

# List of planning applications and other proposals submitted under the planning acts to be determined by the director of environment and community services

**CIRCULATED SCHEDULE NO: 08/21**

**Date to Members: 26/02/2021**

**Member's Deadline: 04/03/2021 (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](mailto:MemberReferral@southglos.gov.uk) identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The 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](mailto: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](mailto:MemberReferral@southglos.gov.uk)

# CIRCULATED SCHEDULE 26 February 2021

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/14956/F	Approved Subject to Section 106	Land To The West Of Stowell Hill Road Tytherington Wotton Under Edge South Gloucestershire GL12 8UH	Frampton Cotterell	Tytherington Parish Council
2	P20/10660/F	Refusal	Hill House Cottage Frith Lane Wickwar South Gloucestershire GL12 8PB	Chipping Sodbury And Cotswold Edge	Wickwar Parish Council
3	P20/16565/F	Approve with Conditions	55 Spring Hill Kingswood South Gloucestershire BS15 1XW	New Cheltenham	
4	P20/21963/F	Approve with Conditions	Land To Northeast Of The Fox Broad Lane Yate South Gloucestershire BS37 7LD	Frampton Cotterell	Iron Acton Parish Council
5	P20/23506/F	Approve with Conditions	181 Church Road Frampton Cotterell South Gloucestershire BS36 2JX	Frampton Cotterell	Frampton Cotterell Parish Council
6	P20/23932/F	Refusal	The Stables Tanhouse Lane Yate South Gloucestershire BS37 7LP	Frampton Cotterell	Iron Acton Parish Council
7	P20/24058/F	Approve with Conditions	The Acorns 35 Penn Drive Frenchay South Gloucestershire BS16 1NN	Frenchay And Downend	Winterbourne Parish Council
8	P21/00151/F	Approve with Conditions	34 Ninth Avenue Filton South Gloucestershire BS7 0QW	Filton	Filton Town Council



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

### **CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule following the receipt of letters of objection from local residents.

## **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of 29 dwellings on land to the West of Stowell Hill Road in Tytherington. This application follows from an earlier outline application reference PT17/2331/O as amended by PT18/6206/RVC.
- 1.2 The application relates to land to the west of Stowell Hill Road, Tytherington. The site is situated outside of the settlement boundary of Tytherington in the countryside, however it directly abuts the settlement and the Tytherington Conservation Area to the south-east. The site is not situated within the Green Belt. The grade II listed Old Manor House is situated immediately to the north of the proposed development, and Chapel Cottage, a locally listed building, lies to the east. The site is also approximately 100m from a Scheduled Ancient Monument known as the Castle, which is situated to the east. A 'mothballed' railway line lies to the west. It is stated on the application form that part of the site is previously developed, used as workshops and outside storage comprising of plant, vehicles, skips, caravans, machinery etc. The remainder of the site is agricultural. No public rights of way run across the site.
- 1.3 During the course of the application significant amendments were made to the scheme to address officer concerns. The amendments focus predominantly around the drainage systems to be employed on the site.
- 1.4 The extant outline consent (which is valid until 21<sup>st</sup> September 2021) as amended by the S73 application (which is also valid until 21<sup>st</sup> September 2021) are material consideration in support of the application. To clarify, this extant permission gives consent to erect 29 dwellings on the site and this permission is valid and could be implemented (subject to reserved matters) at any time.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
 National Planning Policy Framework February 2019  
 National Planning Guidance  
 Planning (Listed Buildings and Conservation Areas) Act 1990  
 Planning (Listed Buildings and Conservation Areas) Regulations 1990  
 (as amended)  
 National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;  
 Historic England's Good Practice Advice in Planning Note 2 "Managing Significance in Decision-Taking in the Historic Environment".

Historic England's Good Practice Advice in Planning Note 3 "The Setting of Heritage Assets (2<sup>nd</sup> Edition)".

## 2.2 Development Plans

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

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS10	Minerals
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS23	Community Infrastructure and Cultural Activity
CS24	Sport and Recreation Standards
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
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
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

## 2.3 Supplementary Planning Guidance

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

South Gloucestershire Design Checklist (Adopted) 2007)

South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

Affordable Housing SPD (Adopted) Sept.2008.

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

SPD – (Adopted) March 2015

SPD: Development in the Green Belt (Adopted) 2007

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



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

- 3.1 PT18/6206/RVC Variation of condition 5 attached to planning permission PT17/2331/O to substitute approved plans with Site location plan, Illustrative masterplan Y81:1018.12 rev C and Illustrative masterplan Y81:1018.11 rev C. Approved July 2019
- 3.2 PT17/2331/O Erection of 29no. dwellings (outline) with layout, siting and access to be determined. All other matters reserved  
Approved.

There is other extended history to the site but the two listed above are considered to be the most relevant to the determination of this application.

### 4. **CONSULTATION RESPONSES**

- 4.1 Tytherington Parish Council  
The Parish Council request 13 new trees to replace the trees that were being felled. It is also important that conditions 10 to 13 from the original outline application, which relate to measures to protect the local bat and bird populations, are carried over to this full planning application. The PC also feel that a new local flood assessment should take place as rain water is still running down the hill and causing flooding in the village.

#### **Internal Consultees**

- 4.2 Self Build Officer  
Policy PSP42 requires the Council to encourage developers to provide serviced plots on residential sites over 10 dwellings, we request that the applicant considers serviced plot provision for this proposed scheme. We welcome a discussion with the applicants about any potential for self and custom housebuilding opportunities on site.
- 4.3 Highway Structures  
Wishes to make no comment
- 4.4 Environmental Protection  
No objection subject to conditions
- 4.5 Conservation  
The proposed development would still cause harm to the setting of The Manor House and the Tytherington Conservation Area. In accordance with the Framework, the proposals would result in less than substantial harm towards the lower end of the spectrum to the significance of the Grade II Manor House and Tytherington Conservation Area.
- 4.6 Ecology  
No objection subject to compliance conditions
- 4.7 Landscape  
No objection subject to conditions

- 4.8 Crime Prevention Officer  
No objection or comments
- 4.9 Transport  
No objection to the principle of development
- 4.10 Tree Officer  
Requested an updated Arboricultural Report
- 4.11 Environmental Policy  
No objection but suggest conditions
- 4.12 Public Art Officer  
No Objection subject to a condition to secure public art
- 4.13 Lead Local Flood Authority  
No Objection subject to conditions

### **Other Representations**

- 4.14 Local Residents  
Seven letters of objection have been received from local residents. A summary of the key points of concern raised is as follows:
- Can see no site sections which was the basis of the original outline
  - Development should be lower in height than the existing houses in The Orchard
  - Together with PT17/2440/F, the size of the village would be increased by 30%
  - Concerns about sustainability – no school, doctors, dentist or supermarket
  - Development should be restricted to in fill only
  - Concerns over highway safety and speeding vehicles
  - Severely restricted bus access
  - Increased vehicle movements
  - Concerns over drainage – the site already floods
  - It will be an eyesore
  - Concerns over landownership – the footpath link to the play area is not all within the applicants control

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
In establishing the principle of development, the starting point in primary legislation is Section 38 (6) of the 2004 Act which requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) in paragraph 15 also states that the planning system is plan led. Therefore this application has to be first considered in the context of the adopted development plan.

- 5.2 The Council's adopted Development Plan comprises the South Gloucestershire Local Plan Core Strategy (CS) which was adopted in December 2013. The Development Plan also includes the Policies, Sites and Places Plan adopted in November 2017.
- 5.3 The majority of the application site is located adjacent to but just outside of the settlement boundary of Tytherington. That said, the vehicular access is within the settlement boundary. Policy CS5 of the Core Strategy sets out the Council's strategy for development with a hierarchy of preferred locations for development. It states that most new development will take place within the communities of the North and East Fringes of Bristol. The policy states that in the open countryside, new development will be strictly controlled. Policy CS34 of the Core Strategy seeks to protect, conserve and enhance the character of rural areas for reasons relating to beauty, wildlife, landscape, biodiversity and heritage. It states that the settlement boundaries defined on the Policies Map will be maintained around rural settlements until they are reviewed either through Neighbourhood Plans, the Policies Sites and Places DPD or a replacement Local Plan. No review of settlement boundaries was undertaken in the Policies Sites and Places DPD; there is no Neighbourhood Plan for Tytherington; therefore, a review of the settlement boundaries is next likely to take place in the new South Gloucestershire Local Plan, which will replace the Core Strategy and Policies Sites and Places Plan.
- 5.4 The proposal is therefore, contrary to policies CS5 and CS34 in the development plan and the Council can demonstrate 5.28 years' worth of deliverable housing supply against its local housing need. Accordingly, the most important policies for determining the application, including policies CS5 and CS34 are not deemed to be out of date through the application of footnote 7 of the NPPF. An important material consideration in addition to whether the Council is able to demonstrate a five-year land supply is the extent of any surplus supply of land. Whilst CS5 and CS34 are not considered to be out of date and thus afforded full weight, the planning balance must take all material considerations into account. The extant outline planning permission for the erection of 29 dwellings on the site is a key material consideration.
- 5.5 Landscaping and Trees  
Policy CS1 requires high quality design which takes account of landscape character. Policy CS2 Green Infrastructure requires existing and new green infrastructure to conserve and enhance landscape character, historical, natural, built and cultural heritage assets. CS9 requires the conservation and enhancement of landscape character, quality, distinctiveness and amenity of the landscape. Policy CS34 also has a requirement to protect, conserve and enhance the rural areas' distinctive character, beauty, wildlife, landscape biodiversity and heritage. Policy PSP 2 requires new development to demonstrate how landscape protection and enhancement, landscape design and landscape management will be achieved.
- 5.6 The new 2 storey dwellings will be of traditional design and external material finishes, and will be arranged around a central POS and single access point off Stowell Hill Road. Two other areas of POS are proposed, namely, a linear area

within the western site margin to the north of the central hedge and opposite the central POS, and a linear zone along the NW site boundary.

- 5.7 No landscape designations cover the site, however the western boundary of the Tyherington Conservation Area follows Stowell Hill Road to lie adjacent to the site's entrance and also its SE boundary. The Grade II listed Old Manor House lies adjacent to the NE corner of the site.
- 5.8 The site comprises two agricultural fields separated by an internal Hawthorn hedge, and part of a further field to the NW, beyond a second Hawthorn hedge, which also contains a number of trees including a Category B mature Oak. The heavily vegetated corridor of the disused Thornbury Branch railway line adjoins the SW site boundary. An area of hard standing with various storage buildings occupies the NE margins of the two main fields.
- 5.9 The application has been carefully assessed by the Councils landscape architect. Subject to a series of conditions to secure a 15 year management period, a hedgerow/tree protection plan and detailed planting plans, no objection is raised to the proposal in terms of its impact on the landscape.
- 5.10 The Councils tree officer has carefully considered the details submitted. An updated arboricultural report to match the revised layout was received by officers at the end of January 2021. Subject to a condition to ensure works are carried out in accordance with the amended arb report, there are no objections to the application due to the impact on the trees.
- 5.11 Public Open Space  
Delivery of sustainable communities requires provision of a full range of open spaces which support residents' health and social well-being. Such facilities are important for the successful delivery of national and local planning policies as well as many of the objectives of the Sustainable Community Strategy and Council Plan. Requirements for open space are exempt from CIL and are dealt with using S106. The provision of public open space on site has evolved through the course of the application – largely due to the changes to the drainage layout. Using current average occupancy data and the proposed number of dwellings, we estimate the proposed development of 29 dwellings would generate a population increase of 69.6 residents.
- 5.12 This is a new residential development and it is reasonable to expect the future residents to have access to a full range of open spaces. Where existing provision, in terms of quantity, quality and accessibility would be inadequate to meet the needs of future residents, then new provision and/or enhancement must be made in accordance with the appropriate local standards set out in Core Strategy Appendix 5.
- 5.13 The following table shows the minimum open space requirements arising from the proposed development and shows the contributions that will be requested if open space is not proposed on site. Overprovision of one category of POS does not mitigate for an under provision of another category. Policy CS24

requires provision to be delivered on site unless it is demonstrated that partial or full off-site provision or enhancement creates a more acceptable proposal:

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Spatial amount proposed on site (sq.m.)	Shortfall in provision (sq.m.)	Contributions towards off-site provision and/or enhancement	Maintenance contribution
Informal Recreational Open Space (IROS)	800.4	800.4	0	N/A	N/A
Natural and Semi-natural Open Space (NSN)	1,044	1,044	0	N/A	N/A
Outdoor Sports Facilities (OSF)	1.113.4	0	1.113.4	£60,991.98	£18,460.26
Provision for Children and Young People (PCYP)	174	0	174	£31,932.86	£33,577.65
Allotments	139.2	0	There are no allotments within reasonable travel distance of the site towards which a contribution can reasonably be sought		

5.14 At this stage, no detailed POS plan has been produced. However, such a plan and the POS contributions listed above will be secured through a Deed of Variation to the original S106 agreement. The Councils legal officers have confirmed that this is an appropriate mechanism to secure the necessary POS.

5.15 Housing Enabling

This application is for 29 homes with access and associated works in Tytherington and is a re-submission of PT17/2331/O, which received approval on 21.9.2018 and which has a S106 agreement & Deed of Variation, signed on 12.7.19.

5.16 Affordable Housing is sought in line with National Planning Policy Guidance: Planning Obligations and other requirements under Policy CS18 of the Council's adopted Core Strategy Development Plan Document. This application generates an Affordable Housing requirement of 10 homes consisting of 8 homes for Social Rent and 2 homes for Shared Ownership. The Social Rented Units will consist of:

- no. 2-bed, 4-person, 2-storey houses at 79m<sup>2</sup>
- 1 no. 2-bed, 4-person, 2-storey wheelchair adapted house at 93m<sup>2</sup>

- no. 3-bed, 5-person, 2-storey houses at 93m<sup>2</sup>

The Intermediate Housing units consisting of:

- 1 no. 2-bed, 4-person, 2-storey houses at 79m<sup>2</sup>
- 1 no. 3-bed, 5-person, 2-storey houses at 93m<sup>2</sup>

All to be provided on site at nil public subsidy, in line with the comments set out above and as per the following schedule:

- Plot 10 – Type S3 (2b/4p 94sq.m – wheelchair adapted)
- Plot 11 – Type S2 (3b/5p 94sq.m)
- Plot 12 – Type S2 (3b/5p 94sq.m)
- Plot 13 – Type S2 (3b/5p 94sq.m)
- Plot 19 – Type S2 (3b/4p 94sq.m)
- Plot 20 – Type S2 (3b/5p 94sq.m)
- Plot 21 – Type S1 (2b/4p 79sq.m)
- Plot 22 – Type S1 (2b/4p 79sq.m)
- Plot 27 – Type S1 (2b/4p 79sq.m)
- Plot 28 – Type S1 (2b/4p 79sq.m)

5.17 The housing enabling team raise no objection to the application subject to a S106 legal agreement to secure 10 Affordable Dwellings on plots 10, 11,12, 13, 19, 20 21, 22, 27 & 28 and all affordable homes shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2). The Councils legal officers that this can be appropriately secured through a Deed of Variation.

5.18 Layout and Siting

The new 2 storey dwellings will be of traditional design and external material finishes, and will be arranged around a central POS and single access point off Stowell Hill Road. Two other areas of POS are proposed, namely, a linear area within the western site margin to the north of the central hedge and opposite the central POS, and a linear zone along the NW site boundary.

5.19 The proposed access point is onto Stowell Hill Road between existing residential properties. A substantial green buffer is shown to the south of the vehicular access which will help to retain the rural setting. The site will effectively be laid out as a single cul-de-sac with two main 'arms' – one reaching north and one reaching south. When looking into the site from Stowell Hill Road, the dominant feature will be the expanse of POS – this approach is welcomed and appropriate for the village setting.

5.20 The proposed housing density is low – at under 20 dph. Whilst the NPPF requires developments to make the best efficient use of land, building out at this low density is considered to be wholly appropriate in this village. No objection is raised to the density of the site. In terms of dwelling mix, the

- scheme includes 5 no 2 bed dwellings, 5 no three bed dwellings, 16 no four bed dwellings, and 3 no 5 bed dwellings. Although the site is therefore providing a higher number of larger homes, it is still considered that a mix of house type sizes is being provided sufficient to facilitate a balanced community.
- 5.21 Overall, officers are satisfied that the proposed layout is acceptable and suitable for the setting
- 5.22 Housing Design  
The application is supported by a 'housetype pack' giving the specific detail of each of the proposed homes. All of the dwellings are to be two storeys in height and all dwellings are shown to have a solar panel.
- 5.23 The scheme includes the use of natural stone on 4 of the key plots (plots 2, 4, 14 and 29) with the remaining plots being a mix of re-con stone and render. This design approach including the use of natural stone on dominant units is supported. Furthermore, a number of the units (19 in total) will have a chimney feature. This again is strongly supported and is a good indication of design quality.
- 5.24 The design approach appear to be entirely suitable for the village setting and is supported. The scheme does appear to be landscape led which again weighs in favour of the scheme.
- 5.25 Heritage Asset and Conservation Area  
The application site forms part of the setting of the Grade II listed Old Manor House and also can be considered to contribute to the setting of the Tytherington Conservation Area. The application is therefore to be considered within the context of paragraph 196 of the NPPF, which is matter for the decision maker. In comparing the proposed scheme with the previously approved illustrative masterplan (PT17/2331/F), the frontages of the development blocks are much stronger. Along with how the site contributes to the setting of the conservation area, a primary consideration is the impact on the setting of the Old Manor House.
- 5.26 The importance of managing the change in the views from Stowell Hill Road to the north is understood and was established through the outline permission. There remains a need to ensure any built form backdrop to the Grade II listed building is mitigated as much as possible in the interests of preserving the setting and in turn significance of this designated heritage asset. Avoiding a significant built form backdrop to the street frontage is also in the interests of the conservation area. In terms of layout, the revised details appear to have taken us back to the previously approved outline. While the omission of an engineered attenuation pond to the immediate rear of the listed Manor House is welcomed, the issued about the landscape scheme (i.e. the tree planting layout) remains applicable. The trees within the NE corner of the site should therefore be grouped together to give a more natural feel and provide for a more effective screen. Details of species should be confirmed to ensure large tree specimens are secured. The rest of the trees to be plant planted in a far more organic or informal way rather than just evenly spaced out in what

- appears somewhat contrived. This will be the subject of a suitably worded planning condition.
- 5.27 The only issue from a conservation perspective is the design of the NE corner of the site, as this would form the backdrop to the listed building in views from Stowell Hill Road to the north. The conservation officer advises that the proposals would be harmful to the setting of the listed building when as its isolated position from the main part of the village can be considered to contribute to its significance. Any harm to the setting of the listed building and conservation area would therefore be harmful to its significance and while the harm may be limited and at the lower end of the “less than substantial harm” spectrum, harm would be caused nonetheless. As harm has been identified, compliance with the requirements of paragraph 193 of the NPPF has not been achieved and so as established through case law and reflected in paragraph 196 of the NPPF, the finding of harm gives rise to what can be regarded as a statutory presumption against the granting of permission.
- 5.28 In accordance with paragraph 196 of the NPPF, ‘where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...;. In this instance, it is considered that the public benefit of providing 29 units of accommodation, of which 10 will be affordable are significant public benefits that outweigh the harm. Officers are of course also mindful of the implementable outline permission which would have a similar impact on the listed building and the conservation area.
- 5.29 Residential Amenity  
Partly due to the low density proposed, there is ample space on site to provide garden space in excess of the amounts required through policy PSP43. No issues of overlooking or intervisibility between the proposed new dwellings has been identified.
- 5.30 In terms of impact on existing neighbouring dwellings, clearly the potential for the greatest impact is those existing properties that face onto Stowell Hill Road to the east on those on The Orchard to the South. The application includes a strip of open space along the southern edge of the site that will afford a suitable degree of privacy to those dwellings on The Orchard. Furthermore, the plans show that the existing boundary and hedgerow along the boundary with The Orchard will remain untouched. Plots 20 and 21 closest to the boundary with The Orchard contain only landing windows on the side elevation at first floor level. Officers are satisfied that the impact on The Orchard is acceptable.
- 5.31 In terms of the dwellings facing Stowell Hill Road, officers consider that the greatest impact is likely to be on those dwellings to the south of the proposed new access. Proposed plot 29 sits closest to these dwellings. Plot 29 only includes bathroom windows in the first floor side elevations facing these existing neighbours and thus, no concerns with respect to loss of privacy or overlooking are raised. Nonetheless, a condition will be attached to ensure that no new windows are inserted in the west elevation of plot 29 to ensure that this level of amenity is protected in perpetuity.



