

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: 04/21

Date to Members: 29/01/2021

Member's Deadline: 04/02/2021 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2020. Under the arrangement certain reports are circulated on a weekly basis. The reports assess the application, considers representations which have been received, and make a recommendation regarding the proposal.

Having considered the reports, those applications that Councillors feel should be referred to the relevant Planning Committee must be notified to the Strategic Planning section by email within five working days of the publication of the schedule (by 5pm) in line with the procedure set out below. If there has been no valid Member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule.

Before referring an item to the Committee, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee. You may also wish to refer to the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

- a) Be made in writing using the attached form by emailing MemberReferral@southglos.gov.uk identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral You may wish to consider the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

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

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

Before referring an application always contact the case officer or Development Manager first to see if your concerns can be addressed without the application being referred.

If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward Member(s) to see what their views are, before referring the application.

Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. Please do not leave it to the last minute.

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:
2. Site Location:
3. Reasons for referral:

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

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

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

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

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

Date:

To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 29 January 2021

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/13683/RM	Approve with Conditions	Land At Wotton Road Rangeworthy Bristol South Gloucestershire BS37 7NA	Frampton Cotterell	Rangeworthy Parish Council
2	P19/4155/F	Approve with Conditions	Sloeswell Paddock Westerleigh Road Pucklechurch South Gloucestershire BS16 9PY	Boyd Valley	Pucklechurch Parish Council
3	P19/8265/O	Refusal	Old Coal Yard The Coal Depot Station Road Iron Acton South Gloucestershire BS37 9TA	Frampton Cotterell	Iron Acton Parish Council
4	P20/07452/F	Approve with Conditions	B And Q Plc Station Road Yate South Gloucestershire BS37 5PQ	Yate North	Yate Town Council
5	P20/14711/F	Approve with Conditions	Porthrepta 65 Down Road Winterbourne Down South Gloucestershire BS36 1BZ	Winterbourne	Winterbourne Parish Council
6	P20/16563/F	Approve with Conditions	22B Woodmans Close Chipping Sodbury South Gloucestershire BS37 6DH	Chipping Sodbury And Cotswold Edge	Sodbury Town Council
7	P20/17527/F	Approved Subject to Section 106	21, 23, 25 And 27 Mendip Crescent Downend South Gloucestershire BS16 6UF	Emersons Green	Emersons Green Town Council
8	P20/23174/F	Approve with Conditions	26 Bakersfield Longwell Green South Gloucestershire BS30 9YP	Longwell Green	Oldland Parish Council
9	P20/23525/F	Approve with Conditions	Oakdown Vicarage Lane Olveston South Gloucestershire BS35 4BT	Severn Vale	Olveston Parish Council
10	P20/23897/RVC	Approve with Conditions	66 Court Farm Road Longwell Green South Gloucestershire BS30 9AD	Longwell Green	Hanham Abbots Parish Council
11	P20/24022/F	Approve with Conditions	15 Pennycress Close Emersons Green South Gloucestershire BS16 7GG	Emersons Green	Emersons Green Town Council
12	P20/24026/TRE	Approve with Conditions	15 Cleevewood Park Cleeve Wood Road Downend South Gloucestershire BS16 2SX	Frenchay And Downend	Downend And Bromley Heath Parish 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.

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the receipt of a letter of objection from the Parish Council and from 5 local residents.

1. THE PROPOSAL

- 1.1 This application seeks approval of the reserved matters for eight dwellings on land at Wotton Road, Rangeworthy. The reserved matters to be considered here are appearance, landscaping, and scale.
- 1.2 This application follows the approval of outline permission in January 2018 under application PT17/3260/O. The outline permission approved the principle of development, the means of access to the site and the layout.
- 1.3 The application site is accessed from the B4058 Wotton Road in Rangeworthy between the southern part of the village and the cluster of village around Pool Farm and The Rose and Crown to the north. The application site is outside of (but adjacent to) the settlement boundary.
- 1.4 During the course of the application a series of amended plans were received to address officer comments.

2. RELEVANT PLANNING HISTORY

- 2.1 PT17/3260/F Erection of 8 no. dwellings (outline) with access and layout to be determined all other matters reserved
Approved January 2018

POLICY CONTEXT

National Guidance

National Planning Policy Framework Feb 2019

National Planning Practice Guidance

Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

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 Development Related Transport Impact Management

PSP16 Parking Standards

PSP20 Drainage

PSP28 Rural Economy

PSP38 Development within Residential Curtilages

PSP43 Private Amenity Standards

Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)

The South Gloucestershire Development in the Green Belt SPD (adopted)

Affordable Housing and Extra Care Housing (Adopted) May 2014

Waste Collection: Guidance for New Developments (Adopted) January 2015

3. CONSULTATION RESPONSES**3.1 Rangeworthy Parish Council**

Object to the application.

- This a less suitable location for potential development due to the adverse impact on the existing landscape and historic character of the village, and access issues.
- the site is outside of the defined settlement boundary
- Exasperate existing sewer problems
- Increase in traffic movements on a busy pedestrian route to school
- Harmful impact on The Clovers
- Not visually appealing and incongruous

3.2 Other ConsulteesLead Local Flood Authority

Initially raised a number of queries and requested additional information and clarification. This additional information has since been received. The LLFA raise no objection to the application subject to the attachment of conditions to ensure compliance with the drainage details submitted.

Highway Structures

Wishes to make no comment

Ecological Officer

Raises no objection to the revised plan

Archaeology Officer

Wishes to make no comment

Tree Officer

The site itself has very few existing trees and would benefit from the proposed planting. Subject to the works being carried out in accordance with the arboricultural report, there is no objection to the works as proposed.

Other Representations3.3 Local ResidentsObjection

5 letters of objection have been received. A summary of the main points of concern raised is as follows:

- The plans clearly shows potential future access rather than a cul-de-sac
- Further development to the West and North would be unacceptable
- The new plan is intended to widen the access and provide future opportunity to develop land to the West
- Will encroach on The Clovers
- Drains are already at capacity
- Concerns over the safety of school children
- Infrastructure is at capacity
- Compromise pedestrian and cycle safety

Support

1 Letter of support has been received. A summary of the main points raised is as follows:

- Houses are in keeping and are of a good size in a much needed location
- Houses have sufficient parking and gardens pace

4. ANALYSIS OF PROPOSAL4.1 Principle of Development

The principle of residential development at the application site has already been accepted by virtue of the previously approved outline application. The only issues to consider at this stage are appearance, landscaping and scale.

4.2 Is the proposed development compliant with the Outline approval?

The scheme approved at Outline stage showed a single point of access onto Wotton Road leading down to a hammerhead towards the southern edge of the site. It shows 8 dwelling to be arranged in a semi-circular pattern lining the north, west and southern boundaries. All dwellings were shown to be provided with off street parking to the front/side with vegetation around the perimeter.

