.

Scale and Massing:

5.12 The British has a definite rural, countryside quality made all the more so by the open expanse of the application site which currently sets the tone for this unique area. Hedgerows form a large part of this characterisation. Undeniably until very recently the application site was bound by a lush and mature hedgerow as can be seen in some of the submitted details. Progressing along the lane, the built form is characterised by individual properties with the majority set in large gardens. Indeed the submitted information included within the application indicates this to be the case. Detached properties of various styles are a strong feature here. As such the gaps and spaces around and between these existing properties is a distinct and noticeable feature contributing to an open and airy feel.

5.13 Even the two recent additions to the street scene, approved under PK17/2400/F have large gaps between themselves and also their host property, the former Post Office. In this way they very clearly acknowledge and respect the pattern of development within The British and openness remains a strong feature of the area.

5.14 The development must be considered in the light of an approval for a single dwelling at the very end of the garden.

The previous proposal for two dwellings was considered to result in a very cramped form of development. The span of the buildings when taken in

conjunction with the approved building would have resulted in very intense form of development quite out of character with the location as described above. The reduction in built form allows for a gap between the host dwelling (The Old School House) and the new build and this is very welcome. The development is no longer considered to be squeezed into the garden area and while it is acknowledged that some harm would result, it is considered to sit more comfortably into the street scene.

Style of built form and amount:

- 5.15 A detached property is considered more appropriate to the character of the road, indeed it would sit well alongside the recently approved house also detached. Most importantly the Case Officer considers the width to be more appropriate in so far as it does not create a rather intense form of enclosure quite out of character with the rural location that was the case with the earlier proposal. The reduction in built form allows an appropriate gap to the host dwelling as already stated but also allows for a reduction in other residential features, boundary treatments and in particular the amount of necessary hardstanding to the front of the property. One must consider the proposal within the context of the likely parked vehicles. Previously a very large area of hardstanding was proposed which limited the opportunities for planting. The current scheme by halving the amount of hardstanding and car parking is considered an improvement. Previously with the School, the Old School House, the proposed two dwellings and the approved dwelling there would have been an almost continuous line of built form, the retention of more garden space to the side of the host dwelling reduces this impact.

Overall Design of built form

- 5.16 While it is noted that dormer windows are proposed to the front and these are not a feature that is readily observed in the nearby vicinity of the application site, the reduction to two with roof lights to the rear is a welcome improvement on the earlier scheme which appeared quite cluttered in terms of the roofscape. The height and form is considered appropriate and much more modest given the removal of the very horizontal emphasis of two dwellings. The Case Officer welcomes the use of a stone finish on the more visible elevations and were the proposal acceptable this would be the subject of a condition. This form does sit well with the approved dwelling. While it is noted that boundary treatments would be needed, again a single dwelling allows for more openness and reduces the rather suburban impression created by the earlier scheme.

- 5.17 Residential amenity:

The proposed development provides private amenity space that complies with the required standard for a detached dwelling in PSP43.

A concern has been raised that the proposed development would result in overlooking of the property to the rear (a bungalow). It should be noted that there is some landscaping along the boundary and clearly if acceptable a boundary treatment would be required. Most importantly although effectively two storey given the room in the roof space, on the rear elevation roof lights are proposed and as these angle steeply upwards reflecting the pitch of the roof rather than downwards it is not considered than any significant overlooking

such as would justify the refusal of the application on those grounds would result, even accounting for the windows on the south elevation of the neighbouring property.

Given the scale and location of the development it is not considered that any detriment to the amenity of neighbouring occupiers would result either as a result of the building appearing oppressive or overbearing impacting on outlook or as a result of loss of privacy from overlooking.

5.18 Sustainable Transport:

It is useful to examine the back history to the approvals of planning applications in the vicinity or on the site itself. A detached single storey dwelling within the garden of School House was originally approved under PK16/1490/F, an overturn by Committee against the Officer's recommendation. Minutes of the meeting reveal the Committee was swayed by the argument the house would be for a family member and on this basis over-ruled the recommendations made by the case officer and transport engineer. Afterwards, the main house was sold on the open market with planning permission for the new dwelling in the garden.