- 5.32 Furthermore, officers are satisfied that, due to the separation distances, no issues of unacceptable levels of overbearing or overshadowing will arise.
- 5.33 Transport  
No objection is raised to the principle of this development. Indeed the principle of a single access point to serve 29 dwellings was assessed through application PT17/2331/O and was found to be acceptable. There have been no material changes since the approval of PT17/231/O that would give any rise to take a different view now. Swept path analysis drawings have been received to demonstrate that a refuse vehicle can access all parts of the site appropriately.
- 5.34 As with the PT17 application, the proposed development of 29 dwellings would generate 6 additional secondary pupils according to the pupil number calculator. The proposed development is in the area of prime responsibility of Marlwood School (2.6 miles away). As there is no safe walking route to school, a requirements towards costs for transport to school would be required. The closest school is Castle School and the most cost effective mode of transport is by bus. The total cost of transport would be £642 (annual cost per pupil) x 7 years education x 6 secondary pupils amounting to £26,964.00. This would be secured via a S106 legal agreement.
- 5.35 Policy PSP16 sets out the required minimum number of parking spaces to be provided per dwelling. Each dwelling on the site is provided with sufficient off street parking to meet these standards. Where garages are being proposed, in the vast majority of cases, these are in addition to the required minimum. As such, there is no objection to the proposal from a highway perspective.
- 5.36 Flooding and Drainage  
The issue of drainage has perhaps been the most controversial matter of the whole site. Initially, large and deep SUDS attenuation ponds were proposed – most notably a basin proposed in the NE corner of the site. Through extensive negotiation, the drainage layout has been completely amended and the Councils Lead Local Flood Authority raise no objection to the scheme subject to a compliance condition.
- 5.37 Planning Balance  
Section 38 (6) of the 2004 Act requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.38 In this instance, the approved and extant outline permission also for 29 homes on this site is a key material consideration that is being given substantial weight in the determination of the application. Due to the greater level of detail submitted with this full application, officers would prefer this scheme to be built out rather than the extant outline. This weighs heavily in favour of the application.
- 5.39 The proposal is not in accordance with the development plan, due to its location outside the settlement boundary of Tytherington. There are also conflicts identified with the policies relating to heritage. Paragraph 12 of the NPPF states that planning permission should not normally be granted where a

proposal conflicts with an up to date development plan. However, in accordance with the statutory test set out above, it also recognises that material considerations may justify a departure from the development plan. The application has been determined in accordance with Para 193 of the NPPF in that great weight has been given to the conservation of the listed building and the conservation area.

- 5.40 Overall, in this particular case it is considered that the benefits of the scheme demonstrably outweigh the conflict with the development plan, the harms that arise from that conflict, namely the impact on the heritage assets.

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

## 7. RECOMMENDATION

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

That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:

### **a) Affordable housing:**

35% of dwellings to be delivered as affordable housing on site, as defined by the NPPF. For the proposed development of 29no. dwellings, this would equate to 10 dwellings for affordable housing

Tenure split of 73% social rent and 27% shared ownership. Based on a requirement of 10 affordable homes this will generate a tenure split of:

- 8 homes for social rent
- 2 homes shared ownership

In all other respects the development shall comply with the requirements as set out in paragraphs 5.15 – 5.17 above of this report.

The reason for this :

To accord with Policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 11th December 2013.

### **b) Transport to school:**

A financial contribution of £26,964 towards the costs of providing home to school transport for secondary pupils.

The reason for this:

To accord with Policy CS23 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

**c) Public open space:**

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Spatial amount proposed on site (sq.m.)	Shortfall in provision (sq.m.)	Contributions towards off-site provision and/or enhancement	Maintenance contribution
Informal Recreational Open Space (IROS)	800.4	800.4	0	N/A	N/A
Natural and Semi-natural Open Space (NSN)	1,044	1044.00	0	N/A	N/A
Outdoor Sports Facilities (OSF)	1.113.4	0	1.113.4	£60,991.98	£18,460.26
Provision for Children and Young People (PCYP)	174	0	174	£31,932.86	£33,577.65
Allotments	139.2	0	There are no allotments within reasonable travel distance of the site towards which a contribution can reasonably be sought		

The reason for this:

To accord with Policy CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

- 7.2 It is recommended that the Head of Legal and Democratic Services be authorised to check and agree the working of the Agreement.
- 7.3 That should the agreement not be completed within 6 months of the date this report is published, that delegated authority be given to the Director of Environment and Community Services to refuse the application.

**CONDITIONS**

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

## Reason

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

2. The development hereby permitted shall take place in accordance with the following plans:

Received by the Council on 18th August 2020

Archaeological Heritage Statement

Archaeological Trial Trenching Report

Design and Access Statement

Road\_Safety\_Audit 4/12/19

Geophysical report

Ecological Impact Assessment

Energy and Sustainability Report

Energy and Sustainability Report: SAP Calculations

Gradiometer (Geophysical) Survey Report

Heritage Statement

Landscape Visual Impact Assessment

Noise Impact Assessment 296907-01(01)

Statement of Community Engagement

Transport Statement

Covering Letter (Planning Summary)

Site Location Plan 19.040 - 001

Façade (Noise) Attenuation Calculations B5107-AcS-WH-221119 Nov 2019

Site Access Setting Out 3158-221A

Forward\_Vision\_Sight\_Lines 3158\_112

RSA\_Designers\_Response\_Mar20

RSA\_Update\_Mar20

Received by the Council on 30th October 2020

House A - plans 19.040 - 010

House A - elevations 19.040 - 01

House B - plans 19.040 - 012

House B - elevations 19.040 - 013

House C - plans 19.040 - 014

House C - elevations 19.040 - 015

House D - plans 19.040 - 016

House D - elevations 19.040 - 017

House E - plans 19.040 - 018

House E - elevations 19.040 - 019 Rev A

House F - plans 19.040 - 020

House F - elevations 19.040 - 021 rev A

House S1(render) - plans and elevations 19.040 - 022

House S1(brick) - plans and elevations 19.040 - 023

House S2(brick) - plans and elevations 19.040 - 024

House S2 & S3 (render) - plans and elevations 19.040 - 025  
 House S1 & S2 (render) - plans and elevations 19.040 - 026A  
 Single & Double Garage plans and elevations 19.040 - 027  
 Material (schedule) 19.040 - 030A  
 Masonry Porch Details 19.040 - 031  
 Timber Porch Details 19.040 - 032  
 Window Details 19.040 -  
 Roof Details 19.040 - 034  
 Boundary Details 19.040 - 035B  
 Timber Fence Details 19.040 - 036B  
 Existing Site Plan 19.040 - 002  
 Proposed Site Plan 19.040 - 003C  
 Soft Landscape Proposals: Sheet 1 of 3 1367-01E  
 Soft Landscape Proposals: Sheet 2 of 3 1367-02E  
 Soft Landscape Proposals: Sheet 3 of 3 1367-03E

Received by the Council on 10th December 2019  
 Ecology: Further Details (Conditions 10, 11, 12, and 13)  
 Road Safety Audit Stage 2 (including Stage 1) 27222/1  
 Ground Investigation (Phase 2) 18052 June 2018

Received by the Council on 17th December 2020

Drainage Layout: 3158-201F  
 Drainage Layout: 3158-202G  
 Drainage Layout: 3158-203C  
 Exceedance Routing 3158-204B  
 Drainage Section 38 Layout 3158 250 C  
 Drainage Section 104 layout 3158 251E 06/01/21  
 Storm Drainage Calcs 06/01/2021  
 Attenuation tank maintenance plan  
 Private Tank Structural Typical Section 3158-235  
 Drainage Schematic: 3158-100C  
 External Works Layout 3158\_200D

Received by the Council on 22nd December 2020

Swept Path Analysis 3158-110A

Received by the Council on 27th January 2021

Arboricultural Report (Silverback) Revised Dec 2020

Reason

To define the permission and for the avoidance of doubt.

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

## Reason

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

4. Visibility splays of 2.4 x 52m in each direction must be provided prior to first use of the proposed access onto Stowell Hill Road, with no obstruction greater than 0.9m high within the prescribed visibility splays.

## Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

5. No development shall take place until construction details of the proposed access have been submitted to and approved by the Council, with the development proceeding in accordance with the approved details.

## Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition to avoid any remedial action in future.

6. The development hereby approved must be implemented exactly in accordance with the following details:

Drainage Layout Sheet 1of3 / Drwg. No. 3158-201 / Rev. F / Dated 17-12-20

Drainage Layout Sheet 2of3 / Drwg. No. 3158-201 / Rev. G / Dated 17-12-20

Drainage Layout Sheet 3of3 / Drwg. No. 3158-201 / Rev. C / Dated 17-12-20

Section 38 Layout / Drwg. No. 3158-250 / Rev. C / Dated 15-12-20

Section 104 Layout / Drwg. No. 3158-251 / Rev. E / Dated -6-01-21

Private Tank Structural Typical Section / Drwg. No. 3158-235 / Rev. - / Dated January 2021

Exceedance Routing / Drwg. No. 3158-204 / Rev. B / Dated 17-12-20

Causeway Network Model - Storm Network 1 / Dated 17-12-20

Landscape Management & Maintenance Plan document - Woodstock Homes Development at Stowell Hill Road, Tytherington / Dated October 2019

Attenuation Tank Maintenance Plan document - Woodstock Homes Development, Stowell Hill Road, Tytherington / Received 06-01-21.

## Reason

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

7. The development must be carried out in exact accordance with the Arboricultural Report prepared by Silverback received by the Council on 27th January 2021. For the avoidance of doubt, all tree and hedgerow protection fencing identified in the report

must be erected prior to the commencement of any development on site and must be maintained as such at all times during the construction phase.

Reason

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

8. Prior to any construction above damp proof course level the following details shall be submitted to the Council:

- Revised detailed planting plans specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting to address identified design and mitigation issues; with all planting implemented in the first season following completion of the construction works. For the avoidance of doubt, the planting plans should include a cluster of large trees in the North Eastern corner to provide a screen between the site and the adjacent listed building.

- A detailed landscape management plan covering the enabling works operations/period and a subsequent 15 year management period, identifying who will be responsible for the management of different areas of the site, identifying existing and proposed landscape and ecology related site assets, associated management objectives, schedules of annual maintenance works together with longer term management operations.

- Detailed hard landscape plans specifying all proposed boundary and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls that may be required, together with supporting schedule of proposed manufacturer hard landscape materials and site furniture products.

Development shall be carried out exactly in accordance with the details agreed.

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.

9. As per approved plans all 10 Affordable Dwellings on plots 10, 11,12, 13, 19, 20 21, 22, 27 & 28 shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2).

Reason

To ensure inclusive design access for all in accordance with Policy PSP37 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan.

10. As per approved plans the Affordable Dwelling (social rented) on plot number 10, shall be constructed to meet Part M of the Building Regulations accessibility standard M4(3)(2)(a).

## Reason

To ensure inclusive design access for all in accordance with Policy PSP37 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan.

11. The development hereby approved must take place exactly in accordance with the Bat mitigation strategy, bat box strategy and ecological enhancement strategy (Ethos Environmental Planning dated 26th November 2019) received by the Council on 18th August 2020

## Reason

To protect the ecological integrity of the site and comply with the requirements of Policy PSP19 of the South Gloucestershire Local Plan (Adopted)

12. Notwithstanding the submitted details, and prior to the installation of any external lighting on site, details of a bat friendly lighting scheme shall be submitted to the Council for written approval. Development must be carried out exactly in accordance with the scheme agreed and no additional external lighting may be installed without the prior consent of the Local Authority

## Reason

To protect the ecological integrity of the site and comply with the requirements of Policy PSP19 of the South Gloucestershire Local Plan (Adopted)

13. Prior to the first occupation of any dwelling hereby permitted the following information shall be provided:
- o Evidence of the PV system as installed including exact location, technical specification and projected annual energy yield (kWh/year) e.g. a copy of the MCS installer's certificate.
  - o A calculation showing that the projected annual yield of the installed system is sufficient to reduce residual CO2 emissions by 20% as shown in the approved Energy Statement.

## Reason

To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions in accordance with PSP6.

14. The development shall take place exactly in accordance with the acoustic report (RSK REF 296907-01(011) dated 17th September 2017). Prior to any construction above damp proof course level, details of the composite facade calculations regarding internal noise levels are to be submitted to the LPA for written approval and implemented in accordance with the approved details.

## Reason

To protect the amenities of the occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; Policy PSP8 and PSP21 of the South Gloucestershire Policy Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

15. Prior to the first occupation of any dwelling hereby approved, full details of a unique site specific integrated public art scheme including but not limited to detailed designs,



timescale's and triggers shall be submitted to the Council for written agreement. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm - Planning Advice Note. The public art must be installed exactly as per the details agreed.

Reason:

To protect the character, distinctiveness and visual amenity of the site and the surrounding locality; and to accord with Policy CS23 - Community Infrastructure and Cultural Activity and Policy CS1 - High Quality Design Point 7 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

16. Prior to the first occupation of any dwelling hereby permitted and at all times thereafter, each and every window serving a bathroom, a WC's or an en-suites must be glazed with obscure glass to level 3 standard or above.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy PSP8 of the South Gloucestershire Policies Sites and Places Plan (Adopted)

17. No windows other than those shown on the plans hereby approved shall be inserted at any time in the eastern elevation (the elevation facing towards Stowell Hill Road) of the property marked as plot 29.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy PSP8 of the South Gloucestershire Policies Sites and Places Plan (Adopted)

18. Prior to the first occupation of any individual dwelling hereby permitted, details of the provision of a 7kw/32Amp Electric Vehicle Charging Points and associated cabling for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to first occupation and retained as such thereafter.

Reason

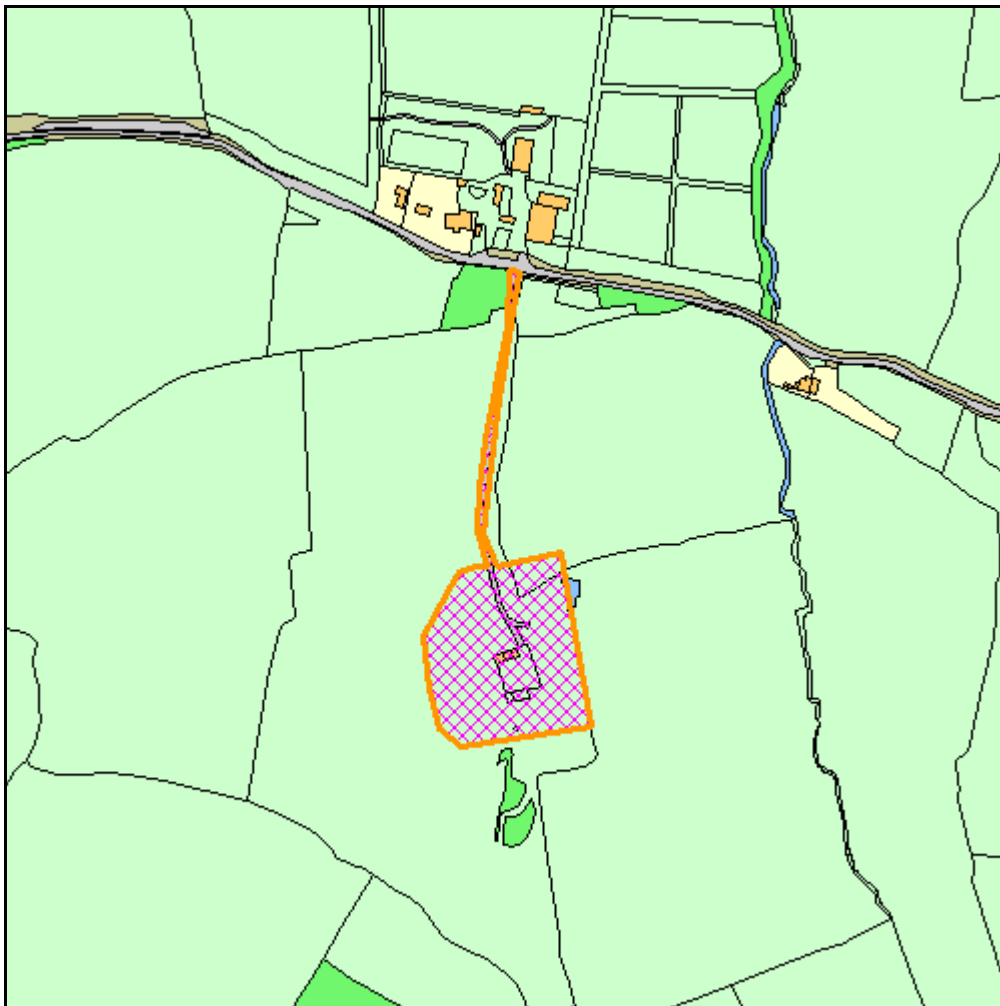
In order to reduce greenhouse gas emissions and to provide and promote the provision of sustainable travel options to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy 2013

**Case Officer: Marie Bath**

**Authorising Officer: Helen Ainsley**

**CIRCULATED SCHEDULE NO. 08/21 -26th February 2021**

<b>App No.:</b>	P20/10660/F	<b>Applicant:</b>	Mr & Mrs J Jones C/o Rural Solutions
<b>Site:</b>	Hill House Cottage Frith Lane Wickwar South Gloucestershire GL12 8PB	<b>Date Reg:</b>	6th October 2020
<b>Proposal:</b>	Construction 1 no. dwelling house, ancillary annex, pool house, detached garage and new access with associated works (Paragraph 79 House).	<b>Parish:</b>	Wickwar Parish Council
<b>Map Ref:</b>	371757 187367	<b>Ward:</b>	Chipping Sodbury And Cotswold Edge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	30th November 2020



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100023410, 2008.