4.3 The scheme shown at Reserved Matters stage is sufficiently similar to that approved at outline stage. The scheme still shows a single point of vehicular access onto Wotton Road with the road leading down to a hammerhead towards the southern edge of the site. The plan still shows 8 dwellings to be arranged in a primarily semi-circular pattern around the boundaries of the site

- with the exception of a change to the location of Plot 7 – this dwelling is now shown to be located to the east of the site adjacent to Wotton Road. All dwellings are still provided with off street parking to the front/side with vegetation around the perimeter. All dwellings are now shown to be detached.
- 4.4 Whilst accepting the differences, officers are satisfied that the RM is valid as it broadly complies with the access and layout arrangements approved at Outline stage.
- 4.5 Design and Visual Amenity
The application seeks approval for 8 large detached dwellings (all of which will have 4 bedrooms). Plots 1 and 2 will match, plots 3 and 4 will match, plots 6 and 7 will be very similar and plot 8 will be similar to plots 1 and 2.
- 4.6 The new dwellings would be two-storey in height, generally reflecting the residential nature of the road. Clearly, the dwellings have not been design to match or copy the character of the neighbouring dwellings but rather given their own strong identity. The proposed materials reflect the ethos of the developer as an individual rather than a volume housebuilder in creating distinct and bespoke schemes. The exterior of the houses would therefore be finished in high quality metal clad roofs with high quality timber boarding and aluminium fascia's. Whilst accepting that the design will be unique, it will form a visually attractive cluster of properties within the village.
- 4.7 As was agreed at a different site in the village (P19/16119/F – 4 dwellings off Patch Elm Lane) just because the design is different, does not mean it is unacceptable. Rather, the bespoke design is welcomed. The design of the dwelling is well considered and shows a good level of understanding of the local vernacular. The design and visual impact of the proposal is deemed to be entirely acceptable.
- 4.8 In terms of the character of the area, as noted by the tree officer, the site currently has little vegetation within it and the additional landscaping proposed is positive. That said, the treatment of the boundary along the site frontage (between the curtilage of plot 7 and Wotton Road) will require careful consideration. At this stage, the precise finish of that boundary is not known. Therefore, permitted development rights will be removed for the erection of boundary treatments along the eastern perimeter of Plot 7.
- 4.9 Residential Amenity
The nearest residential unit to the proposed dwelling is 'The Clovers' immediately to the South of the application site. Development should not be permitted which has a prejudicial impact on residential amenity or which fails to provide adequate living standards for future occupiers. At outline stage, it was commented that careful consideration will be needed at Outline stage to ensure that plot 8 does not have an adverse impact on the windows in the side elevation of The Clovers.
- 4.10 As mentioned in section 4.2 above, some minor changes to the layout have been made since outline approval was granted. At outline stage the rear elevations of plots 7 and 8 were shown to face towards The Clovers. The RM

application shows the rear elevations of Plots 5 and 6 to face towards The Clovers. The first floor rear elevation of both plots 5 and 6 include 4 window that will face The Clovers – two bedroom windows and two small bathroom windows. The rear elevation of plot 6 will be 19.5 metres from the side elevation of The Clovers. This is the same distance as was deemed acceptable at outline stage. The first floor windows on the rear elevations of plots 5 and 6 have been designed to be modest in scale (unlike on the front of the building where the windows are impressively large). When this is combined with the planning scheme, no objection is raised to the development in terms on its impact on The Clovers

- 4.11 In accordance with PSP43, a 4 bed dwelling should be provided with 70m² of private amenity space. Each of the proposed 8 dwellings is provided with in excess of 70m². Furthermore, these are no concerns of indivisibility between the proposed dwellings, the impact on residential amenity is therefore deemed to be acceptable.
- 4.12 Transport
Access to the site was secured at outline stage and the reserved matters application is in accordance to those details previously agreed. Sufficient off street parking is provided to comply with the requirements of the Residential Parking standards SPD. There is therefore no objection to this application from a transportation perspective.
- 4.13 As has been correctly noted by objectors, the plans are unhelpfully annotated with 'potential future access' where the road adjoins the neighbouring field. The granting of this permission in no way implies that any subsequent application on adjacent land is acceptable. Any proposal on adjacent land would need to be the subject of a separate planning application. We cannot, through this current planning application, give weight to any future intentions.
- 4.14 Policy PSP16 and the Residential Parking Standards SPD sets out the Councils parking standards. In accordance with the policy, a four bedroomed dwelling should be provided with 2 parking spaces. The level of parking on site exceeds the minimum standards with each dwelling having access to at least 3 spaces.
- 4.15 Drainage
Concerns have been raised with regards to the sewer capacity in the locality. As this is a Reserved Matters application only, this is not an issue for consideration at this stage – the principle of 8 dwellings on this site has been approved at outline stage. At outline stage, Wessex Water raised no objection to the scheme.
- 4.16 There have been extensions discussions between the Lead Local Flood Authority and the applicant during the course of the application. This has resulted in several sets of amended plans detailing how the site will be drained. Further to the final set of drainage plan received by the Council on 22nd December 2020, the Lead Local Flood Authority are satisfied that surface water drainage will be adequately provided on site. In light respect, there is no objection to the drainage credentials of the site.

4.17 Ecology

This Reserved Matters application is supported by an Ecological Mitigation, Enhancement and Management Plan. The Councils Ecological Officer has assessed the Plan submitted and is happy with its contents. Subject to a condition to ensure that the development proceed in accordance with the plan, there are no ecological objections to the granting of permission.

4.18 Landscape

The application is supported by a landscape plan last updated on 18th December 2020. The landscape plan shows a good level of new planting across the site. The plans include the planting of fruit trees in addition to native species such as field maple, alder and beech. Furthermore, a detailed arboricultural report to show how the existing hedge lines will be protected during the course of the development have been received.

4.19 Subject to the attachment of a condition to ensure that the development takes place in accordance with the landscape plan and the arboricultural method statement, there is no objection to the scheme as proposed.

4.20 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is **GRANTED** subject to the conditions on the decision notice.

CONDITIONS

1. The development hereby permitted shall take place in accordance with the following plans and reports:

Received by the Council on 22nd December 2020:
Catchment Areas
Crate and Pond Long Sections
Drainage Engineering Layout

Received by the Council on 18th December 2020:
Rev D - Landscape Plan

Received by the Council on 25th November 2020:
V2 - Drainage Maintenance Schedule

Received by the Council on 25th September 2020:
Arboricultural Report

Received by the Council on 21st August 2020:
2020/15/03A - Swale sections
Flood Exceedance routing
Surface Water drainage scheme

Received by the Council on 12th March 2020:
1164_V3.3-A102 - Proposed Site Plan
1164_V3.3-A201 - Plot 1 Plans
1164_V3.3-A202 - Plot 2 Plans
1164_V3.3-A203 - Plot 3 Plans
1164_V3.3-A204 - Plot 4 Plans
1164_V3.3-A205 - Plot 5 Plans
1164_V3.3-A206 - Plot 6 Plans
1164_V3.3-A207 - Plot 7 Plans
1164_V3.3-A301 - Vehicle Tracking

Received by the Council on 22nd October 2019:
Ecological Mitigation and Enhancement Strategy

Reason

For the avoidance of doubt

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 minor operations as specified in Part 2 (Class A), can be carried out within 2 metres of the eastern boundary of the curtilage of Plot 7 (forming the boundary with Wotton Road) other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

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

4. Prior to the construction of the dwellings above damp proof course, 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; and the National Planning Policy Framework.