5.19 With regards to recently approved alterations to the main dwelling to increase it from a 2 bed to a 4 bed property, Transport Engineers expressed concerns regarding the originally proposed 3 tandem parking spaces. The overall scheme was only made acceptable by the introduction of a parking and turning area to serve the extended property thereby allowing vehicles to enter and leave in forward gear.

5.20 Examining the approval of two new small dwellings in the garden of the Post Office to the south of the site, these were only approved on the basis of them providing a passing area to be used by all traffic along The British as well as providing a parking/turning area for the new houses.

5.21 Without these amendments to proposed plans none of the above cited schemes would have been acceptable in transportation terms. On each occasion the Transport Engineer had expressed objections or recommended resisting the development due to the small, rural nature of the lane and/or the impact on highway safety from additional traffic emerging or entering from North Road.

5.22 The approval of the proposed new detached dwelling is accepted but further development is of concern. As set out in the Section above the previous proposal for two dwellings was refused on the grounds that the additional traffic would be using a substandard access in circumstances where the road itself has significant constraints given its narrow width in relation to its use by two way traffic and the lack of a footway facility. It was considered that the resulting competition/conflict between different users of the British ie vehicles and pedestrians (there is a school at the entrance to the road) would result in detriment to highway safety.

5.23 Access:

The site is proposed to be accessed from The British – this is a narrow single lane serving the school playing field and some 11 other properties. Specific to the road width, the lane measures approximately 3m wide at its junction with North Road. At 3m wide, this is enough only for one vehicle to use at a time with no separate footway present at this location.

- 5.24 The visibility at the junction of The British and North Road is 2.4m x over 60m for vehicle to vehicle. The visibility between vehicles and pedestrians has recently been improved slightly by widening the footway on North Road and cutting off the corner of the building on the south side (the former Post Office), however it is still restricted because of the school fence, telegraph pole and the corner of the building on the south side.
- 5.25 For the most part there are informal passing places along The British, save for the two small areas created under planning application PK17/2400/F which have been included as part of the adopted highway.
- 5.26 The current scheme is seeking permission for a single dwelling and clearly that represents a reduced impact to the earlier scheme. An offer by the applicant to reduce the wall to improve visibility to the right of the entrance is noted however how practical that would be given that this is the boundary of a school leaves uncertainty, Notwithstanding this in terms of vehicle movements the nature of the road ie its width still results in significant concerns that conflict would result between pedestrians and vehicles. Pedestrians would include people with pushchairs. It is acknowledged that one additional house would result in one extra vehicle movement in the peak hours and that is not a large number but it would be against the limited background number of movements.
- 5.27 Officers remain concerned about the inadequate width of the access lane for two-way traffic movements as well as the lack of footway facility at the junction where there would be an increase of vehicular movements resulting from the new development. Construction, service and delivery vehicles would all have difficulty accessing The British. There is evidence of vehicle strikes on the corner of the building on the south side of the junction.
- 5.28 Overall, the assessment considers the access lane, The British, to be a substandard road, when compared to the current highway design standards.
- 5.29 *Parking:*
Plans show that each of the dwellings would have 2 parking spaces to the front. This is considered acceptable.
- 5.30 Impact on the neighbouring school:
The North Road Community Primary School is adjacent to the application site. The access into the school (used by students, parents and others) is via a large double gateway directly off The British. The gateway is around 10 metres from the entrance into the lane off North Road. A second pedestrian gate is noted to the east which would open directly onto land belonging to the application site. Historically when the school itself and the School House were linked by

ownership and use this single gate may have been used by the school/pupils but it has been confirmed by the