N.T.S.

P20/10660/F

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

### **REASON FOR APPEARING ON CIRCULATED SCHEDULE**

This application appears on the Council's Circulated Schedule procedure following the support by the Parish Council, contrary of the officer recommendation detailed below.

## **1. THE PROPOSAL**

- 1.1 Planning consent is sought for the erection of a large two-storey dwellinghouse, with an ancillary annex, pool house, detached garage, and a new access with associated works.
- 1.2 In addition, the application proposes to divert the Public Right Of Way (PROW) which skirts the existing ruins on the site. The submitted information contends that the proposal is of exceptional design, and that it should be covered within the scope of paragraph 79 of the NPPF.
- 1.3 The application sits outside of any development boundary and is considered to lie within the wider setting of a number of above ground designated heritage assets. These are the Grade II\* Frith Farmhouse to the north; the Grade II listed Hall End Farms to the north-west and west of the site; and the Grade II listed Hillhouse Farm to the south. Whilst the proposed development is set within the ruins of an 18th century tannery, they are not statutory listed. Aside from the designated heritage assets and PROW as mentioned above, no other restrictive policies cover the site.
- 1.4 The proposed development involves a collection of single and two storey buildings forming a loose courtyard arrangement around the ruins of an 18<sup>th</sup> century farmstead/ tannery. Of these ruins, the three gable walls of the former cart store, its lean-to extension, and the buttressed wall form the most prominent remains. These remains, situated on the ridgeline form a prominent landmark.
- 1.5 The proposed accommodation would include a two-storey, 5 bed dwellinghouse, arranged around three additional single storey structures, containing a swimming pool, an annexe, and a garage with office space, for which are connected by a series of glazed and external canopies. The gross internal area of each has been provided as follows:
- |                    |          |
|--------------------|----------|
| Main House         | = 410sqm |
| Swimming Pool      | = 95sqm  |
| Annexe             | = 55sqm  |
| Garage and Officer | = 75qsm  |
- 1.6 To add context to the proposed arrangement, the new chimney breast of the main house is located at the ruined edge of the original cottage and bread-oven. The pool house is located behind the ruined buttressed stoned walls of

the original tannery, and the guest annexe would be nestled within the ruined walls of the cart store/ barn.

- 1.7 Its stated that the arrangement of the buildings have been considered to avoid root protection areas for the existing trees and that the height of each building is to maintain views of the existing Ash from the wider landscape.
- 1.8 The ridge of the proposed swimming pool building has been set above the buttressed west wall so to reference a modern intervention.
- 1.9 As per page 28 of the design and access statement, the proposed scheme is stated to appear as a modern interpretation of a typical arrangement of simple barns forming a working yard. As such, the scheme is proposed to incorporate a simple pallet of materials, including: Cotswold Limestone Rubble Walls, Timber Cladding vertical boards with SIOO coating, and pre painted (dark grey patina) standing seam zinc cladding and roof panels.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework

- 2.2 Development Plans

### South Gloucestershire Local Plan Core Strategy

CS1	High Quality Design
CS3	Renewable and Low Carbon Energy Generation
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
 Design Checklist SPD (Adopted) August 2007  
 Residential Parking Standard SPD (Adopted) December 2013  
 Landscape Character Assessment SPD (Adopted) November 2014  
 CIL and S106 SPD (Adopted) March 2015  
 Waste Collection SPD (Adopted) January 2015 (updated March 2017)

### 3. RELEVANT PLANNING HISTORY

- 3.1 Ref. PK13/4459/F. Permission Granted, 21/2/2014  
 Proposal: *Change of use of barns to facilitate conversion to tourist accommodation (Re Submission of PK13/2948/F).*
- 3.2 Ref. PK07/2060/F. Permission Refused, 21/8/2007  
 Proposal: *Restoration of derelict cottage to form 1no. dwelling with erection of double garage and associated works.*
- 3.3 Further to the aforementioned applications, it has been noted that pre-application advice was previously sought from the council. The advice provided was informal only, and does not form a material planning consideration. Furthermore, a history of consultations exists with *Creating Excellence Ltd – Design: Southwest Review Panel*. Whilst South Gloucestershire Council (SGC) were invited to attend a review session with Creating Excellence Ltd, this was after the pre-application advice was provided and thus the case was considered as closed by the council.

### 4. CONSULTATION RESPONSES

- Parish/Town Council
- 4.1 Wickwar Parish Council – Support  
*“Wickwar Parish Council supports this application on the grounds that it makes good use of redundant buildings which would otherwise be demolished, whilst maintaining the original structures as far as possible.”*

#### Other Consultees

- 4.1 Highway Structures - No comment.
- 4.2 Lead Local Flood Authority – No objection subject to conditions.
- 4.3 Sustainable Transport – Objection. Comments incorporated below.
- 4.4 Public Rights of Way – No objection, further information required.
- 4.5 The Archaeological Officer – No objection subject to conditions.
- 4.6 The Tree Officer – Further information required.
- 4.7 The Listed Buildings Officer – Objection. Comments incorporated below.

- 4.8 The Landscape Officer – Further information required and conditions recommended.
- 4.9 The Ecology Officer – No objection subject to conditions.
- 4.10 Environmental Protection – No objection subject to informatives.
- 4.11 Creating Excellence Ltd – Design: Southwest Review Panel (Note: Creating Excellence Ltd is not a statutory consultee or partnering body of SGC, however it is recognised as a Design Review Panel. The preferred consultee of SGC is Design West).

### **Other Representations**

- 4.3 Local Residents  
Two support comments have been received from local residents.

## **5. ANALYSIS OF PROPOSAL**

- Principle of Development
- 5.1 The application site is located outside of any defined development boundary and as such is located in open countryside. In accordance with policy CS5, development is strictly controlled - whilst some small scale development within or well related to villages or settlements may come forward, it is acknowledged that the application site is within a highly isolated location, therefore this does not apply.
- 5.2 Policy PSP40 relates directly to residential development in the countryside, providing a list of exemptions where development will be acceptable. Due to the scale of the proposed development and the condition of the existing ruins, the proposal would also fail to be included in the exceptions. As such, the proposed development fails to comply with the provisions of the local development plan.
- 5.3 The Council is required to make a decision in line with the local development plan, unless material considerations indicate otherwise (Section 38(6) PCPA 2004 and Section 70(2) TCPA 1990). The NPPF is regarded as a key material planning consideration.
- 5.4 The applicant has sought to demonstrate that the proposal would meet the exception criteria (specifically part e) under Paragraph 79 of the NPPF - which advises that isolated homes in the countryside should be avoided unless one or more of the following circumstance apply:
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*

c) *the development would re-use redundant or disused buildings and enhance its immediate setting;*

d) *the development would involve the subdivision of an existing residential dwelling; or*

e) *the design is of exceptional quality, in that it:*

- *is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

5.5 In addition for the requirement to meet the circumstances of bullet point (e), the proposed development will also be subject to assessments against harm to designated heritage assets, residential amenity, transport, access and parking, impacts to landscaping, trees, and ecology – all of which hold various weights to the planning balance. What follows below is an assessment into section e of paragraph 79.

Paragraph 79 - *Isolated Homes*

5.6 For the proposal to be assessed under paragraph 79 of the NPPF, it must be regarded as being isolated. The meaning of the word '*isolated*' was the subject of the Braintree judgment and should be given its ordinary objective meaning of '*far away from other places, buildings or people; remote*'. The Appeal Court Judge stated that whether a proposed new dwelling is, or is not, '*isolated*' in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand.

5.7 The development site is located approximately 250m south of Firth Lane in open countryside, no other built development is located within this radius. When viewed in context to its wider setting, its rural setting becomes highly apparent. Whilst there are examples of built development on the ridgeline, they themselves give the impression of being detached and isolated. The dwelling, would therefore be isolated with regard to the Braintree DC v SSCLG 2017 ruling – thus rendering the proposal as a departure from the local development plan. Consequently, the assessment as per paragraph 79 of the NPPF can be legitimised.

5.8 The NPPF expects policies and decisions to avoid isolated dwellings as they are contrary to the principle of locating development in sustainable locations and outside the plan-led process. Isolated dwellings, by their nature, normally appear out of context within their environment, as they would not normally be expected to be seen - thus resulting in harm to the countryside and falling short of relevant policies. In this respect, the location and design of a new dwelling is crucial for proposals to be delivered by virtue of para. 79.

Paragraph 79 – Criterion E

- 5.9 *e) the design is of exceptional quality, in that it:*
- *is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
  - *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*
- 5.10 The application is to be assessed as to whether its design is truly ‘outstanding’, rather than ‘innovative’.
- 5.11 It is first important to understand what ‘*truly outstanding*’ means in the context of para. 79 applications. The addition of the word ‘*truly*’, in plain English, means to provide an enhanced level of requirement (Appeal Ref: APP/F0114/W/18/3208289), with the word ‘*outstanding*’ meaning something that could be exceptionally good, exceptional, or unforgettable (amongst others) (Oxford Dictionaries [online]). It is therefore the intention of the NPPF that the bar for achieving a home under criteria e of para.79 is exceptionally high.
- 5.12 To assist local authorities in the decision making process as to whether or not a proposal is of a design is of exceptional quality, the NPPF states that local planning authorities should have regard to the recommendations made by design review panels. The NPPG advises that an effective design review should:
- *set clear, meaningful terms of reference to ensure a transparent, robust and defensible process that demonstrates benefit to the public; and*
  - *is respectful, diverse, and inclusive, drawing upon a range of built environment and other professional expertise.*
- 5.13 Whilst it is acknowledged that no less than four rounds of consultation with the South West Design Review Panel were undertaken to reach this submission stage, the review did not include consultation with the Local Planning Authority as the scheme was not the subject of a planning application at the time. It is also recognised that the review was a ‘desk top review’ only, and contributors were limited to the opinion of just one architect and one sustainability specialist. Albeit, the third round of consultation also included one landscape architect, whereby the comments were not viewed as being vastly different. However, for the reasons listed above, officers do not consider this design review to be *transparent nor inclusive of a range of built environment professionals*. In light of this, officers find it hard to justify affording significant weight to the outcome of the design review provided by Creating Excellence Ltd.
- 5.14 Notwithstanding the above, whilst the SW Design Panel considerations are acknowledged to a degree, where officers welcome the contributions made to preserve as much of the existing fabric as possible, substantial concerns are raised in relation to scale and design.



- 5.15 As to whether the proposal would be truly outstanding, this requirement should be seen in the context of raising standards of design more generally. In terms of the proposed construction, design, materials and detailing, collectively or individually, nothing extends any existing knowledge or demonstrates something that is solely unique or unforgettable. The proposed scheme is stated to appear as a modern interpretation of a typical arrangement of simple barns forming a working yard - is this not true of any modern agricultural building added to any existing agricultural unit across the country? With regard to its physical form, whilst large in scale it replicates that of a modern steel-portal barn – for which numerous conversions have taken place both locally and nationally, through either local development plans or the GPDO. It is also acknowledged that whilst there may have been a structure in place of the principal building at one point in time, this is no longer the case and should therefore not be used to justify an overtly large volume. To a person who is not familiar with the specifics of the sites individual historic nature, there is no obvious connection with what exists on the ground and the scale of the proposal. In this respect, the ‘loose cluster plan’ arrangement is weakly referenced and reinforces overdevelopment of the site.
- 5.16 The mixed material pallet is also a tried and tested method for both modern barn conversions and new builds alike – whereby the physical massing can be broken-up to reduce an overly harsh, prominent, or brutalist appearance. Materials themselves should always be chosen so to reflect the character and appearance of the site and its context. This blend and arrangement of materials is not viewed as being unique or outstanding.
- 5.17 Where integration of old and new building coincide, two schools of thought exists, simply put: to either match so to aid assimilation, or to contrast so to visually define new from old. Within the design and access statement, a number of precedents are provided of where new construction has been implemented alongside more historical elements. This raises a paradox with the requirements of paragraph 79, specifically in the sense of the design being of an ‘*exceptional quality*’. In this instance, it is recognised that this style of architecture has been done many times over that it is no longer *an exception*, and could be seen as being cliché. To illustrate this further, the images below comprise one section of the proposed new build development compared with a recent barn conversion which incorporated part of the original fabric with a mixed material pallet and a glazed linked section, very similar to the proposal, albeit to a much smaller scale.



*Fig 1. An elevation of the proposed development submitted as part of this application.*

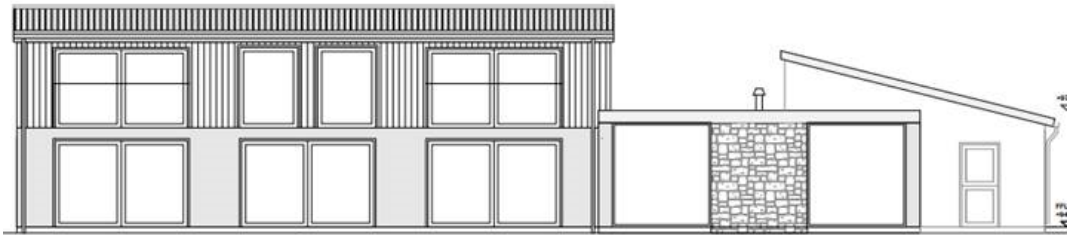


Fig 2. The rear elevation of a recently approved barn conversion. This demonstrates a mixed material pallet and linking section.

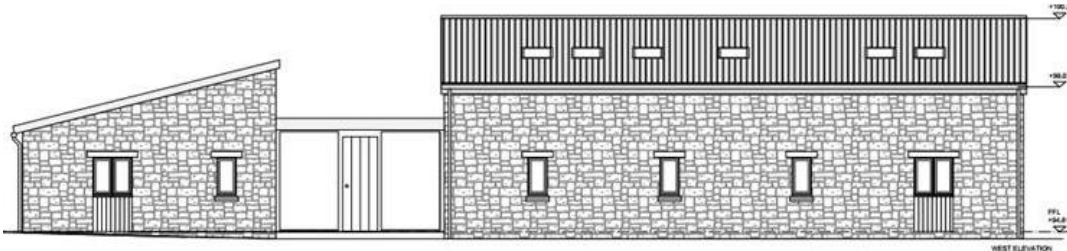


Fig 3. The front elevation of the above property in Fig 2, showing the overall form, a glazed link between two individual sections and the retention of historic materials.

- 5.18 The above is not to say that the proposed dwelling would not be attractive in architectural terms or that it would not be a very good example that should inspire others, and that other examples shouldn't be referenced. It would achieve these intentions. Its design would be of a high standard to a degree, compared to the vast majority of new construction or conversions, but the requirements of para.79 are deliberately set at a higher level. Otherwise, numerous isolated sites in the open countryside would be occupied with buildings. Whilst the principles adopted are to be strongly encouraged, there is little to suggest that the project would *be truly outstanding or innovative*.



Fig 4. Swinhay House, North Nibley, Gloucestershire. A prime example of a local paragraph 79 house that demonstrates a level of truly outstanding architecture. Its design is solely unique, unforgettable, and is instantaneously recognisable as an exceptional landmark figure.

- 5.19 The intention of the scheme is to integrate with landscape and biodiversity is worthwhile. However, the proposal has to be considered as a whole as to whether the design is of exceptional quality. In this regard, the proposal should significantly enhance its immediate setting and should be sensitive to the characteristics that define the local area. Landscaping and biodiversity enhancements would be of a high quality and is well thought through. However, whilst a comprehensive landscape analysis has been provided, there is no visual assessment of how the development would appear from publically accessible viewpoints, and how it would fit with the historic pattern of large properties along the ridge. With this in mind, whilst there is an opportunity to form a new landmark in the landscape – nothing less than a truly outstanding or exceptional development should be permissible. The council's landscape officer has specifically given reference to the upper built form/ roof profiles, which are not considered to form distinct features which could comprise a noticeable or outstanding landmark. This is not disputed as there is nothing distinct about the roof from and the standing seam zinc cladding roof panel finish.
- 5.20 It is acknowledged that whilst a simple visual assessment has not been provided as how the development would be seen at distance and from public view points has not been provided, clearly the upper and two storey elements would be the most visually prominent aspects. The upper sections, most notably the roof of the pool building would protrude beyond that of the ruined buttressed wall, with other elements such as the garage and annexe being effectively screened within a compound like environment. Whilst these ancillary structures (specifically the annexe and pool building) tie to a degree with the existing ruins, the impression is that the mass is being hidden away and screened so to avoid the risk of not fitting in with the surrounding environment. This would have been far less of a concern if truly isolated and not within a prominent skyline location, however where a dwelling is proposed by this exception clause, the design should be so outstanding that exceptional architecture is displayed in such a way that it would significantly enhance its immediate setting and is clear in what it's trying to achieve.
- 5.21 It is noted that there is no mention to a character appraisal within both the design and access statement or the design review panel response. Without this, there is no detailed analysis on the wider morphology, context, local materiality and building typologies of the area which is fundamental to defining the local characteristics. As such there is no demonstration as to how the development would *be sensitive to the defining characteristics of the local area*.
- 5.22 With regard to the development preserving the existing ruins, whilst this approach could be seen as beneficial, the ruins are not statutory listed and the heritage/ landscape value is negligible. Essentially, should these ruins collapse in their entirety, no concerns would be raised. As such the retention of these existing structures can only be considered to provide a negligible benefit. Considering that the principal justification of the design ethos is based on preserving these existing negligible structures, the proposal is inherently flawed.