5. The protective fencing as detailed in the Arboricultural Report received by the Council on 25th September 2020 shall be installed prior to the commencement of development and retained as such at all times during the construction period.

Reason

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

6. The development hereby permitted shall take place in strict accordance with the Ecological Mitigation, Enhancement and Management Plan received by the Council on 22nd October 2019.

Reason

To protect the ecological interests of the site and comply with the requirements of Policy CS9 of the South Gloucestershire Core Strategy (Adopted)

7. The associated off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before each 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.

**IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.
POSITIVE AND PROACTIVE STATEMENT:**

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways:

Case Officer: Marie Bath
Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 04/21 - 29th January 2021

App No.:	P19/4155/F	Applicant:	Mr Bryan Stokes-Hazell
Site:	Sloeswell Paddock Westerleigh Road Pucklechurch South Gloucestershire BS16 9PY	Date Reg:	21st May 2019
Proposal:	Siting of 1no. mobile home with associated parking areas.	Parish:	Pucklechurch Parish Council
Map Ref:	370239 177562	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	12th July 2019



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 100023410, 2008. **N.T.S.** **P19/4155/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

Members may recall that this application previously appeared on Circulated Schedule No. 49/19 when the acceptance in principle of the scheme was established subject to a S106 Legal Agreement. The application was originally referred to the Circulated Schedule following the receipt of an objection from Pucklechurch Parish Council.

The purpose of the S106 Agreement was to secure the cessation of further works to implement the previous planning permission PK09/5583/F (granted on appeal APP/P0119/A/10/2130078 dated 1st July 2014) and the restoration of the land appertaining thereto, to its original condition no later than 6 months from the date of the S106 Agreement.

The reason for this was to ensure the implementation of only one development upon the land in the interests of the character and appearance of the open countryside; to comply with Policy PSP2 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (adopted November 2017).

To date the S106 has not been signed and as a result officers have not been able to issue the Decision Notice.

The reason that the S106 has not been signed is that the applicant has very limited funds and is unable to meet the legal costs involved. At this point Members are advised to re-read the report below which outlines the very unusual and exceptional circumstances of the applicant.

The applicant and his family are currently living on the site in very substandard accommodation and officers are concerned as to the implications for the applicant's fragile health, both physical and mental.

In order to resolve the situation, officers propose that rather than use a S106 to achieve the said aims, that a condition could be used instead. Whilst a S106 would be a more robust means of securing this aim from an enforcement point of view, the Council have in the past used conditions in similar such cases.

In this case the original permission PK09/5583/F was personal to the applicant, so that part of the site could not be sold off and developed by somebody else. Whilst the development has been implemented, only shallow footings have been dug, so restoration of this plot would be relatively straightforward.

What follows is the same wording from the original report but with Condition 13 added and all references to a S106 Agreement deleted. Should Members wish to see the original report it is still available for view on the public website under the planning reference number.

Procedural Matters

On 20 December 2012, His Honour Judge Anthony Thornton QC, sitting as a judge of the High Court (AZ v SoS for Communities and Local Government and South Gloucestershire District Council [2012] EWHC 3660 (Admin)) (AZ v SoS) made the following direction:

- (1) *The applicant is to be named and known as “AZ” for all purposes in connection with this judgement and these proceedings.*
- (2) *No newspaper report of the proceedings shall reveal the name, address or school, or include any particulars calculated to lead to the identification, of the child concerned in this application or in the planning appeal from which this application is brought, either as being one of the persons by or in respect of whom the planning appeal was brought or this application is made or as being a witness or providing evidence to the planning appeal or that is referred to in this application.*
- (3) *No picture shall be published in any newspaper as being or including a picture of any child or young person so concerned in the proceedings as aforesaid; except in so far (if at all) as may be permitted by the direction of the court.*
- (4) *This order extends to any subsequent hearing or inquiry held in connection with the planning appeal which this order relates to and which results from the quashing of the decision previously made that has been ordered as a result of the judgement in this application.*

Officers consider that given the very unusual circumstances of this case the applicant's identity shall continue to be confidential and for the purposes of this report the applicant will continue to be referred to as 'AZ'. It should however be noted that AZ's son is now 19 years old and no longer a child.

It should also be noted that despite the applicant and his wife claiming to have gypsy origins, the previous consent was **not** for a gypsy site, it having been previously established that 'AZ' does not meet the current criteria for gypsy status. Furthermore the current application is **not** for a gypsy site.

The Inspector for the previous appeal (see PK09/5583/F) identified the following as the main issues to consider:

- the effect of the development on the Green Belt with particular regard to the effect on openness and the purposes of including land within it;
- the effect of the development on the character and the appearance of the area; and
- whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Officers consider the main issues identified above are still relevant to the determination of this current application.

1. THE PROPOSAL

- 1.1 Planning permission PK09/5583/F was granted on appeal 1st July 2014 for “the use of land for the stationing of a mobile home for residential purposes together with the formation of hard-standing and utility building ancillary to that use” at Sloeswell Paddock, Westerleigh Road, Pucklechurch. A copy of the Appeal Decision Letter is appended to this report and Members are **strongly** advised to read it (the Decision Letter) prior to considering this current application.
- 1.2 The applicant has stated that, although the approved scheme has not been built out, footings have been dug and as such the permission has been implemented. The approved scheme is therefore a potential fall-back position should the current application be refused.
- 1.3 Sloeswell Paddock is owned by the applicant and comprises a field of about 1ha in area, located in the open countryside and Bristol & Bath Green Belt, between Pucklechurch and the M4 motorway. The previous approval related to a small 0.1ha area of the field located at the far south-eastern end of the site, adjacent to the Feltham Brook.
- 1.4 The applicant has lived on the western part of the site since at least 2006, albeit in an unauthorised mobile home and associated structures, which are all located within a fenced compound. This part of the site is also the location a large shed; car parking; a boat; and a touring caravan. A gated entrance is located in the north-west corner of the field, fronting a slip road off Westerleigh Road. To the side of the entrance is the start of a public footpath that runs due south to the rear of a small terrace of houses i.e. nos. 160-166 Westerleigh Road. Under the terms of the previous approval, all of the unauthorised structures would be removed.
- 1.5 The applicant ‘AZ’ has stated that the location of the approved mobile home and day room is no longer suitable, in part because the cost of putting in services to the far south-east corner of the site is prohibitive and also, due to ‘AZ’s’ deteriorating health, his mobility is now very limited, so much so that he is likely to become wheelchair bound in the future.
- 1.6 ‘AZ’ has stated that the unauthorised structures are no longer fit for habitation or for his special needs and the needs of his wife and son, who now live permanently with him. The proposal is therefore, to remove the unauthorised structures and replace them with a new two-stage mobile home, which would in effect, incorporate the facilities previously included within the approved day room.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4 Presumption in favour of sustainable development
- CS5 Location of development
- CS8 Improving accessibility
- CS15 Distribution of housing
- CS34 Rural Areas

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

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

- 2.3 Supplementary Planning Guidance
Development in the Green Belt SPD (Adopted) June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 The following planning history relates to the site currently occupied by the applicant providing a record of Enforcement Notices and Stop Notices which have been served (and where noted, appealed against).