- 5.31 It is understood that pupils use the school playing field on a regular basis. This field is at the end of The British before it dog-legs to the north. Staff and pupils exit the main gateway and walk to and from the playing field along the southern side of The British. Although the applicant has indicated a footpath will be made available alongside the application site, this would be within the applicant's control rather than part of the adopted highway. This presents some issues. Should a vehicle block the footpath users would need to step out onto the road. Or if a future owner were to rescind any part of its use as a footpath, it could not be used at all. In either situation, given it would be in private ownership, there could be no redress or control. It is not unreasonable to assume that the cumulative increase in the number of dwellings in this part of The British could lead to potential conflict between road users and pedestrians, particularly with regard to the more vulnerable user.

5.32 Other matters (highways)

The applicant has asked officers to consider a number of points before reaching a conclusion concerning highway matters and in the interest of fairness it is appropriate to address these here.

It has been suggested that the host dwelling could be converted to a house in multiple occupation (Class C4 up to 6no. individuals) as permitted development. This is correct and such a development would clearly have implications for the use of the road and highway safety. It is not considered appropriate to consider such a scenario when assessing an application that does require consent and where consideration of highway impact can be considered.

It has been suggested that visibility could be improved by reducing the height of the boundary on the right at the junction of British Road. This is in fact land that is not within the control of the applicant and it would be uncertain whether the school would wish to reduce the boundary in such a way in this location. It is not considered that this can be taken in account.

It is also suggested that land to the front of the new dwelling could be used as a turning area for larger vehicles thus improving the safety of the road. However this would not overcome the issue of the width of the road at the junction where there is poor width and no footway.

- 5.32 In summary the concern that led to the refusal of the earlier application is still considered to apply.

5.33 Ecology

It is noted that the Council Ecologist has sought additional information regarding the impact of the development and potential mitigation. Given the concern raised above this has not been sought but would be raised should an appeal be made against the decision.

5.34 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. Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers. The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

5.35 Planning balance:

The application site is within the settlement boundary of Engine Common where spatial policy encourages development. A very small amount of weight is given in favour of the scheme for this reason. However, each application is assessed on its own merits and must satisfy all elements of adopted policy in the round rather than individually. The assessment is made as a whole under the entire suite of development plan policies.

The application is a resubmission of an earlier refusal. It is considered that the revised scheme has overcome the design concerns that informed the previous refusal reason. However highway safety as discussed above, ie the safety of road users, is paramount such that in this case it is considered the harm that would result from the development would outweigh any benefits.

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 the application be **REFUSED**

The incremental increase of development and the resulting vehicular traffic using a substandard access road The British by reasons of restricted width for two-way vehicular

traffic and lack of footway facility at its junction with North Road will result in additional conflict between vehicles and pedestrians to the detriment of road safety. The proposal will be contrary to Policy PSP11 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

Case Officer: David Stockdale
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 12/21 -25th March 2021

App No.:	P21/00611/F	Applicant:	Mr Jean-Felix Aniel-Quiroga
Site:	114 Tower Road North Warmley South Gloucestershire BS30 8XN	Date Reg:	10th February 2021
Proposal:	Creation of vehicular access onto classified highway (Class C).	Parish:	Siston Parish Council
Map Ref:	367005 173008	Ward:	Parkwall And Warmley
Application Category:		Target Date:	5th April 2021



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. P21/00611/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.

INTRODUCTION

This application appears on the Circulated Schedule, as a result of consultation responses received, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the creation of a vehicular access onto a classified highway (Class C).
- 1.2 The application site is located at 114 Tower Road North Warmley, a semi-detached residential property within the established settlement boundary. The site is within Warmley Conservation Area.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017
PSP1 Local Distinctiveness
PSP17 Heritage Assets and the Historic Environment
PSP38 Residential Amenity

Other Relevant Documents:
South Gloucestershire Residential Parking Standards
Warmley Conservation Area Advice Note

3. RELEVANT PLANNING HISTORY

- 3.1 P21/00389/RM - Erection of 1 no. dwelling approval of reserved matters to include appearance and scale (to be read in conjunction with P19/19026/O). Currently under consideration.
- 3.2 P19/19026/O - Erection of 1 No. detached dwelling (Outline) with access, landscaping and layout to be determined all other matters reserved. (Resubmission of P19/19026/O). Approved 08.04.2020.
- 3.3 PK18/0297/CLP - Application for a Certificate of Lawfulness for the

proposed erection of 2no. single storey outbuildings to form double garage and studio for uses incidental to the enjoyment of the existing dwellinghouse. Approved 16/3/18.