5.23 To conclude, the proposed development, if built, by reasons of its overall design would not be of an exceptional quality that it would truly outstanding or innovative. The proposed development would therefore fail to comply with Paragraph 79 of the NPPF. If determined by virtue of the local development plan, the proposed dwelling would be situated within a countryside location, which is regarded as being unsustainable and is unsuitable for residential development. A new dwelling in this location is harmful and the proposed development is contrary to policy CS4A, CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

#### Heritage Impact

5.24 The application site can be considered to lie within the wider setting of a number of above ground designated heritage assets. These are the Grade II\* Frith Farmhouse to the north; the Grade II listed Hall End Farms to the north-west and west of the site; and the Grade II listed Hill House Farm to the south.

5.25 In the identification of the designated and/or non-designated heritage assets which are affected, or have the potential to be affected by the application proposal, the South Gloucestershire Historic Environment Record (HER) has been viewed. Where heritage assets are identified as affected, or have the potential to be affected, the information contained on the HER has been used in an assessment of their significance and consideration of the impact on that significance.

5.26 The application relates to a dilapidated cart shed and the ruins of a barn, of which can be considered to be part of its east elevation. Hillhouse Cottage itself which was located to the south it considered to have been abandoned some 70 years ago. All that is left is a low section of wall now covered in brambles that returns off the east elevation remnant of the barn that was set on a north/south axis. Apart from the cart shed, the scale and character of the site which is described as a "house and barton" on the 1840 Tithe apportionment and shown on the historic maps is no longer legible.

5.27 The site is also considered very prominent, sitting on something of a ridge in the local landscape. In views from the east in particular, the existing structures are clearly visible and in the case of the Hall End Farm to the north-west, contributes to its backdrop.

5.28 The submitted Heritage Statement (hereafter the "HS") is an interesting and detailed assessment of the history and development of the site. While there are some areas where the HS and conservation officer's views diverge, ultimately we end up in the same place in that it is considered that the development proposals will result in less than substantial harm to the setting of designated heritage assets.

5.29 This is expanded upon on this in more detail below, but first the issue of the significance of the existing remnant structures are discussed. As there is a view within the HS that the proposals will result in a degree of enhancement to this

heritage assets and so this needs to be factored into the assessment and consideration of how the scheme could meet the requirements of para. 79 of the NPPF.

- 5.30 The existing ruins of the barn and the dilapidated cart shed may have some local historic interest, but it is residual at best. Conservation officers would therefore not suggest that we are in a position that any potential conversion and rebuild could be argued to deliver any tangible heritage benefits. This however is not being proposed as the development proposals would introduce a significant level of new build and so the scale and character of the site will dramatically change. Consequently, the already limited or weak narrative these structure provide would be completely lost as site is transformed into a large domestic property.
- 5.31 It is therefore not considered that the proposals would meet the requirements of parts (b) of para 79, as all that survives is the remnant ruins of part of a structure and a cart shed in poor condition and the significance of this asset is considered to be very limited to the point that its preservation does not justify the intrusion into the landscape that is proposed. Moreover, as what is proposed would represent a significant transformation in scale and character, if there were considered some benefits in preserving the ruins and safeguarding the cart shed, any benefits would be outweighed by the scale, design and character of what is being proposed.
- 5.32 In light of the prominent and isolated location of the site, the development proposals are also not considered to represent any enhancement to the immediate setting. In their current state, the buildings site quietly within the surroundings and in views from the east and west, while their silhouette is appreciable, what survives appears visually recessive in the wider landscape.
- 5.33 What is proposed would have the opposite effect due to the increase in scale and massing, potential boundary treatments and also function, with domestic traffic using what is a very visually exposed cart track.
- 5.34 To conclude this point, the significance of the ruins and cart shed are of very limited heritage significance and so this is not a case where any enabling development could be justified, although that is not what is being proposed.
- 5.35 In respect to impact on the setting, starting with the Grade II\* Frith Farmhouse conservation officers would concur with the HS that the proposed development would be visible from the upper floors. In views from the south (from the PROW) also there would be co-visibility with the Grade II\* Farmhouse, although these views of the farmhouse could be lost by the new development. Conservation officers would also concur with the HS that there are also views to the east where Frith Farmhouse and the proposed development would be seen in tandem and in light of the scale, design and materials, while there is a clear hierarchy in place with Frith Farmhouse the prominent feature, the proposed development would provide some visual competition.
- 5.36 The proposed development would be visible also from the upper floors of the Grade II Hillhouse Farmhouse to the south which is orientated on a north-south

axis. While there are a number of intervening hedgerows as stated within the HS, the topography rises to the south and so from the PROW that lies adjacent to Hillhouse Farm, the roof top of the cart shed is visible above the hedgerows.

- 5.37 The HS also identifies that the development will be visible in distance views from Grade II listed Hall End Farm to the north-west. From visiting the site the inter-visibility is clearly apparent. While the separate distances are noted, the proposed development along with the domestication of the track would still represent be a prominent intrusion into the rural landscape. As noted above also, in views of the west facing elevation this site forms part of its backdrop and so the potential for an inherently domestic large development sitting on the top of the hill within this view could be also intrusive and harmful to how the building is currently experienced.
- 5.38 To a lesser degree conservation officers would also advise that the proposed development would be visible from the Grade II listed Hall End Farm to the west, although this views would limited to far distant glimpses.
- 5.39 Therefore, whilst conservation officers would agree with the HS that the impact of the proposed development would be limited and would cause less than “substantial harm”, this would apply to the Grade II\* Frith Farmhouse; the Grade II Hall End Farm, the Grade II Hillhouse Farmhouse and the Grade II Hall End Farm, as by reason of its scale and siting, the development proposals would cause harm to the rural setting and in turn the contribution it can be considered to make to the significance of these identified heritage assets.
- 5.40 To conclude, by reason of scale and siting the proposals would cause harm to the setting of the Grade II\* Frith Farmhouse and the Grade II listed Hillhouse Farmhouse, and the two Hall End Farms. While the harm would vary between each assets, it would in all cases be limited as it is only in the wider views that the visual impact and change in landscape character would be experienced.
- 5.41 In accordance with the Framework, it is considered that the proposals would result in less than substantial harm towards the lower end of the spectrum to the significance of the Grade II\* and Grade II listed assets. Whilst this harm has been identified to be less than substantial, the framework affords this harm great weight. In the context of paragraph 196, the submission outlines that the public benefits would include optimum viable use, retaining an interesting part of rural heritage, achieving outstanding design, and could also result in more people visiting and appreciating the locality and landscaping. As stated above, whilst the ruins may have some local historic interest, it is residual at best. The design is not viewed as being outstanding and it cannot be proven that the development would result in an increase of people passing by to appreciate the locality. Officers therefore conclude that no public benefits would arise which would outweigh the harm identified. The proposed development would therefore fail to comply with the local development plan and the provisions of the NPPF.

*\*There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when planning permission for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it*

possesses. Under Section 72 of the same Act, it is the Council's duty to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. It is considered that full consideration has been given to these duties.

#### Landscape Impact

- 5.42 The site lies in open countryside to the SE of Wickwar, to the west of the B4060 Wickwar Road and south of Frith Lane to which it connects by an access track that also forms part of the route of public footpath LAY12. The surrounding landscape comprises agricultural land with a strong network of hedgerows. There is a good network of footpaths crossing the local landscape including the Jubilee Way, which lies some 2.5km to the west of the site.
- 5.43 The site includes the remnants of a mid C19 cottage and farm outbuildings. With the route of footpath LAY12 continues south from the access track around the eastern side of these structures. Field hedgerows enclose the site to its N, E and S. 3No. Ash, and 1no. Crab Apple to its south, have been identified as being Category B quality.
- 5.44 The site lies on the west facing slope of Wickwar Ridge at about 300m AOD. The ridge is identified as a Visually Important Hillside on Policy CS2: Key-Strategic GI Network Figure 1. The SGC Landscape Assessment identifies the Wickwar Ridge as a key characteristic of LCA5, and states:

*"[...] The Cotswold Scarp to the east forms a significant backcloth and provides extensive views over the area. The Wickwar Ridge to the west forms a distinctive landscape feature in views across the adjacent Yate Vale character area and provides for expansive westward views across the landscapes to the north of Yate."*

- 5.45 Whilst concerns have been raised by the council's landscape officer with regard to the landscape analysis put forward, it is acknowledged that an opportunity exists for a new built landmark within the views of the landscape and skyline. However, it is considered that the proposal does not take full advantage of this opportunity as the roof profile/ upper built form is not distinct in its design. The proposed new landscape and planting scheme would create an attractive garden space around the new building, albeit it is considered that a more specimen skyline trees should be included. Subject to a number of recommended conditions, on balance, the creation of a new landmark in this location could be considered acceptable.

#### Access and Parking

- 5.46 Officers note that this site is located in a remote location within open countryside, away from any settlement, other properties or facilities. Hence, it will be wholly car dependent. Therefore, it is not considered that this proposal complies with the requirements of Policy PSP11 of the adopted Local Plan, and therefore object on this basis. It is however acknowledged that as a single property, this proposal is unlikely to generate sufficient vehicular trips for us to consider that this development to have a severe impact on the adjoining highway network.

- 5.48 The Councils minimum domestic car parking requirements, as set out in the Residential Parking Standards SPD adopted in December 2013, relate the number of off-street parking spaces required to the number of bedrooms present in any property. In this case, the dwelling would have at least 5 bedrooms and so it is necessary to provide at least 3 off-street spaces. Officers note that it is provided with sufficient space to accommodate this number of vehicles and still allow others to park and for all of them turn to leave the site in forward gear. Consequently, the requirements are broadly met.
- 5.49 In terms of the material for the proposed driveway, detail on this information is not clear, however a suitable worded condition could ensure acceptability. No information has been provided regarding refuse collection, albeit officers find no reason why a suitably worded condition could not overcome this barrier.

#### Ecology and Trees

- 5.50 An Ecology Assessment (Burrows Ecological, April 2020) has been submitted to accompany the application and has been reviewed by the council's ecologist. With no objections raised subject to a set of conditions, the proposed development would not result in harm to local wildlife.
- 5.51 With regard to the protection of trees, only a tree constraints summary has been submitted in support of the application. As such the council's Arboricultural officer has recommended that the following detail be submitted for a full assessment:
- i. Arboricultural impact assessment;
  - ii. Arboricultural method statement;
  - iii. Tree constraints plan;
  - iv. Tree protection plan; and
  - v. Any details of specialist foundations, No-dig and/or permeable surface treatment.
- 5.52 Whilst this detail has not been submitted, it's clear from the rest of the submitted information that the proposal has been designed (in part) around the retention of the existing trees and it seems unlikely they would be harmed. On balance, it is considered that further information regarding tree protection measures and planting could be secured via condition.

#### Drainage and Flooding

- 5.53 The relative submitted information has been reviewed by the LLFA. The site is within flood zone 1, therefore no concerns are raised. With regard to foul sewage disposal, a package treatment plant is proposed. Subject to further detail being submitted, no objections have been raised
- 5.54 Residential Amenity  
Due to the siting of the proposed conversion, the proposed dwelling would not result in an unacceptable overbearing or overlooking upon the neighbouring occupiers. Furthermore, the proposed outside private amenity space is above the required minimum as per policy PSP43. As such, the proposal considered to be acceptable in terms of residential and private amenity.



### Archaeology

- 5.55 Unlike previous approved applications for this site, the proposed development extends beyond the area of known footprint of now ruined historic farmstead. Therefore, subject to a condition for a programme of archaeological work for all ground works including the provision of services and utilities to the building, no objections are raised.

### Public Right of Way

- 5.56 The submitted information has been reviewed by PROW and whilst some concerns are raised with regard to retaining a suitable right of way for users of the public footpath. However considering the scope of the application, further detail could be requested via condition to ensure safe and attractive passage for users is provided.

### 5.57 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.

- 5.58 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 refuse permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 The Planning Permission is REFUSED.

1. The proposed development, if built, by reasons of its overall design would not be of an exceptional quality that it would truly outstanding or innovative. The proposed development would therefore fail to comply with Paragraph 79 of the NPPF. If determined by virtue of the local development plan, the proposed dwelling would be situated within a countryside location, which is regarded as being unsustainable and is unsuitable for residential development. A new dwelling in this location is harmful and the proposed development is contrary to policy CS4A, CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the provisions of the National Planning Policy Framework.
2. The proposed development, if built, by reason of its scale and siting, would cause harm that is considered to be less than substantial to the setting of the Grade II\* Frith Farmhouse and the Grade II listed Hillhouse Farmhouse, and the two Hall End Farms. The public benefits put forward are not viewed to outweigh this harm. The proposed development therefore fails to comply 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 provisions of the National Planning Policy Framework.

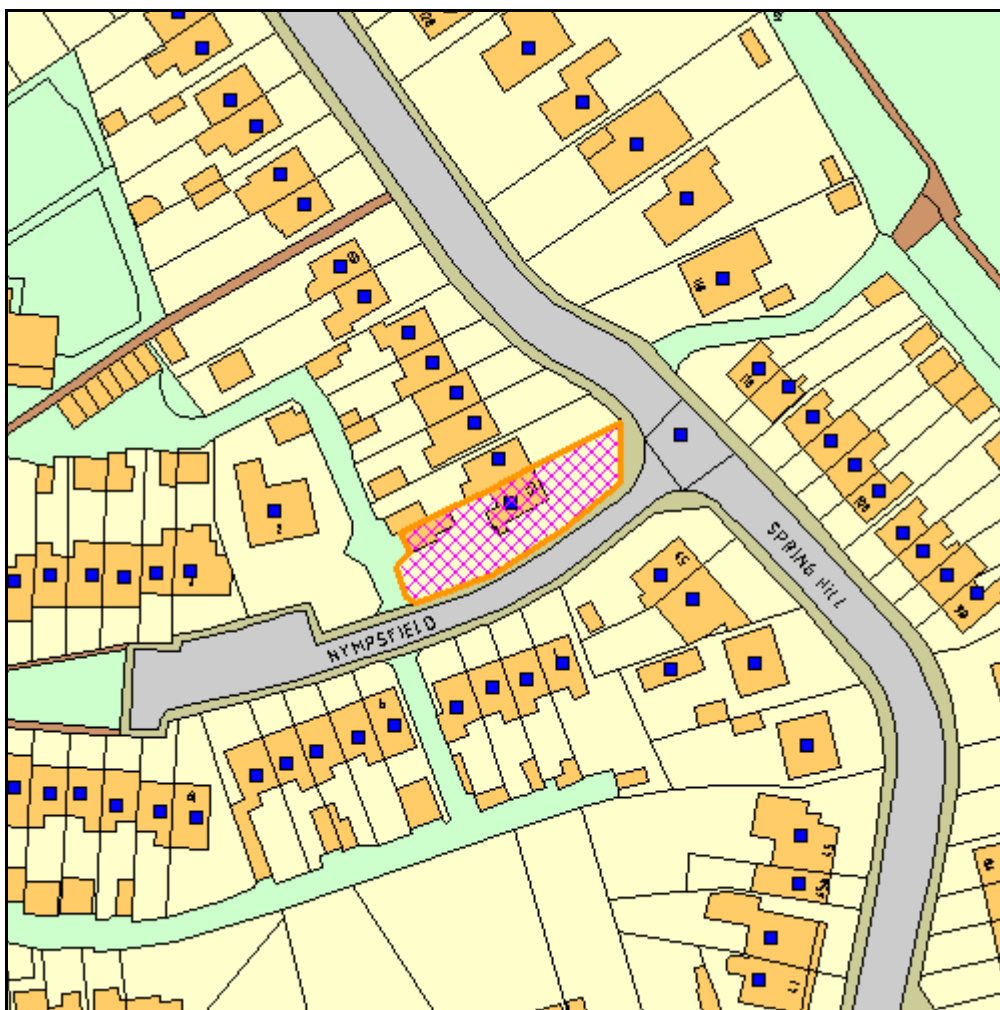
**Case Officer: Thomas Smith**

**Authorising Officer: David Stockdale**

## CIRCULATED SCHEDULE NO. 08/21 -26th February 2021

<b>App No.:</b> P20/16565/F	<b>Applicant:</b> Mr A Cake	
<b>Site:</b> 55 Spring Hill Kingswood South Gloucestershire BS15 1XW	<b>Date Reg:</b> 18th September 2020	
<b>Proposal:</b> Erection of 1no attached dwelling with associated works (amendment to previously approved scheme P19/4766/F).	<b>Parish:</b>	
<b>Map Ref:</b> 365131 174702	<b>Ward:</b> New Cheltenham	
<b>Application Category:</b> Minor	<b>Target Date:</b> 10th November 2020	

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 100023410, 2008. N.T.S. P20/16565/F

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

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

The application is referred to the Circulated Schedule as representation has been received from 8 no. local residents which is contrary to the Officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a 1no attached dwelling and associated works at 55 Spring Hill, Kingswood.
- 1.2 The application site is a corner plot at the junction of Spring Hill and Nympsfield, located within the East Fringe of Bristol Urban Area.
- 1.3 A similar attached dwelling was granted permission at the site in 2019, reference P19/4766/F. Subsequently, an application seeking design amendments was refused in July 2020, reference P20/05682/F.
- 1.4 The proposed development consists of a two storey attached property which would be located to the south of no.55. It would follow the building line of the existing semi-detached pair and would be accessed off Nympsfield. This application is a further re-submission of the initially approved proposal (P19/4766/F), and which seeks to overcome the previous reasons for refusing the first re-submission (P20/05682/F). The proposed amendments include a front elevation roof light and single storey rear elevation projection.