3.1.1 A Temporary Stop Notice, served on the 11 July 2006 requiring 'all activities specified in the Notice to cease'. This Notice took effect immediately and expired on 8 August 2006.

3.1.2 A Stop Notice, served 9 August 2006 requiring 'all activities specified in the Notice to cease'. This Notice took effect on the 12 August 2006.

- 3.2 Enforcement Notice (A) CAE/06/0425/1, issued on 9 August 2006 requiring 'the removal of all unauthorised operational development including the hardstanding area and all resultant materials; all imported materials; and all fencing and gates'. This Notice was issued on 9 August 2006 appealed on 21 August 2006.

The appeal was dismissed and enforcement notice upheld dated 11 July 2007 subject to the notice being corrected to delete reference to removal of topsoil and other materials from the land and extend the period for compliance from 28 days to 6 months.

- 3.3 Enforcement Notice (B) CAE/06/0425/1, issued on 9 August 2006 'stationing of caravans for purposes other than for agricultural uses and installation of associated facilities'. The appeal was dismissed and enforcement notice upheld

- dated 11 July 2007 subject to the notice being varied to extend the period for compliance from 28 days to 6 months.
- 3.4 Enforcement Notice (C) CAE/06/0425/2, issued on 4 September 2006 requiring:
i) cease use of land for stationing of mobile homes for purposes other than for agricultural use; ii) the removal of all caravans from the land; iii) restoring land to its former condition. This Notice was appealed on 21 August 2006. The appeal was dismissed and enforcement notice upheld dated 11 July 2007 subject to the notice being varied to extend the period for compliance from 28 days to 6 months.
- 3.5 Enforcement Notice (D) CAE/06/0425/2, issued on 4 September 2006 requiring i) cease all operational development on the land; ii) demolish and remove the buildings from the land; iii) removal of all other works including the installation of water, drainage and electrical services; iv) removal of resultant materials; v) restore land. The appeal was dismissed and enforcement notice upheld dated 11 July 2007 subject to the notice being varied to extend the period for compliance from 28 days to 6 months.
- 3.6 A Temporary Stop Notice was served on 11 August 2006 requiring 'all activities specified in the Notice to cease'. This Notice expired on the 8 September 2006.
- 3.7 A Stop Notice was served on 4 September 2006 requiring 'all activities specified in the Notice to cease'. This Notice took effect on the 7 September 2006 and remains in effect.

Planning history

- 3.8 PK06/2218/F - Change of use of agricultural land for the stationing of 2 no. touring caravans for residential purposes with access. (Retrospective application).
Refused 26.09.2006.

Appeal dismissed 11.07.2007.
- 3.9 PK09/5583/F - The use of land for the stationing of a mobile home for residential purposes together with the formation of hard-standing and utility building ancillary to that use.
Refused 18 June 2010 on the grounds of:
- Inappropriate development within the Green Belt with no very special circumstances demonstrated.
 - Harm to the openness of the Green Belt and adverse impact on the visual amenity of the Green Belt and character and appearance of the area.
 - Residential development in the open countryside with no justification provided.

An Appeal was dismissed 19 Nov 2010 but this decision was subsequently quashed by order of the High Court.

A subsequent appeal APP/P0119/A/10/2130078 was allowed 1st July 2014.

- 3.10 PK10/2218/F - The use of land for the stationing of a mobile home for residential purposes together with the formation of hard standing and utility building ancillary to that use.
Refused 12th August 2010

This was a duplicate of PK09/5583/F and was merely submitted whilst PK09/5583/F was being considered by appeal.

- 3.11 P19/3862/NMA - Non material amendment to PK09/5583/F to change the position of the mobile home.
Not determined

4. CONSULTATION RESPONSES

- 4.1 Pucklechurch Parish Council
Object on the following grounds:

“This site sits within the Bristol & Bath Green Belt: it is not a safeguarded Gypsy & Traveller site. Habitation of the site was allowed by Appeal with reference to application PK09/5583/F - The use of land for stationing of a mobile home for residential purposes together with the formation of hard standing and utility building ancillary to that use.

PPC notes there appears to have been two separate application forms submitted for this proposal, the first, an application for non-material amendment dated 05/04/2019 PP-07764670 is attached to the original application online. This form states that the reason for the application is that - Because now disabled and struggles to get to permitted location. Services too expensive too. (sic)

The permitted location has not changed, it is the nature of the development upon it that is proposed to change. The second application to which this is a response is P19/4155/F, the detail of which proposes a much larger building to replace that which currently exists. This is at odds with what is expressed on the application form in which the applicant describes the proposal as - Just change of position.

The plans which accompany the application shows no substantial change in location. The floor and elevation plans which are labelled in the legend as ‘new building’ show a building that does not conform to the legal definition of a caravan/static mobile by way of excessive dimensions as articulated in the Caravan Sites Act 1968 Section 13 definition of twin unit caravans as amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006.

This says: For the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960, the expression caravan shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and

(b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely

- (a) length (exclusive of any drawbar): 65.616 feet (20 metres);
- (b) width: 22.309 feet 6.8 metres);
- (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10.006 feet (3.05 metres).

In this respect what is proposed is not a caravan/mobile home and would constitute inappropriate development within the Green Belt. The method of construction, whether modular or not, is not referenced nor is a suitable landscaping scheme. The plans provided do not demonstrate continuing provision for the on-site car parking of 4 vehicles as noted on the application form. The paddock itself sits adjacent to Feltham Brook and no information is supplied with respect to the potential effect on the wider biodiversity of this area.

The NMA application was not determined as the development proposed would not constitute a non-material amendment. A revised plan has since been submitted that shows the 4 car parking spaces. A landscaping scheme could be secured by condition.

4.2 Other Consultees

Highway Structures

No comment

Lead Local Flood Authority

No objection in principle.

Transportation D.M.

No objection subject to conditions as per previous approval.

Landscape Officer

No response

PROW

PROW have no objections as this is unlikely to affect the right of way (footpath LPU 17) to the south-west of the application site.

Ecology Officer

There is a robust bat commuting route behind the development, a precautionary approach to lighting to be undertaken. There is no ecological objection.

Other Representations

4.3 Local Residents

No responses

5. **ANALYSIS OF PROPOSAL**

Principle of Development

- 5.1 The acceptance in principle of the use of part of Sloeswell Paddock for the stationing of a mobile home for residential purposes, together with the formation of hard standing and utility building ancillary to that use, has previously been established, albeit subject to a number of conditions as listed on the Appeal Decision Letter (see PK09/5583/F) and also given the very special circumstances as demonstrated at that time. Officers must consider if anything has changed in the interim that would materially alter matters.