- 3.4 PK16/2118/O- Erection of 4no. dwellings (Outline) with access, landscaping, scale and layout to be determined. All other matters reserved. Refused 26/9/16

4. **CONSULTATION RESPONSES**

4.1 Siston Parish Council

No objections

Sustainable Transportation

No objection in principle

Conservation

No objection to the works subject of this planning application

Other Representations

4.2 Local Residents

Letters of objection have been received, raising the following issues:

- the wall along the road are an important feature, as identified in the Warmley Conservation Area Note
- The black 'clinker' blocks that form the top of the walls were constructed from the smelting slag residue of William Champion's Brassworks smelting process in the 18th century.
- the wall has been systematically demolished and allowed the wall to fall into disrepair, presumably to facilitate dropping the kerb to create parking and therefore further their desire to build behind their property.
- destruction should not be rewarded by approving this application, and the wall should be rebuilt
- It is the Council's remit to refuse residents' applications to demolish these walls and replace with alternatives. This they have done systematically over the years so as to retain the setting of this conservation area.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Highways

The issue for consideration is that of whether the proposed access onto the highway is an acceptable development in its own right. This site is located within a predominately residential area which is subject to a 30mph speed limit and that adjoining properties have similar off-street parking facilities connecting to this C-class road. Therefore, it is not considered that this proposal will create any material highways and transportation issues. It should, however, be indicated that any driveway or parking area connected to this access should be surfaced in a bound material to prevent it being dragged onto the public highway by vehicle tyres. The applicant should also be made aware that all

works on or immediately adjacent to the public highway, must be approved by this Council before, during and after construction as appropriate. This includes the installation of footway crossovers and dropkerbs.

5.2 Conservation/Visual Amenity

The comments of the concerned residents are noted. Whilst the traditional, low, front boundary walls to the Tower Road North, with their triangular slag coping blocks, make a positive contribution to the character of the conservation area and reinforce the historical connection with the brass-making industry associated with Champions site to the west, a number of them are less than 1m high. As such, works to them (including the removal of the wall at no.114) are classed as permitted development under the GPDO and planning permission for relevant demolition in a conservation area is not required this applies only to walls in excess of 1m or more if next to a highway. The Conservation officer thus raises no objection to the application.

The loss of the wall is indeed regrettable as the retention and repair of these traditional boundary treatments is positively encouraged by the council through its Conservation Area Advice Note. However, given the number of walls at neighbouring dwellings that have been removed, and the fact that the wall could be removed at any time irrespective of the outcome of this planning application, officers do not consider it reasonable to withhold planning permission on this basis alone.

5.3 Local Amenity

There are no material residential amenity issues associated with the proposal.

5.4 Equalities

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

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

6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

7.1 That planning permission is granted, subject to conditions

CONDITIONS

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

Reason

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

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:
Location Plan, Block Plan and Existing & Proposed Site Plan (Refs LOC A, DK1 and DK2), received by the Council on the 3rd and 9th February 2021.

Reason:

To define the terms and extent of the permission.

3. The driveway is to be surfaced in a consolidated, bound material and not loose stone or gravel and retained as such at all times thereafter.