## **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
- CS9 Managing the Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS29 Communities of the East Fringe of the Bristol Urban Area

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

- PSP1 Local Distinctiveness

PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP22	Unstable Land
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Standards

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

### 3. RELEVANT PLANNING HISTORY

- 3.1 P20/05682/F  
 Erection of two storey attached dwelling with associated works (Resubmission of previously approved scheme P19/4766/F).  
 Refusal: 02/06/2020

*Reason*

*The proposal fails to represent the highest standard of design expected of both local and national planning policies and guidance. The proposal is therefore contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013; Policy PSP1 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the NPPF.*

- 3.2 P19/4766/F  
 Erection of 1 No. attached dwelling and associated works.  
 Approved with conditions: 08/10/2019

### 4. CONSULTATION RESPONSES

- 4.1 Town/Parish Council  
 Unparished area.

Sustainable Transport  
 No objection.

Lead Local Flood Authority  
 No objection, subject to informative.

Tree Officer  
 Further arboricultural information requested.

The Coal Authority  
 No objection, subject to condition.

#### Other Representations

- 4.2 Local Residents

Objection comments received from 8no local residents, summarised as follows;

- Parking arrangements/provision inadequate.
- Difficult to manoeuvre, prevent access to garages opposite.
- Dwelling will harm highway visibility when exiting Nymsfield.
- Parking spaces will compromise visibility for users of the lane.
- Loss of privacy form first floor side elevation windows.
- Tree located in wrong position on plans.
- Concern over damage to tree.
- Tree has caused cracks to the driveway of no.57 and internal cracking in the dwelling, concern over further damage to property.
- Will cause highway obstruction from on-street parking.
- Noise and disruption during construction.
- Out of keeping at the opening of a cul-de-sac.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Design and Visual Amenity

The proposed dwelling would be project from the south elevation of the host property, on land currently used as a side garden; this would result in the existing semi-detached pair being transformed into a terrace of three. As stated above, the site has an existing planning permission for an attached dwelling, therefore the proposed alterations to the approved design will be fully assessed. The hipped roof design of the previously approved dwelling would be retained; it was acknowledged in application P19/4766/F that the approved design was marginally smaller in footprint than the existing properties, however due to its hipped roof design and bay windows, it is considered to broadly respect the character of the existing streetscene and not result in any overly dominant impact.

5.3 The alterations to the approved scheme are limited to a single storey projection on the rear elevation and the installation of a roof light in the front elevation roof slope. The proposed single storey element to the rear would span the width of the proposed dwelling and is considered to be modest in size, projecting from the rear elevation no further than an existing single storey rear element of the neighbouring dwelling, no.55. Given the siting and scale of the rear addition, its impact on the character and appearance of the proposal and surrounding area is considered to be minimal. The proposed rooflight in the front elevation roof slope is modest in size and is not thought to cause material harm to the visual amenity of the area. As such, the proposed alterations are considered to be

acceptable in terms of design and are deemed to comply with policy CS1 of the Core Strategy.

5.4 Residential Amenity

Policies PSP8 and PSP38 of the PSP Plan (November 2017) set out that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from; loss of privacy, and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.

5.5 The proposal would be located on a corner plot, with Spring Hill to the east; Nympsfield to the south; and the host property to the north. The nearest property to the west of the site would be located approximately 30 metres in distance from the proposal, separated by the rear garden and access lane. Concern has been raised regarding a potential loss of privacy from the side elevation windows; the proposed ground floor side elevation window would serve a W/C and would therefore be obscure glazed, and the first floor side elevation window would serve the stairs, as such the side elevations windows are not considered to result in any significant loss of privacy to neighbouring occupiers. Furthermore, within a built-up residential area such as this, a degree of overlooking onto rear gardens is expected and therefore no material loss of privacy would occur from any of the proposed windows.

5.6 Considering the siting and scale of the proposed dwelling it would not appear to be unacceptably oppressive, overbearing or create an unsatisfactory living environment for any neighbouring occupant, nor is it considered to significantly alter the existing levels of light afforded to neighbouring occupiers to an unacceptable level. The modest single storey addition to the rear of the proposed dwelling is not thought to alter this assessment.

5.7 Although it is acknowledged the single storey addition would remove part of the rear garden space, it is considered that there would be a sufficient area remaining which would be functional and safe for use by the future occupiers.

5.8 Overall, it is considered that the proposal would not have any unacceptable impacts on residential amenity and is therefore deemed to comply with policies PSP8 and PSP38 of the PSP Plan.

5.9 Trees

Concern has been raised by local residents of potential damage to a protected sycamore tree located at the front of the site; the location of the tree on the submitted plans has also been disputed. Officers are satisfied the applicant is not attempting to misrepresent the location of the tree and it appears to be accurately located on the plans. Furthermore, to ensure the works are carried out in an appropriate manner in the interests of the health of the tree, a condition will be included on the decision notice for an arboricultural method statement and tree protection plan to be agreed in writing prior to the commencement of works.

#### 5.10 Sustainable Transport

The proposed dwelling is a 2 bed property and the existing dwelling is a 3 bedroom property requiring 1 and 2 off-street parking spaces respectively. Therefore, in the context of adopted parking standards the proposal is providing adequate off-street parking provision. It is understood there is concern raised from local residents in regards to manoeuvrability and highway safety, however the sustainable transport officer is satisfied with the proposed parking and access arrangements and raised no objections. Furthermore, giving consideration to the speed of traffic using the access lane to the rear it not considered to result any severe highway safety impact. The proposed dwelling is also considered to be sufficiently set back from the junction of Spring Hill and Nympsfield to provide adequate visibility for vehicles exiting and entering said junction. Therefore, subject to a condition securing parking, no objections are raised in terms of transport.

#### 5.11 Effects of Coal Mining

As with the previously approved dwelling, the officer is satisfied that the necessary investigation work and mitigation measures suggested by the Coal Authority could be addressed by means of condition.

#### 5.12 Equalities

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

#### 5.13 Other Matters

It is accepted that there would be a degree of disruption to local residents during the construction period, however this is not a material planning consideration and would be for a limited amount of time, it therefore cannot form a reason for refusal. That said, it is hoped that the applicant and contractor would be considerate to local residents during that period.

## 6. CONCLUSION

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



## 7. **RECOMMENDATION**

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

### **CONDITIONS**

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

Reason

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

2. Prior to the commencement of the works hereby approved, an arboricultural report containing an arboricultural method statement and tree protection plan shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details

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. Prior to the commencement of development, intrusive site investigation works to establish the coal mining legacy on the site shall be carried out. A scheme of intrusive site investigations shall be prepared, submitted and approved in writing by the local planning authority. The approved scheme of investigation shall then be carried out in full.

Reason

To ensure that the risk posed by the past coal mining activity in the area is adequately identified and where necessary mitigated and to accord with Policy PSP22 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework. This is required prior to commencement to fully engage with the coal mining legacy.

4. Following the site investigations required by condition 3, and prior to the commencement of development, a report of the findings of the investigations shall be prepared, submitted and approved in writing by the local planning authority. Should the report identify that remedial works are required, details of the proposed remediation shall be included within the submission to the local planning authority for approval in writing. The approved remedial works shall be carried out in full.

Reason

To ensure that the risk posed by the past coal mining activity in the area is adequately identified and where necessary mitigated and to accord with Policy PSP22 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan Core Strategy

(Adopted) December 2013; and, the National Planning Policy Framework. This is required prior to commencement to fully engage with the coal mining legacy.

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

Reason

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

6. No windows other than those shown on the plans hereby approved shall be inserted at any time in the south elevation of the property.

Reason

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

7. The development shall be implemented strictly in accordance with the following documents:

Received by the Council on 4th September 2020;  
Site Location Plan

Received by the Council on 216th September 2020;  
Existing and Proposed Elevations  
Proposed Floor Plan and Block Plan  
Existing Floor Plans, Section and Cycle Shed

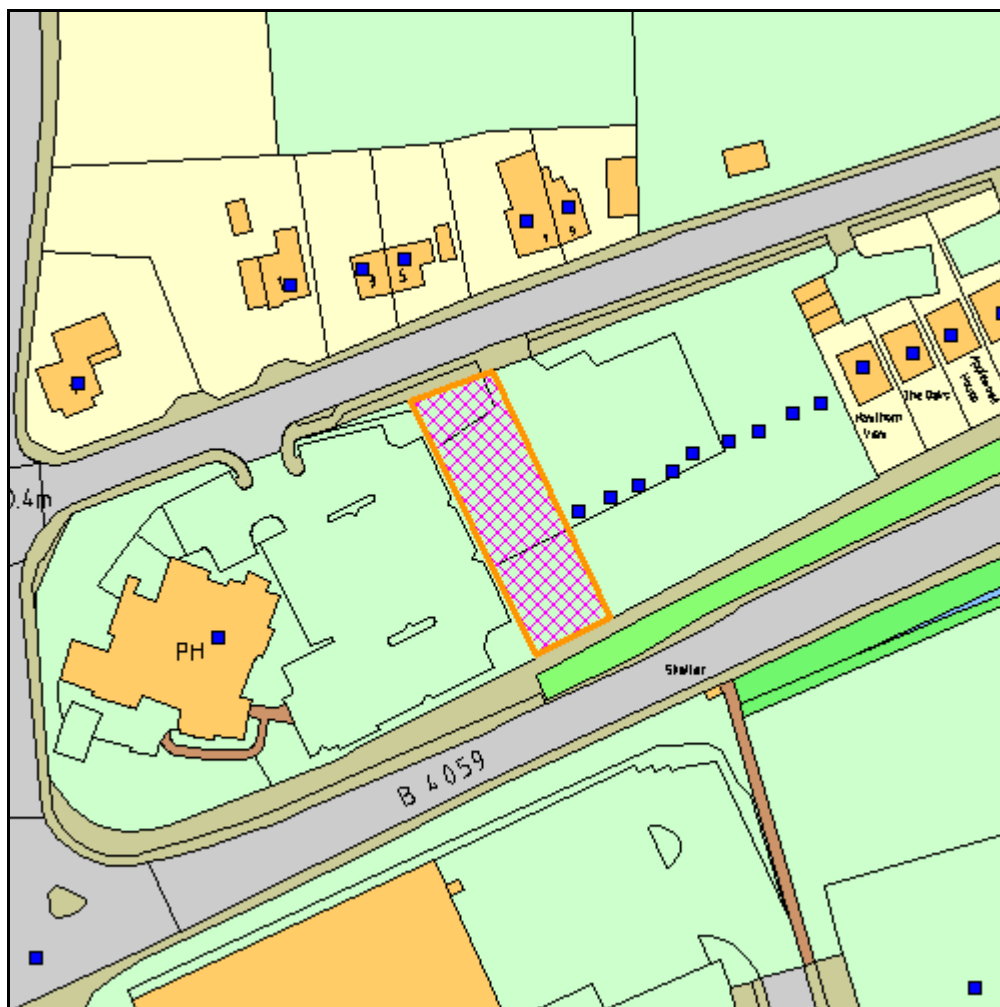
Reason

To define the terms and extent of the permission.

**Case Officer: James Reynolds**  
**Authorising Officer: Marie Bath**

## CIRCULATED SCHEDULE NO. 08/21 -26th February 2021

<b>App No.:</b>	P20/21963/F	<b>Applicant:</b>	Horizon Construction Bristol Ltd
<b>Site:</b>	Land To Northeast Of The Fox Broad Lane Yate South Gloucestershire BS37 7LD	<b>Date Reg:</b>	9th November 2020
<b>Proposal:</b>	Erection of 3no terraced dwelling houses, erection of detached garage block with access, parking and associated works.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	370003 183516	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	31st December 2020



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

## **CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule following an objection comment from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the Erection of 3no terraced dwelling houses, erection of detached garage block with access, parking and associated works. The site lies within an established settlement boundary and is part of an established residential area.
- 1.2 The application follows an unsuccessful permission in principle application P20/18606/PIP for the erection of a block of maximum 9no. flats.
- 1.3 During the course of the application revised plans were submitted showing 75% of the floorspace of the second floor bedrooms would be of 2.3m ceiling height or greater. Also noise assessment details were requested and provided by the applicant for consideration.

### **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
CS30	Yate and Chipping Sodbury

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
 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

#### **The site - including large area to the east:**

- 3.1 P20/18606/PIP Permission in principle for the erection of a maximum of 9 no. flats.  
 Refused 30.10.20
- 3.2 PK10/0006/F Erection of 2no. two storey office blocks for B1a Office Use as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with access parking and associated works. (Resubmission of PK09/0891/F)  
 Approved 18.5.10

#### **Adjacent plot to the east but excluding the application site:**

- 3.3 PK15 0671/O Erection of 9no. dwellings (outline). All matters reserved.  
 Approved 19.6.15
- 3.4 PK15/5286/RM Erection of 9no. dwellings. (Approval of reserved matters to be read in conjunction with Outline planning permission PK15/0671/O).  
 Approved 21.4.16

#### **Adjacent site at The Fox:**

- 3.5 PK05/1503/F Erection of public house/restaurant (Class A4) (as defined in the Town and Country Planning (Use Classes) Order 2005) with managers living accommodation and associated car parking.  
 Approved 30.5.06

### 4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish  
 Objection:  
 Additional traffic on a substandard road  
 Adjacent to a crossroads traffic route.  
 On a walk to school route  
 Part of the Avon cycleway.  
 Development is too close to a public house and adds to the density of the previous development.

#### Internal Consultees

- 4.2 Environmental protection (noise)

Noise report detailing how noise from The Fox public house will affect the proposed development.

Updated comments:

*Following the submission of an acoustic report there are no objections. Appropriate construction site practice condition to be attached to decision notice.*

4.3 Environmental protection (land contamination)

No objection subject to a condition:

There is information to suggest historic use(s) of the site or land within 250m of the site as Yate Colliery may have caused contamination which could give rise to unacceptable risks to the proposed development. In particular the risk of ground gas should be assessed.

4.4 Housing enabling

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

However, it is noted that the land directly adjacent has recently been subject to planning permission (PK15/5286/F). At this time, it is considered that the above application amounts to site subdivision which is covered by Policy CS18 of the adopted Core Strategy and the adopted Affordable Housing and ExtraCare SPD.

Policy CS18 Core Strategy

*Similarly, where it is proposed to phase development, sub divide sites or where recent subdivision has taken place, or where there is a reasonable prospect of adjoining land being developed for residential purposes in tandem, the Council will take the whole site for the purpose of determining whether the schemes falls above or below the site thresholds for the provision of affordable housing.*

On this basis the scheme generates the need for affordable housing and the Council will secure 35% affordable housing as it triggers the affordable housing threshold. Affordable housing is sought in line with National Planning Policy Guidance and other requirements under Policy CS18 of the Council's adopted Core Strategy Development Plan Document.

Affordable housing will be secured through a Section 106 agreement in line with the following requirements.

Update:

*Following the above comments, the agent has confirmed that the applicant does not own the adjacent site and as such site splitting does not apply in this case. In the absence of any other information the LPA accepts these details.*

- 4.5 Highway Structures  
No comment

### **Statutory / External Consultees**

- 4.6 Sustainable transport  
No objection subject to condition
- 4.7 Flood Risk Management Team  
No objection subject to a condition

### **Other Representations**

- 4.8 Local Residents  
Two letter of objection have been received. The points raised are summarised as:
- Insufficient parking resulting in parking on Broad Lane
  - Increased amount of traffic
  - How will 3 properties be squeezed into this area?
- Two letters of support have been received. The points raised are summarised as:
- Houses would be suitable for first time buyers and young families
  - In-keeping with the area

## **5. ANALYSIS OF PROPOSAL**

- 5.1 The application is for the erection of 3no terraced dwelling houses, erection of detached garage block with access, parking and associated works.
- 5.2 Principle of Development  
The application stands to be assessed against the above listed policies and all material considerations. The recently refused planning in principle P20/18606/PIP application is pertinent as the report indicated that the principle of residential development on this site was acceptable but the amount should be reduced to a pair of semi-detached or a small terrace of 3. This application is for a small terrace of 3 dwellings which have been designed to complement the existing adjacent residential development.
- 5.3 The starting point for the assessment is the adopted development plan which is supportive of residential development within the established settlement boundaries. CS5 of the Core Strategy specifies new development should be within sustainable locations. Furthermore, new development should be informed by the character of the local area and contribute to the high quality design set out in Policy CS1 which among other things stipulate development will be required to demonstrate such issues as siting, form, scale, height, massing, detailing colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context and density and overall layout is well integrated with existing adjacent development and ensure soft landscaping forms an integral part of the design and makes a

net contribution to tree cover in the locality. PSP43 sets out specific private amenity space standards for all new residential units. Policies CS8 and PSP16 deal with on-site parking, off site impact on highway safety and associated cycle parking standards.