Green Belt Issues

- 5.2 In the first instance the proposal must be considered in light of the latest policies relating to development within the Green Belt. The relevant Green Belt policy is now PSP7 which generally reflects that found at NPPF paras. 143 to 147.
- 5.3 Inappropriate development is by definition harmful to the openness of the Green Belt and requires 'very special circumstances' to justify permission. Para. 144 of the NPPF states that; when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The purposes of including land within the Green Belt are set out at para. 134 of the NPPF and include:
- To check the unrestricted sprawl of large built up areas.
 - To prevent neighbouring towns merging into one another.
 - To assist in safeguarding the countryside from encroachment.
 - To preserve the setting and special character of historic towns.
 - To assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 5.4 At the time of the 2013 appeal the parties accepted that the proposals constituted inappropriate development in the Green Belt; there is no reason to depart from this view in the current proposal. The revised proposal would, by extending built form into the countryside, still conflict with one of the purposes of including land within the Green Belt i.e. bullet point 3 above.
- 5.5 As was the case at the time of the previous appeal, save for the unauthorised structures, existing access gate and fencing, there is no built development on the application site. In addition to the mobile home proposed, there would be associated domestic paraphernalia, for example, kennels for 'AZ's' dogs and shelter for his goats. This would result in some loss of openness to the Green Belt. Whilst the 'mobile home' now proposed is different from that previously allowed on appeal, its overall volume and impact would be similar to the cumulative impact of the scheme previously approved under PK09/5583/F.

- 5.6 The Inspector for the appeal relating to PK09/5583/F at para. 18 of his Decision Letter, concluded that the proposal would result in a significant amount of harm to the openness of the Green Belt and this carried substantial weight against the development. Officers consider that the same conclusion must be drawn with regards the current proposal.

Effect on the Character and appearance of the area.

- 5.7 In his Decision Letter the Inspector noted that; notwithstanding the presence of scattered dwellings along Westerleigh Road, the overall character of the location is agricultural and that the proposal would appear as an isolated home in the countryside. He also concluded that due to the lack of similar isolated dwellings in the immediate area, the proposal would be out of keeping with the established character of the area. Officers consider that nothing has changed in the interim that would persuade them to depart from this view regarding the current proposal.
- 5.8 The South Gloucestershire Local Plan : Policies, Sites and Places Plan was adopted in Nov. 2017. Policy PSP40 is now the relevant policy relating to residential development in the countryside. Policy PSP40 only permits developments for residential development in the open countryside, outside the settlement boundaries in certain circumstances, none of which apply to the current proposal.
- 5.9 At the time of the appeal, NPPF para.55 stated that new isolated homes in the countryside should be avoided unless there are special circumstances. In the latest version of the NPPF para. 79 is now relevant and states that; ‘planning policies and decisions should avoid the development of isolated homes in the countryside unless falling within one or more of six criteria listed; none of which apply in this case.
- 5.10 At para. 22 of his Decision Letter, the Inspector previously concluded that, “..due to its physical separation from any settlement; the fact that it would be surrounded by agricultural land; and its siting so far from the road, it would appear as a new isolated home in the countryside. This would conflict with the Framework.” Officers consider that, notwithstanding the revised location of the now proposed development, nearer the road, the proposal would still appear as a new isolated home in the countryside.
- 5.11 At para. 23 of his Decision Letter the Inspector noted that, “In terms of its appearance, the current development is visible from a short section of Westerleigh Road, but only when travelling north. It is also visible from a short section of the public footpath that crosses the site, although the mobile home and some of the ancillary paraphernalia is largely screened from views from the northernmost part of the footpath due to close boarded fencing.” The Inspector concluded at para. 24 that, “Overall, and provided all the existing unauthorised development is removed, there would be **only very limited harm to the appearance of the area.**” This comment was made having regard to an indicative landscaping scheme that was submitted at the time of the application/appeal.

- 5.12 Officers consider that, since the time of the appeal, the boundary vegetation to Sloeswell Paddock, may well have thickened. As was the case at the time of the appeal, the public footpath remains overgrown and apparently unused. By re-siting the development to where the existing unauthorised structures are located, this would if anything, make it less visible within the countryside. There is scope for further screen planting and this can be secured via a condition attached to any consent granted. The revised location for the development is therefore considered to be a preferable one in landscape terms to that previously approved.
- 5.13 The Parish Council have queried whether the scheme meets the definition of a caravan for the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960. Officers consider that given the size of the proposal, it cannot be considered to be a caravan. The applicant has described the proposal as; ‘..a twin unit mobile home, similar to those found in residential caravan parks’.
- 5.14 Officers are mindful that, despite their gypsy roots, the applicant’s do not lead a nomadic lifestyle and appear to have no desire to do so, especially given AZ’s extraordinary needs as a result of his mental and physical health. The proposal is only mobile in as much as it can be brought onto the site as two separate units and joined together. This would also facilitate ease of removal should AZ and his family ever leave the site. Officers consider that this is preferable to a permanent bricks and mortar type construction, as was the case with the previously approved day room. Whichever way one wishes to define the proposal, it still represents an isolated home in the countryside and will be assessed as such for the purposes of this application.

Other Material Considerations

Personal Circumstances

- 5.15 The personal circumstances of AZ were at the time of the appeal considered by the Inspector (para.27), to be of **great weight** in the determination of the appeal. A great deal of professional psychiatric, psychological and medical evidence was presented at the time of the appeal. It was noted that in AZ v SoS his Honour Judge Anthony Thornton QC in criticising the decision of the previous Inspector stated that:

“...there is no reference to the fact that the applicant suffers from a serious personality disorder which affects his cognitive ability, affectivity, interpersonal functioning and impulse control. It takes no account of the appellant’s illiteracy and relatively low IQ; his potentially enduring brain damage originally suffered when he was a child; his propensity to both depressive bouts and suicidal ideation; his recurrent pain from the permanent white finger and other hand damage suffered when working with pneumatic tools in his late teens and his marked inability, without the daily care and assistance of his wife, to cope with the exigencies of daily living and to care for his son. The applicant’s chronic and apparently untreatable PTSD-type symptoms, his phobia of being situated in an enclosed space and his need for an open-air lifestyle need to be considered in conjunction with all his other psychiatric, psychological and

- medical complaints since they are obviously affected and enhanced by the other complaints which are not referred to in the decision and from which he also suffers.”
- 5.16 AZ’s doctor i.e. Dr Reeves, concluded at that time, that if AZ were to lose his home, there was a probability that he would take his own life. Given AZ’s chronic anxiety that he suffers from, he requires a safe place of sanctuary which must involve a large area of open space where he can resort to quickly in the event of an anxiety attack. The space needs to be private, away from other people. Without such a safe place, Dr Reeves considered that AZ’s condition would be unbearable.
- 5.17 A Doctor’s letter dated 3rd Sept. 2019 has been submitted in support of the current application. In the letter Dr John Seddon confirms that AZ’s condition over the last few years has in fact worsened rather than improved. Dr Seddon confirmed that AZ has PTSD from childhood and suffers from Claustrophobia and has panic attacks in more enclosed spaces. He has bilateral knee osteoarthritis and now has a partial total knee replacement. He has spondylosis of his spine and vibration white finger of both hands from time in heavy engineering and the mining industry. He also has multiple osteoarthritis of his other joints including his shoulders.
- 5.18 Functionally AZ is now very restricted with his physical mobility. He now finds walking difficult and is now unable to manage steps. He also finds self-care difficult. His walking distance is approximately 10 yards and he finds walking across uneven surfaces very difficult. He is under the care of a number of specialists at present.
- 5.19 AZ’s wife has confirmed that AZ is currently awaiting a second knee replacement and is likely to become wheelchair bound in the near future.
- 5.20 At the time of the previous appeal, the circumstances of AZ’s son and wife were also taken into consideration (see Decision Letter paras 31-32). AZ’s son is now 19 and no longer a child. Whilst he has a part-time job, his stepmother states that the uncertainty of the ongoing situation regarding the home has had a detrimental effect on him.
- 5.21 The circumstances of AZ’s wife have changed somewhat since the appeal. AZ’s wife used to permanently care for her sister who suffered with MS but at the time of the appeal she had moved into a nursing home 6 miles away; the sister has since passed away in 2015.
- 5.22 At the time of the appeal, AZ’s wife provided care for her parents where she often stayed but given AZ’s needs was staying at the appeal site more regularly. AZ’s wife has stated that her parents, who live 3 miles away, are now very aged and in declining health and require her care, she being the only member of the family in a position to provide care for them. Given AZ’s declining health, his wife now lives at the application site with AZ and his son.
- 5.23 At the time of the appeal, the Inspector considered that the personal circumstances of AZ and his family carried **very significant weight** in favour of