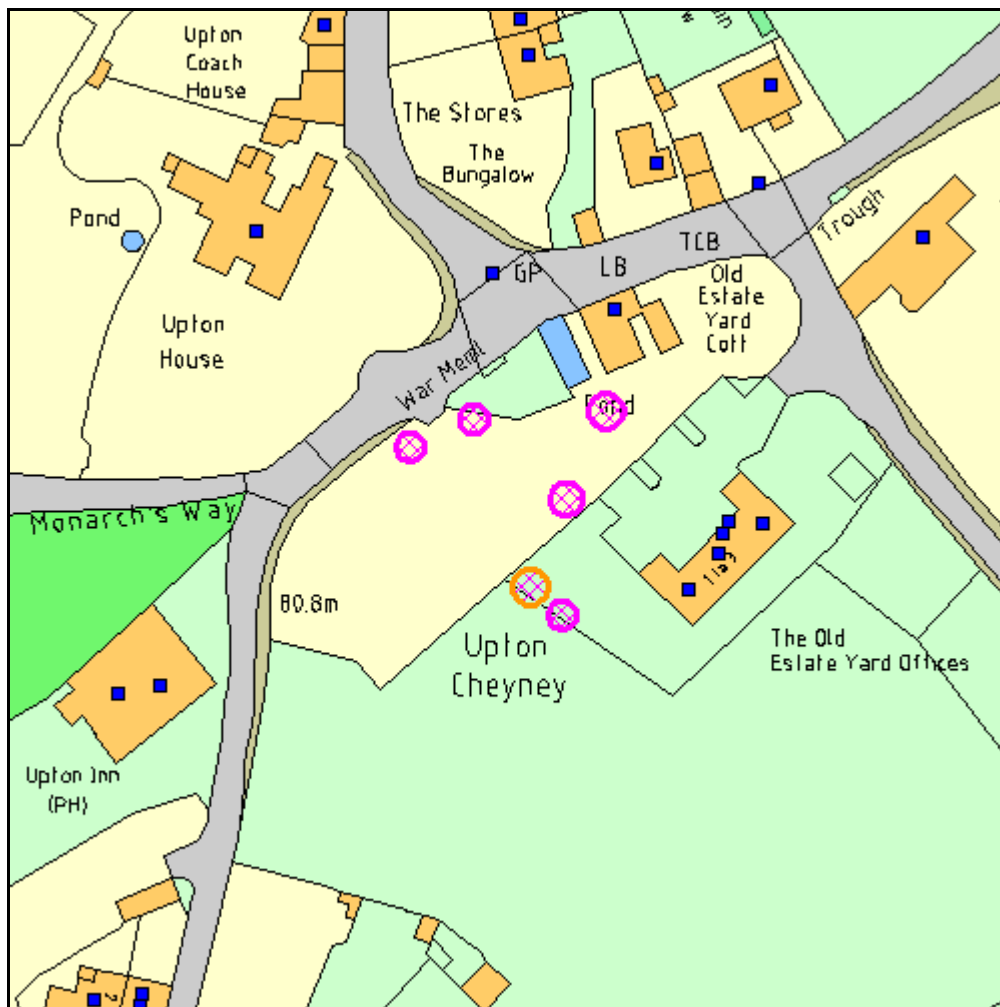
Reason:

To prevent loose stones from spreading across the public highway in the interest of highway safety and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

Case Officer: Simon Ford
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 12/21 -25th March 2021

App No.:	P21/01026/TRE	Applicant:	Mr Richard Bryan
Site:	Unit 1 The Old Estate Yard North Stoke Lane Upton Cheyney South Gloucestershire BS30 6ND	Date Reg:	25th February 2021
Proposal:	Works to fell 1 no. European Larch, 2 no. Goat Willow, and 3 no. Hazel, all covered by SG/TR 117 and dated 28/05/1968.	Parish:	Bitton Parish Council
Map Ref:	369305 169865	Ward:	Bitton And Oldland Common
Application Category:		Target Date:	19th April 2021



© South Gloucestershire Council 2007. all rights reserved.

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

100023410, 2008.

N.T.S.

P21/01026/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.