- 5.4 Any new development must accord with all the relevant policy tests and these include design, appearance, impact on the character of the area, impact on amenity space and on highway safety. Given the close proximity of the site to the main Goose Green Way road, issues of noise must also be assessed and the loss of this green space must be mitigated by an acceptable landscape scheme.
- 5.5 Character of the area:  
The site is part of a former garden nursery situated in between the car park of The Fox public house to the west and a relatively new residential development to the east. The Fox Public House, occupies a corner position which is appropriate to its size and function, however, all other residential development in the area is two-storey in nature. The site is bound by Broad Lane to the north, and the busy Goose Green Way lies to the south.
- 5.6 Design:  
The proposals is for a small terrace of 3 dwellings. Essentially these would follow on from the existing residential development to the east and be similar in terms of height, scale, massing and appearance. In this respect the proposal is considered to be policy compliant and has followed the suggested advice given in P20/18606/PIP. The scheme is therefore considered to be in accordance with policy and can be supported subject to appropriate conditions.
- 5.7 Residential amenity:  
Adopted policy PSP43 sets out the minimum space standards for new development. Policy states that 3 bed dwellings should have a minimum of 60 square metres of usable outside space which should be private and functional. The proposal is considered to accord with this policy and is therefore acceptable in this regard.
- 5.8 The development would be orientated on the same lines as the adjacent existing residential development and would not result in any issues of overlooking or inter-visibility for closest neighbours to the east or on the other side of Broad Lane. It is noted that Goose Green Way is to the south but acceptable measures have been shown in the submitted acoustic report to mitigate against noise for future occupants. An appropriate condition would be attached to the decision notice. As such there are no objections in terms of adverse impact on residential amenity from this scheme.
- 5.9 Sustainable Transport  
Access to the site is to be off Broad lane via a shared entrance. Visibility distances from the proposed access onto the public highway is considered adequate and as such, the access is considered acceptable.  
Parking requirements for new developments are assessed against the Council's parking standards under policy PSP16. According to the council's



- parking standards a minimum of two parking spaces are required for 3 or 4-bed dwellings.
- 5.10 Plans submitted with this application show a total of 6no. parking spaces with each new house having access to two parking spaces; one within a garage and the other an open parking space. Dimensions of the garages to be constructed would be 3m wide by 6m long and this meets the council's standard dimensions for garages. Given the above, the proposed Level of parking for this development meets the Council parking standards and as such no objection could be raised on parking issue.
- 5.11 Landscape:  
The development would result in the loss of an area of vegetation. To help mitigate against submitted plans show a landscape/planting scheme for the site which includes some trees. Given the importance of tackling climate change it is considered reasonable that an appropriate condition be attached to the decision notice to confirm species and future maintenance.
- 5.12 Impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.
- 5.13 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.
- 5.14 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.
- 5.15 Conditions:  
The applicant has agreed to the pre commencement conditions relating to land contamination and surface water flooding details.

## 6. CONCLUSION

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

**7. RECOMMENDATION**

7.1 It is recommended that the application be **APPROVED** subject to conditions.

**CONDITIONS**

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

Reason

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

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

As received by the LPA on 5.11.20:

Site location and block plan - 001

Existing site plan - 002

Proposed site plan - 010

Proposed elevations - 012

Proposed garages - 013

As received by the LPA on 17.12.20:

Revised proposed floor plans - 011 A

As received by the LPA on 8.1.21:

Soft landscape proposals - 1426-01

Reason

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

3. The hours of working on site during the period of construction shall be restricted to

Monday - Friday.....7:30am - 6:00pm

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

No working shall take place on Sundays or Public Holidays.

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policy Sites and Place Plan (Adopted) 2017; and the provisions of the National Planning Policy Framework.

4. No development shall commence until surface water and foul sewage 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.  
No public surface water sewer is available - A detailed development layout showing surface water and SUDS proposals is required as part of this submission.

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

- o A clearly labelled drainage layout plan showing the exact location of any soakaways.
- o 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
- o Evidence that the soakaway is appropriately sized in accordance with BRE Digest 365 Soakaway Design.
- o Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Infiltration features for the lifetime of the development.

The document should also consider any future sale scenarios and how tentative purchasers will also be made aware of their jointly vested drainage asset (soakaway).

- o Sp. Note: - There are no public surface water sewers recorded in Broad Lane. No connections will be permitted to South Gloucestershire Council's Highway Drainage network.
- o Sp. Note; - Soakaways must be located 5 Metres from any structure including the Public Highway
- o Sp. Note: - No surface water discharge will be permitted to an existing foul sewer without the expressed approval of the sewage undertaker.

Reason:

This is a prior to commencement condition to avoid any unnecessary remedial action in the future and to comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework.

5. There is information to suggest historic use(s) of the site or land within 250m of the site as Yate Colliery may have caused contamination which could give rise to unacceptable risks to the proposed development. In particular the risk of ground gas should be assessed. In order to ensure that the site is suitable for its proposed use and in accordance with The National Planning Policy Framework, the following conditions are recommended for inclusion on any permission granted.

Prior to commencement of development:

A) Desk Study - Previous historic uses(s) of the site [and/or 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:

This is a prior to commencement condition to avoid any unnecessary remedial action in the future and in the interests of the health of future users and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and Policy PSP21 of The South Gloucestershire Policies Sites and Places Plan (Adopted) Nov. 2017. This is a pre-commencement condition to ensure that the site can be safely developed.

6. Development shall be in accordance with the submitted and approved BAT Planning Noise Survey Assessment dated 4-8th December 2015 received by the LPA on 8.1.21.

Reason:

In the interests of the health of future users and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and Policy PSP21 of The South Gloucestershire Policies Sites and Places Plan (Adopted) Nov. 2017.

7. Prior to occupation of the dwellings, off street parking spaces shall be provided in accordance with the approved plan Proposed site plan - 19.016-010 and subsequently maintained thereafter for the use of future occupants.

Reason

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

8. Prior to occupation of the dwelling electrical charging point shall be provided for each parking space or within each garage and maintained thereafter for the use of future occupants.

Reason

In the interest of sustainable energy alternatives and to accord with Policy PSP11 of the South Gloucestershire Local Plan; Policy Sites and Places Plan (Adopted) 2017.

9. The development shall proceed in accordance with the approved Soft Landscape Proposals plan 1426-01 received by the LPA on 8.1.2021 and maintained thereafter.

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.

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

Reason

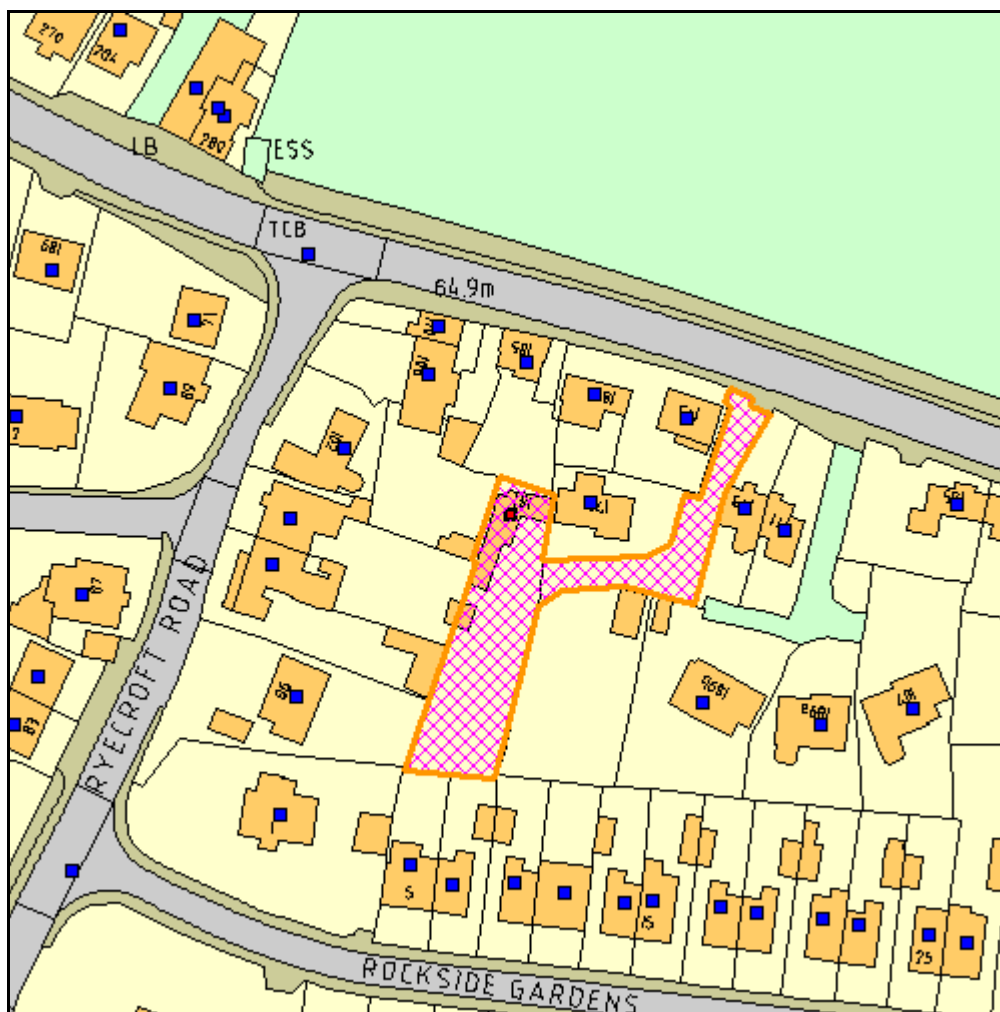
To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

**Case Officer: Anne Joseph**  
**Authorising Officer: David Stockdale**



## CIRCULATED SCHEDULE NO. 08/21 -26th February 2021

<b>App No.:</b>	P20/23506/F	<b>Applicant:</b>	Estate of Mrs M Davis
<b>Site:</b>	181 Church Road Frampton Cotterell South Gloucestershire BS36 2JX	<b>Date Reg:</b>	1st December 2020
<b>Proposal:</b>	Erection of 1 no. detached dwelling with associated works.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	367159 181683	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th January 2021



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P20/23506/F

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

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

More than three local resident comments contrary to Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the erection of 1no. detached bungalow with associated works at 181 Church Road, Frampton Cotterell.
- 1.2 The application site comprises a detached 2 bedroom cottage situated within a generous curtilage. The site does not front Church Road and is accessed via a private drive. The site is completely surrounded by residential development and is not significantly visible from any public highway. Residential development within the rear garden of 179 Church Road, directly east of the site, was approved in 2020 (ref. P19/09048/F). The application site is located within the defined Frampton Cotterell settlement boundary.
- 1.3 The proposed development includes the construction of a detached 2 bedroom dormer bungalow within the rear garden of 181 Church Road and associated works. These associated works include but are not limited to: the provision of two parking spaces for the proposed dwelling and an additional space for the existing dwelling; and modification of the existing access drive to allow for vehicle manoeuvring within the site.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development

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 Standards

- 2.3 Supplementary Planning Guidance



Design Checklist SPD (Adopted) August 2007  
Residential Parking Standard SPD (Adopted) December 2013  
Assessing Residential Amenity TAN (Endorsed) 2016

**3. RELEVANT PLANNING HISTORY**

3.1 None

**4. CONSULTATION RESPONSES**

4.1 Frampton Cotterell Parish Council  
No objection

4.2 Ecology Officer  
No objection subject to the inclusion of a condition.

4.3 Flood and Water Management  
No objection

4.4 Sustainable Transport  
No objection subject to the inclusion of a condition.

4.5 Local Residents  
5 objection comments and 1 general comment from local residents have been submitted, making the following points:

*Design and Visual Amenity*

- The ridge height is not of a bungalow, at 6.6m high this would be the height of a normal house.

*Residential Amenity*

- Vehicle headlights will shine into neighbouring properties.
- Distance between buildings does not include the recently approved dwelling.
- Additional noise especially from vehicles.
- Neighbouring gardens will be overlooked.
- Side facing bathroom window should be opaque and not fully opening.
- Concern over amenity space.
- Overbearing impact on neighbouring properties as the proposal is closer than plans suggest.
- Concern over future change to the property that would increase overlooking.

*Highway Safety*

- Concern over parking access and positions.

*Other Issues*

- Concern over impact on block built shed with wall along shared boundary.
- Concern over impact on existing stone boundary wall.
- Concern over boundary treatment and security.

- The proposal would block views from neighbouring properties.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Planning permission is sought for the erection of a detached dormer bungalow at a site in Frampton Cotterell. 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 situated within the area defined as the Frampton Cotterell settlement boundary. As such, based solely on the location of the site, the principle of the development is acceptable.

- 5.2 The development is acceptable in principle under the provisions of Policy CS5, and 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. For this type of development at this location, the further areas of assessment are: impacts on visual amenity; impacts on residential amenity; and impacts on the surrounding transport network.

### 5.3 Design and Visual Amenity

Policy CS1 of the Core Strategy and Policy PSP1 and 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 have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

- 5.4 The proposed detached dormer bungalow would be situated within the rear garden of 181 Church Road and can therefore be considered 'backland' development. Similar developments have been approved in the immediate area, notably behind no.179 in 2020 (ref. P19/09048/F) and behind no.171 in 1984 (ref. N7043/3AP). It is therefore considered that the location of the proposal would be in keeping with the pattern of development of the area.

- 5.5 The proposed dwelling would have a traditional appearance that respects the design and materials of the surrounding area. The proposal would have a T-shaped footprint with subservient projecting gables to the front and rear. A single front facing dormer window would provide living accommodation at roof level. The external walls would be finished in rough dressed pennant stone with stone detailing and the roof would be finished in interlocking clay tiles. It is therefore considered that the proposal would respect the character, distinctiveness and amenity of the local area.

- 5.6 Whilst it is noted that the proposed ridge height of 6.6 metres would be higher than what would normally be expected of a bungalow, it is not considered that this would detract from the appearance of the site or detrimentally impact on

- the visual amenity of the area which is predominantly made up of two storey dwellings.
- 5.7 On the basis of the assessment set out above, it is not considered that the proposed development would detract from the appearance of the site or negatively impact the visual amenity of the street scene or character of the area.
- 5.8 Residential Amenity  
Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.9 The proposed dormer bungalow would have a ridge height of 6.6 metres and would therefore be visible from the rear elevations of the surrounding properties. Any potential overbearing or dominant impact on the residential amenity of the neighbouring properties needs to be carefully assessed. The proposed dwelling would be situated at least 20 metres from the rear elevations of the neighbouring properties along Ryecroft Road and Rockside Gardens and would be a similar distance from the principle rear elevations of no.181 and no.179 Church Road. The proposed dwelling would be closer to the recently approved dwelling to the rear of 179 Church Road, but this would be to the side so would be unlikely to have any detrimental impacts on the residential amenity of future occupiers. It is therefore not considered that the proposed development would have a significant detrimental overbearing or dominant impact on the residential amenity of the neighbouring dwelling.
- 5.10 The proposed development included living accommodation at roof level with roof level windows. Any potential overlooking or loss of privacy for neighbouring properties needs to be carefully assessed. The front/north elevation of the proposed dwelling would include 1no. dormer window, 1no. roof light and 1no. window at roof level. The proposed dwelling would be situated at least 20 metres from the principle rear elevations of no.181 and no.179 Church Road so, in line with the Assessing Residential Amenity TAN, it is not considered that the proposal would have a significant detrimental impact on overlooking or privacy. The side/west elevation would include 2no. windows at roof level, whilst the rear/south elevation would include 1no. window at roof level. A condition will be attached to any consent requiring these windows to be obscure glazed and non-opening below 1.7 metres above floor level. A further condition would also be attached to restrict the installation of additional windows not shown on the plans and further alterations to the roof to provide additional living accommodation. Permitted development rights would be removed for the dwelling to protect visual and residential amenity.
- 5.11 Concerns over the impact of increased vehicle movements on neighbouring properties, specifically regards to increased light and noise, are noted but it is not considered that there would be a significant enough increase in vehicle

- movements to have a detrimental impact on the residential amenity of neighbouring properties.
- 5.12 Policy PSP43 of the Policies, Sites and Places Plan outlines the Council's minimum standards for private amenity space for new residential units. PSP43 states that private amenity space should be: functional and safe; easily accessible from living areas; orientated to maximise sunlight; of a sufficient size and functional shape to meet the needs of the likely number of occupiers; and designed to take account of the context of the development, including the character of the surrounding area.
- 5.13 PSP43 states that a 2 bedroom dwelling should have a minimum of 50 square metres of private functional amenity space. The proposed plans indicate that both the existing and proposed dwellings would exceed this requirement.
- 5.14 On the basis of the assessment set out above, it is not considered that the development proposal would result in any unacceptable impacts on the amenity of neighbours.
- 5.15 Transport  
Vehicular access to the proposed dwelling would be provided via a shared access drive from Church Road. This access drive is existing but will be extended to the application site as part of this proposal. It is not considered that an additional dwelling using this access drive would have a highway safety impact. A condition will be attached to any consent requiring the implementation of this access arrangement prior to occupation of the dwelling.
- 5.16 In terms of parking, it has been indicated that 2 parking spaces would be provided on-site for the proposed dwelling and 1 space retained for the existing dwelling. This provision would be sufficient to serve both the existing 2 bedroom and proposed 2 bedroom dwellings, in accordance with Policy PSP16 of the Policies, Sites and Places Plan.
- 5.17 On the basis that sufficient on-site parking is provided, it is not considered that the development would directly lead to additional vehicles parking on the highway. However for the avoidance of doubt, a condition will be attached to any consent, requiring the 3 parking spaces to be provided prior to the first occupation of the new dwelling, and thereafter retained as such. A condition will also be attached requiring the provision of a 32amp/7Kw electric vehicle charging point be included.
- 5.18 Ecology  
The submitted ecology assessment confirmed that the existing buildings on site are of negligible potential for roosting bats and the site is unsuitable for great crested newts. No evidence of nesting birds were found and the site is considered unsuitable for reptiles. A condition will be attached to any consent requiring compliance with the mitigation measures set out in the submitted ecology assessment as well as the submission of details of external lighting and evidence of ecological enhancements.
- 5.19 Equalities

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

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

5.21 Other Matters

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

5.22 Concerns were raised over boundary treatments and potential impacts on shared walls at the site. The impact on shared walls and existing boundary treatments is considered to be a civil matter.

5.23 Concern was raised over the proposed development blocking views from neighbouring properties. The protection of views is not a planning consideration so has not been considered. The potential overbearing and dominant impact of the proposal has been assessed.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

## 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:  
The Location Plan (Received 20/11/2020)  
Existing Site Plan (Received 20/11/2020)  
Proposed Block Plan (Received 20/11/2020)  
Combined Proposed Plans (Received 20/11/2020)  
Proposed Elevations and Garage Plans (Received 20/11/2020)  
Access Plans (Received 20/11/2020)

Reason

To define the terms and extent of the permission.

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

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP8, PSP38 and PSP43 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

4. Prior to the use or occupation of the dwelling hereby permitted, and at all times thereafter, the proposed first floor windows on the west and south elevations shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

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

5. No windows other than those shown on the plans hereby approved shall be inserted at any time in the north, east, south or west elevations of the property.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP8 and PSP38 of the South Gloucestershire Local Plan:

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

6. The building shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

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

Reason

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

8. The dwelling shall not be occupied until a 32amp/7Kw electric vehicle charging point has been provided in accordance with the submitted details, and retained thereafter.

Reason

To promote sustainable travel choices and to accord with the SGC Supplementary Planning Document on residential car parking and Policy CS8

9. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecology Assessment (AD Ecology, December 2020 and February 2021).