the appellant. Given the changes in circumstances since the appeal, officers take the view that even greater weight can now be afforded the personal circumstances in favour of this current application.

Alternative Sites

- 5.24 The needs of AZ and his family are very specific and extraordinary. The fall-back situation, should this current application be refused, would be to implement the extant permission, but that would be beyond AZ's limited financial means and in any event, would not now be suitable for his needs, especially given AZ's declining levels of mobility. The Council has no alternative accommodation that would suite AZ's exceptional needs. Even if it were accepted that the applicant and his family were gypsies, there is a long standing shortage of authorised gypsy sites within the County. AZ owns the application site and has lived there happily for many years. If the Council were to enforce the four extant Enforcement Notices and AZ had to leave the site, the Council could not provide him with accommodation that is both suitable and available. This weighs in favour of the application.

Housing Land Supply

- 5.25 The Council now has a 5.28-year housing land supply. Only one unit of accommodation would be provided and if as before, this is granted as a personal permission only, the proposal would not provide an additional permanent dwelling. This in officer opinion only carries neutral weight.

Human Rights

- 5.26 In the appeal relating to PK09/5583/F the Inspector at paras. 36-45 gave lengthy consideration to the human rights of AZ, his wife and son; Members are referred to these paragraphs. Officers consider that, notwithstanding the fact that AZ's son is now 19 years of age and no longer a child; much of the content of the Inspector's consideration, is still relevant to this current application.
- 5.27 Given AZ's lack of funds and his increasing mobility problems, it seems most unlikely that the extant permission will now be implemented. The refusal of this current application would quite likely result in AZ and his family having to leave the site - the enforcement notices could still be enforced. The existing accommodation is unauthorised but has served as AZ's home since at least 2006, the accommodation is temporary in nature and no longer fit for purpose, especially given AZ's deteriorating health and the fact that his wife now lives there permanently along with his son.
- 5.28 The Inspector for the appeal, in assessing the Article 8 Human Rights considered that the principal considerations for AZ was the loss of his home and the adverse impact this could have on his mental health. This must surely still apply. Furthermore, any harm to the health of AZ is also likely to be harmful to the wellbeing of his wife and child.
- 5.29 AZ's wife now lives on the site permanently and is the main carer for her parents, who live locally. If AZ were forced to leave the site and move far away, the wife's ability to care for her parents would be compromised; the Article 8 rights of the wife's parents would therefore also be engaged. At the time of the

appeal, AZ's son stated that he associates living on the site with all the good things in his life and that his greatest fear was the effect that leaving the site would have on his father.

- 5.30 Officers consider that it is in the best interests of AZ and his wife and son, to remain living on the site.

Ecological Issues

- 5.31 The development approved under PK09/5583/F was located adjacent to the Feltham Brook, where protected Water Voles are known to live. The application was supported by a Water Vole Survey by Just Ecology (April 2010). The current application shows the proposed development located on the western side of the paddock, well away from the Feltham Brook.

- 5.32 The Council's Ecologist has assessed the proposal on the basis of what has been submitted and concluded that there are no designated sites that would be affected by the proposal. The Ecologist did however note that there is a robust bat commuting route behind the development and therefore a precautionary approach to lighting should be undertaken. Subject therefore to a condition to secure a lighting design strategy for biodiversity, prior to the occupation of the development, there are no objections on ecology grounds.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations

- 5.33 The proposal is inappropriate development in the Green Belt which by definition is harmful to the openness of the Green Belt; substantial weight should be given to any harm to the Green Belt. Such development should not be approved except in very special circumstances. The NPPF says that very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

- 5.34 There is an in-principle presumption against inappropriate development in the Green Belt. There would be harm to the openness of the Green Belt and the scheme would be contrary to one of the purposes of including land in the Green Belt. These carry substantial weight against the development. There would be some adverse impact upon the character and appearance of the area but given the revised location of the development, this would be very limited and can be further reduced by additional screen planting. There would be conflict with the Framework and Policy PSP 40 as the proposal represents an isolated dwelling in the open countryside.

- 5.35 Weighing in favour of the proposal is the acceptance in principle of a similar development in the paddock that was allowed on appeal as recently as July 2014; a development that has in part been implemented and in theory could still be built out. This is a material consideration of substantial weight.

- 5.36 Other material considerations arise from the personal circumstances of the applicant and his family, the best interests of which are to remain living on the site. The Inspector at para. 48 of the previous appeal decision, stated that, "*The health needs of AZ are very significant and potentially life threatening; it is*

difficult to contemplate how they could be more serious. They carry substantial weight in favour of the development.” Given that AZ’s health has worsened in the interim, at very least, the same conclusion must be reached for the current scheme.

- 5.37 The Human Rights of AZ, his wife and to a lesser extent his son and those of his parents-in-law still carry significant weight. The lack of any suitable alternative accommodation also carries significant weight in favour of the development.
- 5.38 Notwithstanding the revised location of the development and its changed nature, the harm arising from the development, whilst being substantial in weight, remains limited in scale and highly localised. On balance therefore, officers consider that the harm that the proposed development would cause would be clearly outweighed by the other material considerations. Furthermore, the harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

Do very special circumstances exist?

- 5.39 AZ in particular has particular accommodation needs which cannot be met on any known suitable alternative sites in the district. AZ’s health needs and personal circumstances are truly exceptional and these have worsened since the time of the previous appeal. For the reasons given above, the approved scheme no longer meets AZ’s unique needs and as such is now unlikely to be built out. Given that the extant Enforcement Notices could potentially still be served, the family could become homeless if this application is refused. It would also interfere with the Article 8 rights of the wider family. Officers consider that these circumstances, taken as a whole, can be regarded as very special.
- 5.40 Consideration of likely impact on Equalities

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

With regards to the above this planning application, if approved would have a positive impact on equality.

- 5.41 Other Matters
In the event that this current application is approved, officers consider that the approval should be subject of a condition to ensure that any further implementation of the extant consent is prevented and that the land relating to

that site be restored to its original state. This would ensure that only one of the permissions could be built out.