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE/COMMITTEE

This application is referred to the Circulated Schedule as comments have been received that are contrary to the Officer's recommendation.

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 Unit 1 The Old Estate Yard, North Stoke Lane, Upton Cheyney, BS30 6ND

1.2 Works to fell 1 no. European Larch, 2 no. Goat Willow, and 3 no. Hazel

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 PK00/1446/TRE - COND, Date of Decision: 19-JUL-00, Proposal: Works to trees

3.2 P20/21560/TRE - Proposal: Works to fell 3 no. Hazel, 1 no. European Larch, 1 no. Ash and 11 no. Goat Willow trees Decision: Withdrawn

3.3 P21/00985/TCA – Works to fell 1no. And 9no. Goat Willow Decision: currently active

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

Our comments remain the same as the original application that was withdrawn P20/21560/TRE, we strongly object. Bitton Parish Council strongly object to this application. The felling of these mature trees change the appearance of the centre of this village which is in the heart of a conservation area. The Council are concerned that work has already commenced and T1 and T2 have already been felled. This application has angered local residents who raise strong objections. We strongly object and would be interested to hear what the South Gloucestershire Council Tree Officer has to say

Other Representations

4.3 Local Residents

11 comments have been made and are summarised below.

- Objections to the felling of screening trees
- The potential loss of habitat for birds
- The belief that there is financial gain from tree removal
- The loss of CO2
- The tree loss would diminish the character of the conservation area
- Publically viewable and the loss of public amenity
- A contradiction between tree retention and removal from PK18/6371/F
- A deviation from the statements made regarding the green belt and the impact the proposed (PK18/6371/F)
- The erosion of trees over time
- The loss of screening for 1 resident
- A bias toward not issuing a TPO by the applicants consultant
- A request to TPO all of the goat willows.

5. ANALYSIS OF PROPOSAL

5.1 Works to fell 1 no. European Larch, 2 no. Goat Willow, and 3 no. Hazel

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 trees in question consist of 1 no. European Larch, 2 no. Goat Willow, and 3 no. Hazel. All of the trees show varying levels of vitality and amenity value.

The three Hazels are fairly poor quality lapsed coppice stools and whilst it is accepted that they make some contribution to the site, I am of the opinion that replacement specimens in far better locations would make a much more meaningful contribution to the area.

The European Larch has significant die back and is no longer viable for retention within the site. If this were to be retained, it would eventually fail. Its removal is satisfactory to avoid foreseeable damage or harm to property and person

.

The two Goat Willows that are covered by the TPO are similar in quality to those covered by the conservation area. I assessed these trees along with those in section 211 P21/00985/TCA, and concluded that their longevity on the site is very limited given their poor structural condition and proximity to other trees on site.

I believe that these two trees were not intended for inclusion in the TPO, but have been because they fell within the area when plotted. If I were to review the TPO separately from this application, I would not include them in any new order.

Tree loss is always at a loss to the natural environment. However, if justification is given and that loss can be mitigated for, then there is a gain for the locality and the amenity of it. It is felt that the loss of the above trees has been justified and significant replacement planting should be secured by condition.

I would ask that 9 replacement trees (as noted in the report submitted by Hillside trees) of medium to large maturing age be planted to replace the loss of vegetation on site. While I do not like to conflate applications, the replacement planting within the decision for this application, will go some way to mitigate for the loss of trees removed in section 211 notice P21/00985/TCA.

6. **RECOMMENDATION**

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

CONDITIONS

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

Reason

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

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, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

3. 9no. replacement trees, which are to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised. All trees shall be a minimum of 12-14cm in girth at 1m above ground level and an approximate height of 3-3.5m.

The replacement trees shall consist of the following species:

2no. Ulmus 'New Horizon' - resistant Elm

3no. Prunus avium - Cherry

2no. Sorbus aria - Whitebeam

2no. Sorbus aucuparia - Rowan

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.

Case Officer: Ben Wainhouse

Authorising Officer: Marie Bath