Reason

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

10. Prior to occupation details of external lighting are to be submitted to and approved in writing by the local planning authority. This is to ensure any potential commuting/foraging wildlife including bats and hedgehogs are not deterred.

Reason

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

11. Prior to first occupation, evidence of the installation of the ecological enhancement features recommended are to be submitted to the local authority prior to occupation. These include but not limited to bat boxes.

Reason

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

12. The hours of working on site during the period of construction shall be restricted to  
Monday - Friday.....7:30am - 6:00pm  
Saturday.....8:00am - 1:00pm  
No working shall take place on Sundays or Public Holidays.

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

Reason

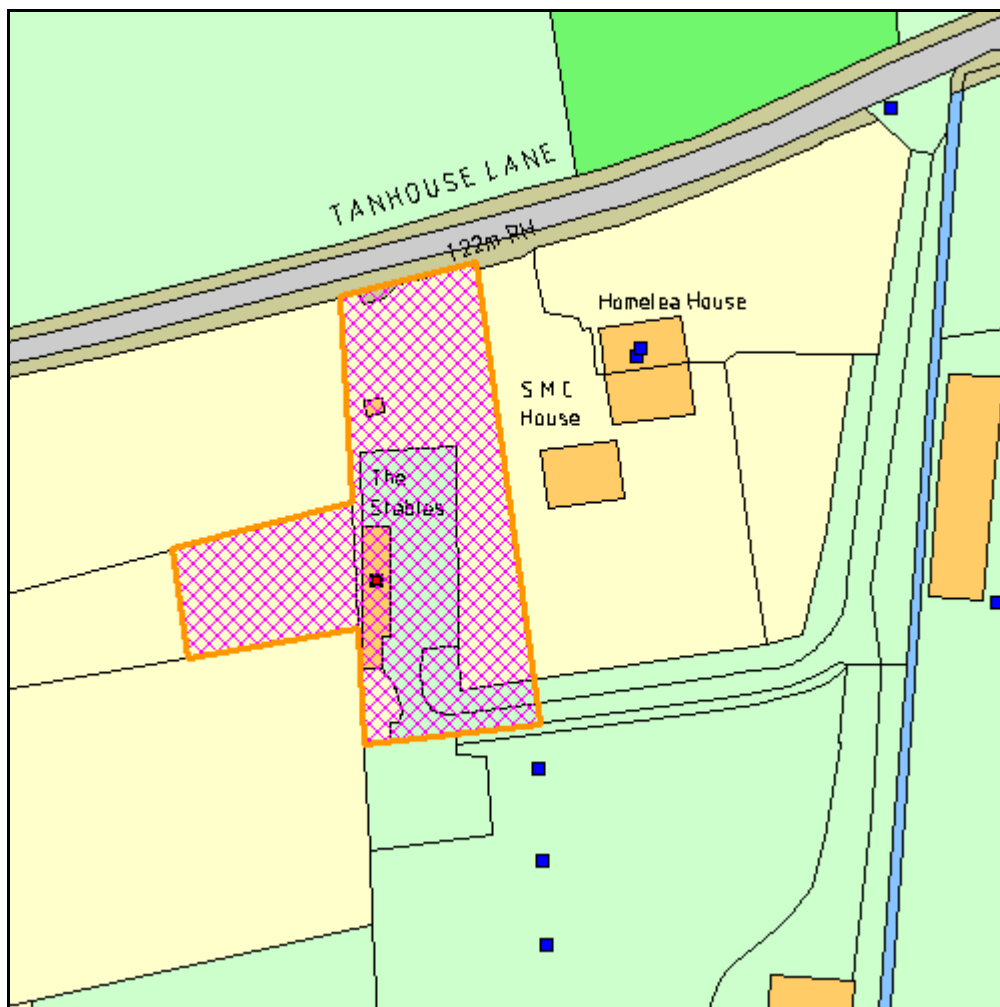
To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013 and the provisions of the National Planning Policy Framework. (\* delete as appropriate)

**Case Officer: Oliver Phippen**  
**Authorising Officer: David Stockdale**



## CIRCULATED SCHEDULE NO. 08/21 -26th February 2021

<b>App No.:</b>	P20/23932/F	<b>Applicant:</b>	M Rushent TANHOUSE LANE DEVELOPMENTS LTD
<b>Site:</b>	The Stables Tanhouse Lane Yate South Gloucestershire BS37 7LP	<b>Date Reg:</b>	10th December 2020
<b>Proposal:</b>	Demolition of existing buildings. Erection of 4 no. detached dwellings and associated works	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	369898 184962	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd February 2021



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N.T.S.

P20/23932/F

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

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

The application is referred to the Circulated Schedule as representation has been received from 10 no. local residents which is contrary to the Officer's recommendation.

#### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the demolition of existing buildings and the erection of 4 detached dwellings with associated works.
- 1.2 The application site relates to The Stables, Tanhouse Lane, Yate. The site is located outside of any defined settlement boundary, in the open countryside and sits opposite the Bristol and Bath Green Belt.
- 1.3 The Stables consists of a detached bungalow, large garage/storage building, and small storage building and shed. These buildings are to be demolished to facilitate the erection of the proposed dwellings.

#### **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  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS34 Rural Areas

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP8 Residential Amenity  
PSP11 Transport Impact Management  
PSP16 Parking Standards  
PSP19 Wider Biodiversity  
PSP38 Development within Existing Residential Curtilages  
PSP40 Residential Development in the Countryside

PSP43 Private Amenity Standards

- 2.3 Supplementary Planning Guidance  
 South Gloucestershire Design Checklist (Adopted) 2007  
 Residential Parking Standards SPD (Adopted) 2013  
 Technical Advice Note: Assessing Residential Amenity (Adopted) 2006

### 3. RELEVANT PLANNING HISTORY

- 3.1 PK15/4345/F  
 Erection of single storey front extension to provide additional living accommodation. Erection of a detached double garage.  
 Approved with conditions: 03/12/2015
- 3.2 PK10/2833/F  
 Erection of 2 no detached dwellings to include double garages, bin stores and associated works  
 Withdrawn: 07/12/2010
- 3.3 PK13/3806/PNC  
 Prior Notification of Change of use from Office (Class B1) to residential (Class C3) as defined in the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013  
 No Objection: 05/12/2013
- 3.4 PK09/0548/F  
 Construction of new vehicular access from Tanhouse Lane.  
 Approved with conditions: 12/05/2009
- 3.5 PK09/1272/RVC  
 Variation of condition 3 attached to previously approved planning permission PK09/0548/F dated 12 May 2009 to allow the installation of 1.8 metre high close boarded timber gates rather than a five bar wooden gate.  
 Approved with conditions: 24/08/2009

### 4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council  
**Objection-** outside of the development boundary in a rural area and another example of a piecemeal development of which is a large development for the area.

Sustainable Transport  
 No comments received.

Highway Structures  
 Details of excavations and the temporary support that is to be provided during construction of private drive are to be submitted to satisfy the highway authority that support to Tanhouse Lane is provided at all times.

Lead Local Flood Authority

No objection in principle, subject to conditions.

Ecology

In order to provide comments on the application, the report from the previous surveys are to be submitted to the local authority prior to determination. Confirmation is required of waterbodies located within 500m as from the records there is a pond located 150m south east of the site that requires further investigation. This information is required prior to determination.

Environmental Protection

No objection

Landscape Officer

No objection subject to condition.

Tree Officer

No objection, subject to condition.

**Other Representations**

4.2 Local Residents

Objection comments received from 7no local residents, summarised as follows;

- Flooding likely due to high surface water and approved development adding to the problem.
- Ditches already overflowing.
- Impact to mature trees.
- Two nearby developments totalling 11 new homes not indicated on the plans.
- The 2 approved developments (PK18/0504/F and PK18/3104/F) have resulted in continual building works for 2 years, disturbance to residents.
- Highway safety concern- Tanhouse Lane is a single lane road with no pavements and blind spots. Used by children, walkers, cyclists and horse riders.
- Risk of collisions from increase in traffic using the lane.
- No mention of approved application P19/09678/F at adjacent site, Homelea. Overshadowing, loss of privacy and noise concerns.
- Highway concerns at Homelea assumed to be the same if not stronger for this development.
- Amount of houses unacceptable, changing the character of the area.
- Housing construction taking place in Laddon Village, no need for more housing in small dangerous lanes.

Support comments received from 10 local residents, summarised as follows;

- Design will enhance the area.
- Improve the visual impact of the site.
- Opportunity for more housing in the area.
- Support non-mass smaller development that provide quality housing.
- Development already taken place behind this site.

- Shortage of this type of property in the area.
- Buildings are run down and site is overgrown.
- In-keeping with the surroundings.
- Access to bus stops/commuter not an issue here.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy CS5 of the South Gloucestershire Core Strategy outlines the locations at which development is considered to be appropriate; new development is directed towards the existing urban areas and defined rural settlements. The application site is located within the open countryside, outside of any defined settlement boundary, where new development is strictly limited. Policy PSP40 of the Policies, Sites and Places plan allows only for the following specific forms of residential development in the open countryside.

- *Rural housing exception initiatives*
- *Rural workers dwellings*
- *The replacement of a single existing dwelling, where it is of similar size and scale to the existing dwelling, within the same curtilage, and of design in keeping with the locality, and minimises visual intrusion in the countryside*
- *The conversion and re-use of existing buildings for residential purposes.*

None of the above policies would permit the demolition of an existing bungalow and replacement with 4, two-storey detached dwellings in this location. It is acknowledged that development has been approved to the south of the site, however this was at a time when the council could not demonstrate a 5 year housing land supply; that is no longer the case and therefore adopted locational policy is considered up-to-date and should be given full weight in any decision. It therefore follows that there is an in principle objection to the proposed development as it does not accord with the requirements of policies CS5 of the Core Strategy or PSP40 of the Policies, Sites and Places Plan.

### 5.2 Location of Development- Relationship with nearest defined settlement.

Whilst the majority of applications for new residential development outside of the settlement boundaries should be resisted in accordance with the Council's spatial strategy, the Local Planning Authority do consider that it may be suitable, in a few circumstances, to recommend approval of dwellings outside of the settlement boundary.

5.3 This will only apply where the site lies close to the edge of the defined settlement boundary and has a direct relationship with it. Essentially, it should read as a natural extension to the settlement boundary. This should only apply to small developments of 1-2 dwellings.

5.4 In this instance, the application is proposing 4no new dwellings. The site is linked to the defined settlement by a single width lane approximately 460m from its nearest point of Yate to the east. There is considered to be a clear separation with both Engine Common and Yate and the site does not benefit from good pedestrian links. Therefore, the development is not considered to be

a natural extension to either settlement and as such, the development should be resisted.

5.5 Design and Visual Amenity

The proposed development would introduce a cul-de-sac style layout comprising of four relatively large detached properties. Despite later development, Engine Common has retained a rural character and appearance with dwellings that generally have a good visual relationship with the highway and which are afforded large rear gardens. The proposed layout would result 3 of the 4 proposed dwellings being significantly set back from the highway and somewhat screened by the proposed dwelling in plot 1, as such these properties are considered to display little to no relationship. However, it is acknowledged that the existing 'backland' development to the immediate south of the site has gone some way to eroding the previously linear pattern of development.

- 5.6 The dwellings in plots 1 to 3 would be similar in appearance, consisting of a gable to gable 'L' shaped design with attached double garage. Plot 4 would consist of a dual pitched roof design with large front gable and attached garage set back from the front elevation. All properties would consist of a material palette of Bradstone elevations with timber cladding and dark slate roof tiles. The use of stone is welcome, however timber cladding and slate roof tiles cannot be found on any other properties in the immediately surrounding area. That said, it is acknowledged material finishes could be controlled by condition. In addition, on the front facing elevations there appears to be a distinct lack of windows at ground floor level, or at best inappropriate sizing and placement, which leads to an unsatisfactory external appearance. This could be easily addressed through negotiation, however was not pursued by officers due to the identified in-principle objection above.

5.7 Residential Amenity

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

- 5.8 It is noted that there is an extant planning permission for a new dwelling which has been approved at the adjacent site to the east, Homelea (reference: P19/09678/F). This is not marked on the submitted plans, however must be given due consideration by officers in the residential amenity assessment. The neighbouring dwelling would sit adjacent to the proposed dwelling in plot 2; given the orientation of the two dwellings in question, close proximity to the boundary and scale and mass of the proposed dwelling, the development is thought to result in an oppressive and intrusive feeling to the neighbouring property. It is therefore considered to have an unacceptably overbearing impact to the ground floor rooms and rear garden of the approved neighbouring dwelling. Furthermore, given the path of the sun throughout the day, the two-storey scale of the proposal is thought to result in a detrimental overshadowing effect on the rear elevation and garden of the approved dwelling during the afternoon hours.

5.9 Sustainable Transport

- The proposal would provide adequate levels of off-street parking for each dwelling in accordance with Policy PSP16 of the PSP Plan.
- 5.10 The council's highways officer has indicated that the application is proposing a new access onto Tanhouse Lane, however previously approved applications at the site have permitted such an access and from a site visit it was confirmed by the case officer that an existing access is in place. That said, it is acknowledged that the use of the current access would be intensified by the addition of 3 dwellings within the site boundary. The highways officer has raised concerns over the visibility for vehicles entering and existing the site; the clearing of vegetation may be required as it is currently thought to obstruct necessary views. It is unclear if the maintenance and clearing of the vegetation would be within the control of the applicant and no information has been provided in regards to lines of visibility. To ensure the access retains an acceptable level of highway safety, we would require this information to be provided.
- 5.11 In the absence of such information, the council are unable to conclude if the proposed access would be capable of complying with the highway safety requirements of policy CS8 and PSP11.
- 5.12 Drainage  
No detailed information was provided with the application on the proposed method of drainage. However, the site is located win flood zone 1 where there is very low risk of flooding. Should the application have been found acceptable, the Lead Local Flood Authority were satisfied that a detailed drainage scheme could be addressed by condition.
- 5.13 Ecology  
Previous bat surveys were undertaken in 2019, the report submitted in support of this application was a site walkover. The council's ecology officer has requested the reports from the previous surveys in order to provide comment. Furthermore, an additional pond approximately 150m south east of the site was not assessed as part of the survey. Information is required as to the suitability of this for Great Crested Newts and the potential impacts and mitigation. Given the harm identified earlier in the report, this was not pursued by officers. However, given the importance placed on the protection of bats and Great Crested Newts, insufficient information will form a further reason for refusal.
- 5.14 Landscape and Trees  
Any proposed landscaping scheme and tree protection could be adequately addressed by condition.
- 5.15 Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general

equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services. With regards to the above this planning application is considered to have a neutral impact on equality.

#### 5.16 Planning Balance

The proposed development, if permitted, would result in an additional 4 dwellings towards the overall housing supply, the benefit of which is acknowledged. However, South Gloucestershire Council can demonstrate a 5-yr housing land supply and therefore the adopted local plan policies are given full weight in any decision, it is therefore assumed that sufficient units can be secured through site allocations and moreover the addition of 4 houses is thought to have a modest impact. It is therefore given moderate weight in the balance.

- 5.17 The site is deemed unsuitable for development as it would conflict with the spatial strategy for the District. On top of this harm has been identified in regards to residential amenity. These factors are given substantial weight in the decision and are not considered to be clearly outweighed by the provision of 4 new dwellings, despite the demand suggested by the applicant. On that basis, the harm outweighs the benefits and therefore it is recommended that the application is refused.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

7.1 That the application be **REFUSED**.

1. The site is situated outside the existing urban area and it is not within a defined rural settlement; it is therefore in a location where development should be strictly controlled. The proposed development would conflict with the spatial strategy of the District: the amount of development cannot be considered limited. The proposed development is therefore contrary to policy CS4A, CS5, and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP40 of the South Gloucestershire Local plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework February 2019.
2. The proposed development in plot 2, by reason of its siting and scale; if allowed would be detrimentally overbearing on the outlook and living conditions of the dwellinghouse subject of extant permission P19/09678/F, and would result in an unacceptable



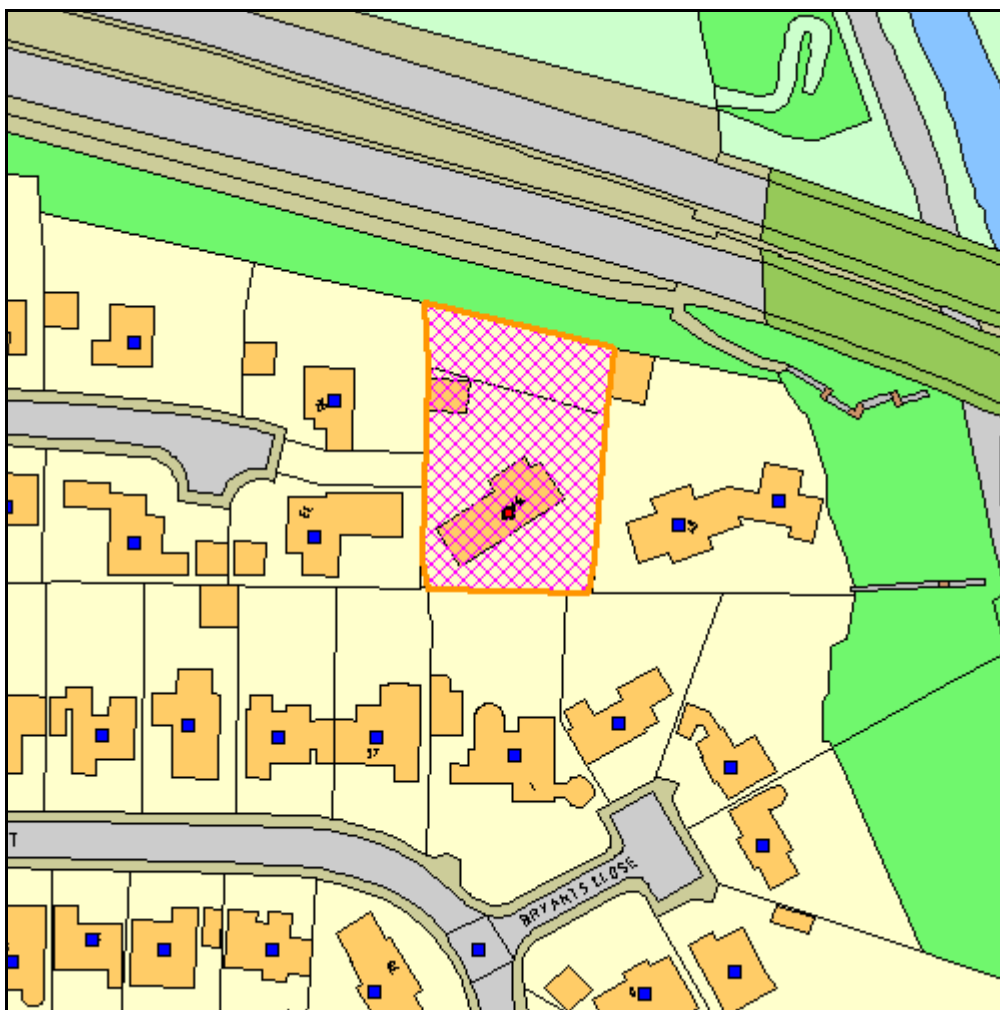
overshadowing impact. The proposal is therefore considered to result in significant harm to residential amenity, contrary to Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

3. Insufficient information regarding ecological matters, particularly with reference to bats and Great Crested Newts is contrary to Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.
4. It has not been demonstrated that adequate visibility could be achieved for vehicles entering and exiting the site onto Tanhouse Lane. Insufficient evidence has been provided to ensure a satisfactory conclusion can be reached as to whether the residual cumulative effects of the development on transport and highway safety are severe or not. Accordingly the proposal conflicts with Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; Policy PSP11 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework 2019.