6. **CONCLUSION**

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

Conditions

- 6.3 Given the weight attached to the personal circumstances of AZ, his wife and son, it is again proposed that the permission be personal to AZ, his wife and resident dependants. The development would be restricted to that shown on the submitted plans only. Further conditions would be imposed in respect of landscaping, external lighting, fencing, commercial uses, commercial vehicles, external colour of the 'mobile home', drainage, and retention of car parking.

7. **RECOMMENDATION**

That planning permission be GRANTED subject to the conditions listed below.

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 be carried out in accordance with the following approved plans :

Existing Site Location and Block Plan Drawing No. 1035_000 received 17th May 2019
Proposed Site Location and Block Plan Drawing No. 1035_100 received 17th May 2019

Proposed Floor Plan Drawing No 1035_101 received 17th May 2019
Proposed Elevations Drawing No. 1035_110 received 17th May 2019

Proposed Site Location Plan & Block Plan (with parking provision) Drawing No. 1035_100 Rev B received 18th Nov 2019

Reason

For the avoidance of doubt.

3. The occupation of the development hereby permitted shall be carried on only by the following and their resident dependants : AZ (the applicant) and his wife.

Reason

Given the very special circumstances of the applicant having regard to Green Belt Policy embodied within Policies CS5 and CS34 of The South Gloucestershire Local Plan : Core Strategy (Adopted) Dec. 2013 and Policy PSP7 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and the provisions of the NPPF.

4. When the land ceases to be occupied by those named in condition 3 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

Reason

To preserve the openness of the Green Belt and In the interests of the character and appearance of the open countryside; to comply with Policies CS5 & CS34 of The South Gloucestershire Local Plan : Core Strategy (Adopted) Dec. 2013 and Policies PSP2 & PSP7 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (adopted November 2017) and the provisions of the NPPF.

5. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason

In the interests of the character and appearance of the open countryside and Green Belt; to comply with Policies CS5 & CS34 of The South Gloucestershire Local Plan : Core Strategy (Adopted) Dec. 2013 and Policies PSP2 & PSP7 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (adopted November 2017) and the provisions of the NPPF. This is a pre-commencement condition to ensure the protection of existing hedgerows/trees during the development phase.

6. No development shall take place until details of the external colour of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the external colour of the development shall not be changed without the prior written approval of the local planning authority.

Reason

In the interests of the character and appearance of the open countryside and Green Belt; to comply with Policies CS5 & CS34 of The South Gloucestershire Local Plan :

Core Strategy (Adopted) Dec. 2013 and Policies PSP2 & PSP7 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (adopted November 2017) and the provisions of the NPPF. This is a pre-commencement condition to ensure that the development is appropriately coloured from the outset.

7. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason

In the interests of the character and appearance of the open countryside and Green Belt; to comply with Policies CS5 & CS34 of The South Gloucestershire Local Plan : Core Strategy (Adopted) Dec. 2013 and Policies PSP2 & PSP7 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (adopted November 2017) and the provisions of the NPPF.

8. No commercial activities shall take place on the land, including the storage of materials.

Reason

In the interests of the character and appearance of the open countryside and Green Belt; to comply with Policies CS5 & CS34 of The South Gloucestershire Local Plan : Core Strategy (Adopted) Dec. 2013 and Policies PSP2 & PSP7 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (adopted November 2017) and the provisions of the NPPF.

9. Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted begins. No further external lighting shall be provided on the site without the prior written approval of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

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

10. Details of any proposed boundary fencing or internal fencing within the appeal site shall be submitted to and approved in writing prior to the first occupation of the development hereby permitted. Development shall be carried out in accordance with the approved plans. Thereafter, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the site without the prior written approval of the local planning authority.

Reason

In the interests of the character and appearance of the open countryside and Green Belt; to comply with Policies CS5 & CS34 of The South Gloucestershire Local Plan : Core Strategy (Adopted) Dec. 2013 and Policies PSP2 & PSP7 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (adopted November 2017) and the provisions of the NPPF.

11. The development shall not commence until surface water drainage details including SuDS (Sustainable Drainage Systems eg soakaways if ground conditions are satisfactory) for flood prevention, pollution control and environmental protection have been submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for its implementation. The scheme shall be implemented in accordance with the approved details.

Reason

To comply with the Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 ; and National Planning Policy Framework 2018. This is a pre-commencement condition to ensure that the site can be adequately drained.

12. The development shall not be brought into use until the car parking areas have been completed in accordance with the approved Proposed Site Location Plan & Block Plan (with parking provision) Drawing No. 1035_100 Rev B received 18th Nov 2019 and retained thereafter for that purpose.

Reason

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

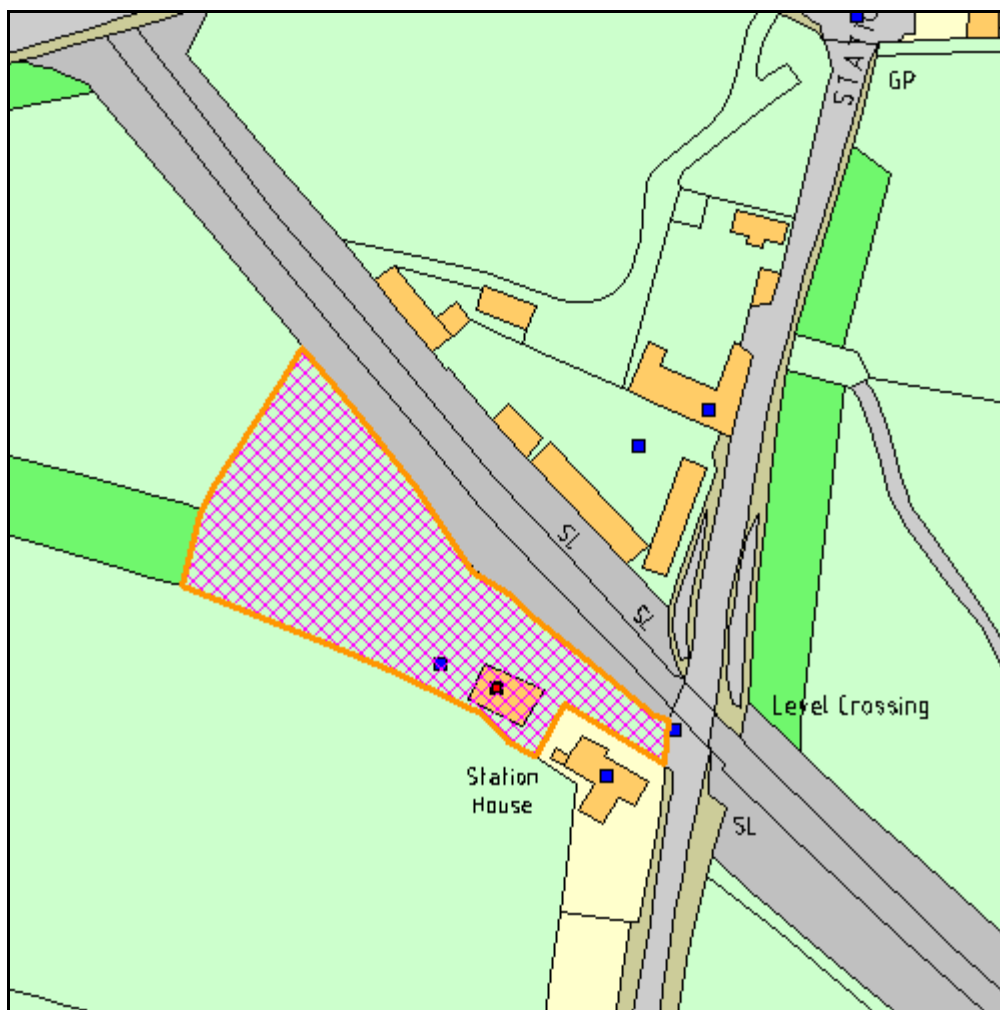
13. Upon the implementation of the development hereby approved, all works in connection with planning approval PK09/5583/F (Appeal Ref: APP/P0119/A/10/2130078 allowed 1st July 2014) shall cease in perpetuity and the land, associated thereto and shown on the approved Proposed Site Plan no. 07_083_HAZE1 restored to its original state within a period of no more than 6 months from the implementation of permission P19/4155/F.