**Case Officer: James Reynolds**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 08/21 -26th February 2021**

<b>App No.:</b>	P20/24058/F	<b>Applicant:</b>	Five Gates Properties Ltd
<b>Site:</b>	The Acorns 35 Penn Drive Frenchay South Gloucestershire BS16 1NN	<b>Date Reg:</b>	11th January 2021
<b>Proposal:</b>	Installation of 1 no. shipping container for the storage of PPE and archives.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364428 178286	<b>Ward:</b>	Frenchay And Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	8th March 2021



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P20/24058/F

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

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

This application appears on the Circulated Schedule because a representation has been received from the Parish Council, that is contrary to the officer recommendation and findings of this report.

### **1. THE PROPOSAL**

- 1.1 Full planning permission is sought for the siting of 1no. shipping container within the curtilage of no.35 Penn Drive (The Acorns), Frenchay.
- 1.2 The application site is a detached property within the Frenchay settlement boundary.
- 1.3 The property is stated as being used to provide supported living facilities. It should be noted that the property is not a care home and is not registered as such. From a use class point of view, the use would fall in to the C3 use class and would specifically be C3(b).

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility

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

PSP1	Local Distinctiveness
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

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

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

Non relevant to this application.

### 4. **CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
Objection. Parish Council would like clarification for the future use once PPE storage no longer needed.
- 4.2 Downend and Bromley Heath Parish Council  
No comments have been received.
- 4.3 Sustainable Transport  
DC Transport have no comments.
- 4.4 LLFA  
No objection
- 4.5 Tree Officer  
No objection
- 4.6 Highway Structures  
Informative
- 4.7 Local Residents  
No comments have been received.

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

- 1.1 The proposal seeks to site 1no. shipping container. The proposal follows an enquiry, which found that the proposal would not constitute permitted development. Given that the container would be sited for an elongated period of time and the specialist nature of the equipment required to move it, officers would not consider it to reasonably constitute chattel, or a temporary structure.
- 1.2 Principle Of Development  
PSP38 of the South Gloucestershire Council Policies, Sites and Places Plan (adopted November 2017) permits development within existing residential curtilages (including extensions) in principle where they do not unduly harm the design, visual amenity and residential amenity of the locality or prejudice highway safety or the provision of adequate private amenity space. PSP38 is achieved through CS1 of the South Gloucestershire Council Core Strategy (adopted December 2013), which requires development to demonstrate the highest standards of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. The development is acceptable in principle, subject to the following detailed consideration.

- Need for The Container
- 1.3 It is accepted that a shipping container is not something that is normally sited in a residential setting such as this. The applicant has elaborated on why the container is needed, which is to store PPE and COSHH, required to provide care to service users at the site (understood to be adults with learning difficulties), and elsewhere within the district. It is stated that recent uncertainties have meant that facility is needed to store an appropriate and safe stock of PPE and that it would not be appropriate to store it within the property. It is suggested that the container is required for a time limited period, stated to be circa five years. Having regard to this, officers have sought agreement from the applicant that any permission granted would be for a time limited period. The application is therefore considered on the basis that the container is temporary and would be removed following the expiry of five years from when permission is granted, should it be. This has been agreed.
- 1.4 Design and Visual Amenity  
The container is a standard 20ft ISO shipping container. There is little else that can be said for the design, other than that it is functional, would open at one end and is of a steel construction that is painted. Such a structure would often pose an issue in a residential setting as it would seldom appear in keeping with the surrounding residential setting. However, in this case, the container would be located in a discreet position that would not be readily visible from the highway and public realm, particularly given that the access road to the property appears to be un-adopted (i.e. private), according to the highway record. Even if it were adopted, the siting is such that container would not be readily observable from the street scene. As such, the proposed container would not be able to present any material harm to the street scene, or character of the area.
- 1.5 Having regard to the above, and the temporary nature of the proposed shipping container, officers do not consider there to be any material reason to resist the proposal in design terms, subject to the above discussed condition to limit the siting to a defined period.
- 1.6 Residential Amenity  
PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts.
- 1.7 By reason of its scale and siting, officers would not consider the proposed shipping container if sited as proposed to present any material residential amenity concerns, should permission be granted.
- 1.8 Parking Standards  
PSP16 requires developments to provide levels of parking based upon the number of bedrooms at a dwelling. Where an increase is proposed, proposals should demonstrate that adequate off street parking can be provided to accommodate increase in demand.

- 1.9 The proposed container would be sited within an area used for parking associated with no.35, however it would not have any material impact on there being a policy compliant level of parking at the site.
- 1.10 Private Amenity Space  
The proposed shipping container would have no material impact on the level of private amenity space, should permission be granted.

### **Impact on Equalities**

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

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 It is recommended that 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. Upon or before the expiry of 5 years [5th March 2026] from the date of this permission being granted, the shipping container shall be permanently removed from the site and the land restored so far as practicable to its previous condition, unless otherwise agreed in writing by the Local Planning Authority.

Reason

The stationing of the shipping container has been considered acceptable on the basis that it is required for a specific purpose for a specific period of time and would otherwise not be considered appropriate in this location. As such, it is considered both reasonable and necessary to ensure its siting is limited to a limited period of time.

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

A101 A - Site location plan

A106 - Proposed site plan

Received 11/12/2020

A - 20' standard shipping container

Received 11/01/2021

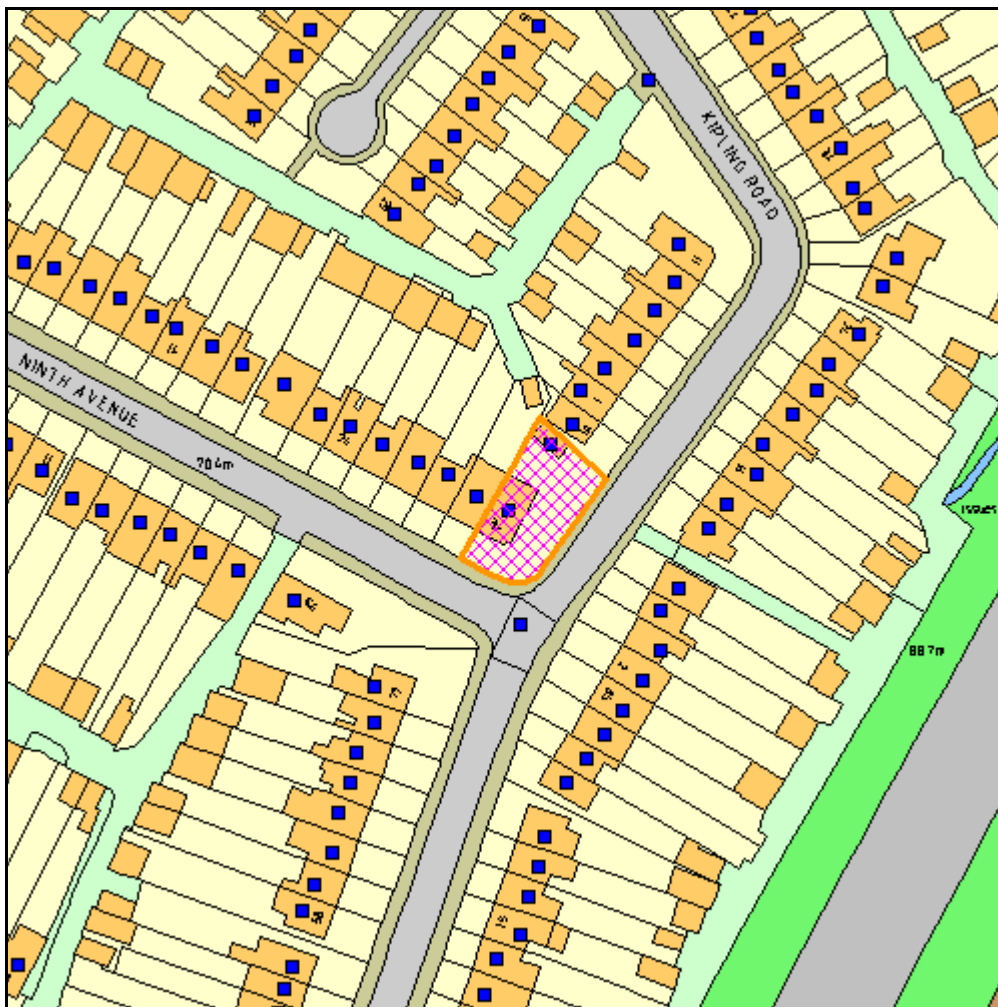
Reason

For the avoidance of doubt and to define the exact terms of the permission.

**Case Officer: Alex Hemming**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 08/21 -26th February 2021**

<b>App No.:</b>	P21/00151/F	<b>Applicant:</b>	Mr Curtis Decordova Properties
<b>Site:</b>	34 Ninth Avenue Filton South Gloucestershire BS7 0QW	<b>Date Reg:</b>	13th January 2021
<b>Proposal:</b>	Erection of two storey side extension to form additional living accommodation.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360708 178190	<b>Ward:</b>	Filton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	8th March 2021



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P21/00151/F



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

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

This application appears on the Circulated Schedule because 3no. representations from interested parties have been received that are contrary to the findings of this report and officer recommendation.

### **1. THE PROPOSAL**

- 1.1 Full planning permission is sought for the erection of a two-storey side extension.
- 1.2 The application site is an end terrace property that fronts Ninth Avenue, on the junction with Kipling Road. The site is within the North Fringe of Bristol Urban Area and is not subject to any planning constraints that would affect or otherwise restrict the development.
- 1.3 During the application's consideration, revised plans were sought and provided to reduce the width. As the extension was reduced in size, officers are satisfied that no public re-consultation would be required.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework February 2019  
National Planning Practice Guidance

#### 2.2 Development Plans

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

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS25	Communities of the North Fringe of Bristol

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

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

#### 2.3 Supplementary Planning Guidance

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

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

- 3.1 PT16/4242/F (Approved 30/09/2016):  
Erection of a two-storey side and first floor rear extension to provide additional living accommodation
- 3.2 N2994 (approved 23/09/1976):  
Erection of single storey rear extension

### 4. **CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
No comments have been received
- 4.2 Filton Parish council  
No comments have been received
- 4.3 Sustainable Transport  
No objection
- 4.4 Archaeology Officer  
No comments have been received
- 4.5 Local Residents  
3no. representations objecting to the proposal have been received, summarised as follows (full versions available online):
- Concerned that parking not enough for four bed HMO; 3 spaces available but application proposes more accommodation
  - Council should extend double yellow lines on Kipling Road
  - Property owned by a developer and is rented out
  - Suspect that retrospective planning will be applied for another 5 bed HMO
  - Far too many HMOs in the area; lack of parking, untidy gardens, rubbish, ASB and late night noise
  - Had to complain on several occasions
  - Property lies on junction that is already dangerous due to no. of parked cars
  - Pedestrian safety issues due to overgrown hedge
  - Similar development elsewhere cited
  - Residents struggle to exit drives due to level of parking on street
  - Notification only sent to 6 neighbours, but development would have impacts on many more
  - Councillors Adam Monk and Christopher Wood contacted

[officer comment] *At the time of writing, no representations have been received from any local members.*

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

- 1.1 The proposal seeks to erect a two-storey side extension. For the avoidance of doubt, the property is stated as being in use as a Class C3 dwelling in the application supporting material. That said, the property could lawfully be used as a 'small HMO' under Use Class C4 without planning permission. A previous

permission for a side extension has been approved on this site (please see history section) however this has not been implemented and has since lapsed. This is a strong material consideration.

#### 1.2 Principle Of Development

PSP38 of the South Gloucestershire Council Policies, Sites and Places Plan (adopted November 2017) permits development within existing residential curtilages (including extensions) in principle where they do not unduly harm the design, visual amenity and residential amenity of the locality or prejudice highway safety or the provision of adequate private amenity space. PSP38 is achieved through CS1 of the South Gloucestershire Council Core Strategy (adopted December 2013), which requires development to demonstrate the highest standards of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. The development is acceptable in principle, subject to the following detailed consideration.

#### 1.3 Design and Visual Amenity

34 Ninth Avenue is an end terrace property which comprises of rendered elevations, single hipped double roman tiled roof and a double bay window to the front. As an end terrace, the front door sits on a corner position, with a first-floor wrap around window above, which provides a degree of interest to the property which is otherwise fairly non-descript.

1.4 The proposed extension would have a width of c.4 metres, hipped roof to tie in with the existing and would be set down from the ridge by c.500mm. The frontage would sit back from the front elevation also by c.500mm, with the corner window and door arrangement retained, which is welcomed. The rear at GFL will also see a small lean to installed, which would match the existing rear projection, though the existing flat roof would also become pitched. Initially, the extension was proposed as c.4.8 metres in width. This was however judged to be excessive and would result in an overly bulky appearance with an unpleasant level of blank elevation to the front. The previously approved extension had a width of c.3.6 metres, but also had a large rear two storey element also.

1.5 The revised scheme can still be said to be quite wide for a side extension and is wider than previously approved, however the reduced width does offer an appearance that is more in proportion with the host property, and retains more of the open aspect of the corner by not being so close to the boundary. The level of blank elevation to the front is also reduced and appears more acceptable. The extension clearly takes its cues from the host property and offers an acceptable level of subservience. Having regard to the above, the previously approved side extension and similar extensions nearby, officers conclude that the proposed extension is of a satisfactory design that meets the objectives of PSP1, PSP38 and CS1. A matching materials condition is recommended, to ensure that the proposal assimilates successfully.

#### 1.6 Residential Amenity

- PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts.
- 1.7 By reason of its end-terrace position, the side extension is not in a position to pose any material concerns of overbearing or overshadowing. New windows would be to the front and rear in similar position to existing which would not present any increase in overlooking above and beyond the level that already exists. The alteration to the rear flat roof would not present any material residential amenity concerns by reason of its scale.
  - 1.8 Officers are satisfied that there would be an acceptable level of private amenity space (should permission be granted), having regard to the PSP43 standard for private amenity space which submits that 4+ bed properties should benefit from at least 70sqm of private amenity space.
  - 1.9 Parking Standards  
PSP16 requires developments to provide levels of parking based upon the number of bedrooms at a dwelling. Where an increase is proposed, proposals should demonstrate that adequate off street parking can be provided to accommodate increase in demand.
  - 1.10 Officers note that concerns are raised by residents with regards to parking. It is clear to officers simply from observing the on-street parking situation that the area in question is highly saturated with on-street parking demand. It is therefore even more important to ensure that developments can provide a policy compliant level of off street parking.
  - 1.11 PSP16 sets out levels of parking which are based upon the number of bedrooms in a property. The property would have four bedrooms as enlarged. As such, 2no. off street parking spaces are required. The frontage is already opened for parking with associated dropped kerb, and there is parking to the rear accessed from Kipling Road. The frontage alone provides for 2no. vehicles, with a third also available. As such, the development can be considered to demonstrate a policy compliant level of parking as existing and would continue to do so, should permission be granted.
  - 1.12 Officers note comments regarding broader highways issues, such as inconsiderate and/or dangerous parking. It is also noted that the suggestion is made to extend double yellow lines. Your officer would advise that the key issue in determining this application is whether the proposed development can accommodate its own parking demand, per the policy requirements. It would not therefore be a reasonable approach to try and address issues elsewhere through the determination of a planning application that is in and of itself, policy compliant.

## Impact on Equalities

1.13 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.

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

### 1.15 Other Matters

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

#### *Consultations*

1.16 It is noted that a respondent suggests that not everyone who would be affected has been consulted. Consultation was carried out in accordance with the 2015 Statement of Community Involvement (SCI) and all who should have been consulted, have been.

#### *Use as a HMO*

1.17 As set out in section 5 (1:1), the property is stated to be in use as a C3 dwelling. Any future use as a HMO, should it exceed the level of accommodation permitted under Class C4 use, would require planning permission and would be subject to a full assessment against the relevant policies. A retrospective application could not be submitted for use as a 5 bed HMO, as this is permitted development.

#### *Environmental*

1.18 Nuisance hedges and other environmental matters, such as litter and anti-social behaviour would be dealt with through the relevant environmental legislation and in certain instances, the Police.

## 6. CONCLUSION

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

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

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

## **7. RECOMMENDATION**

- 7.1 It is recommended that permission is **GRANTED**, subject to the following conditions:

### **CONDITIONS**

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

Reason

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

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

Reason

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

3. The development shall be carried out in accordance with the following plans:

101 A - Site location plan  
201 A - Existing site plan  
301 A - Existing floor and roof plans  
401 A Existing elevations  
501 A - Existing site section  
Received 09/01/2021

202 B - Proposed site plan  
302 B - Proposed floor and roof plans  
402 B - Proposed elevations  
502 B - Proposed site sections  
Received 23/02/2021

Reason

For the avoidance of doubt and to define the exact terms of the permission.

**Case Officer: Alex Hemming**  
**Authorising Officer: Marie Bath**