Reason

To prevent a proliferation of unnecessary development on the site and to retain the openness of the Green Belt and in the interests of the visual amenity of the rural landscape, in accordance with Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013, Policies PSP2, PSP7 and PSP40 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and the requirements of the NPPF.

CIRCULATED SCHEDULE NO. 04/21 - 29th January 2021

App No.:	P19/8265/O	Applicant:	R May
Site:	Old Coal Yard The Coal Depot Station Road Iron Acton South Gloucestershire BS37 9TA	Date Reg:	10th July 2019
Proposal:	Demolition of existing building and erection of 4no dwellings and associated works (Outline). Access and layout to be considered, all other matters reserved.	Parish:	Iron Acton Parish Council
Map Ref:	367566 183278	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	2nd September 2019



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 civil proceedings.
 100023410, 2008. N.T.S. P19/8265/O

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

Reason for Referring to the Circulated Schedule

This application has been referred to the Circulated schedule following receipt of a comment in support from Iron Acton Parish Council; the representation being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application site, 'The Old Coal Yard' (0.19ha) is situated on land forming part of the disused Yate to Frampton Cotterell railway line. The site is triangular in shape and adjoins the former Station House to the South-East and a mineral railway line immediately to the North-East. Access into the site is from Station Road, a short distance South of the junction with Bristol Road; the access is shared with Station House. The mineral line has a level crossing to Station Road just North of the entrance to the site. The site benefits from a planning permission for use as a Coal Packaging Depot (*sui generis*).
- 1.2 The site is situated to the South-West of the village of Iron Acton within an isolated ribbon of development but outside the Village Development Boundary and within The Bristol & Bath Green Belt. The site also lies close to the southern edge of the Iron Acton Conservation Area.
- 1.3 Outline planning consent, with access and layout determined, is sought for the erection of 4no. dwellings. All matters of scale, appearance and landscaping would be the subject of a subsequent reserved matters application should outline consent be granted.
- 1.4 The scheme as originally proposed was for 5no. dwellings but during the course of the application the number of dwellings was reduced to 4no.
- 1.5 The application is supported by the following documents:
 - Planning Design & Access Statement
 - Arboricultural Report
- 1.6 The site was the subject of a pre-application enquiry PRE15/0605 relating to a scheme for the erection of 3no. dwellings. At that time officers raised an in-principle objection on Green Belt grounds.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework February 2019
National Planning Practice Guidance 2014

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design

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

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

PSP1 Local Distinctiveness
 PSP2 Landscape
 PSP3 Trees and Woodland
 PSP7 Development in the Green Belt
 PSP8 Residential Amenity
 PSP10 Active Travel Routes
 PSP11 Transport Impact Management
 PSP16 Parking Standards
 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
 PSP42 Custom Build Dwellings
 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 and extra care SPD (Adopted) May 2014
 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
 South Gloucestershire Revised Landscape Character Assessment – Adopted
 Nov. 2014
 The South Gloucestershire Iron Acton Conservation Area SPD Adopted Jan.
 2013
 The South Gloucestershire ; Development in the Green Belt SPD Adopted June
 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P91/2191 - Erection of detached dwelling (outline)
 Refused 11 Sept. 1991
- 3.2 P92/1821 - Erection of coal packaging building with ancillary office
 accommodation. Construction of coal storage bunkers.

Refused 16 Sept. 1992

- 3.3 P92/2466 - Use of land for stationing of temporary building for coal packaging and associated office and storage use. Construction of coal storage bunkers. Approved 09 Dec. 1992 (temporary for 5 years and a personal permission)

Condition 3 prevented retail sales from the site.

- 3.4 P93/2008 - Use of land for stationing of temporary building for coal packaging and associated office and storage use and construction of coal bunkers without complying with condition 03 attached to planning permission P92/2466. Refused 15 Sept 1993

Appeal T/APP/G0120/A/93/231227/PS dismissed 09 Feb. 1994 on the grounds of increased vehicle movements on Station Road and limited visibility at the Station Road/Bristol Road junction.

- 3.5 P95/1340 - Construction of storage compound for LPG Bottles within existing fuel yard. Approved 25 April 1995

- 3.6 P95/2088 - Use of land for stationing of temporary building for coal packaging and associated office and storage use and construction of coal bunkers without complying with conditions 01 and 02 attached to planning permission P92/2466. Approved 20 Sept.1995

Condition 1 related to temporary use and Condition 2 to personal use only.

- 3.7 P98/2120 - Temporary use of land for storage (retrospective). Refused 09 Sept. 1998

For the following reasons:

1. *Increased traffic generation on unsuitable access.*
2. *Restricted visibility on access.*
3. *Inappropriate development in the Green Belt.*
4. *Adverse impact residential amenity.*
5. *Intrusion into the open countryside.*

- 3.8 PK03/0519/O - Erection of 3no. dwellings (Outline) with all matters reserved. Refused 17 April 2003

For the following reasons:

1. *Inappropriate development in the Green Belt – no very special circumstances.*
2. *Harmful to openness of Green Belt*

Appeal APP/P0119/A/03/1129745 dismissed on the grounds of inappropriate development in the Green Belt with no very special circumstances.

Other Relevant History

PK15/5093/F - Demolition of existing outbuilding and erection of 1no. detached dwelling and detached garage with office above and associated works.

Approved at D.C. Committee 11th April 2016 contrary to officer recommendation.

This permission relates to the site of the former Station building.

Enforcement History

- 3.9 P98/2413/E/2 – enforcement notice against storage of vehicles and parts.

COE/08/0489 – failure to comply with the above notice. Closed in 2013 after Mr May cleared the site and complied.

COM/19/0235/COU & COM/20/0640/OD – use of the site for storage of containers and haulage yard. These remain open.

Authorised Use of the Site

- 3.10 The site was originally part of the Yate to Frampton Cotterell railway line; (the nearby Station, to the East of the site, was cleared by the 1990's). Planning permission P92/2466 was granted in Oct. 1992 for the use of the site for the stationing of a temporary building for coal packaging and associated office and storage use; and the construction of coal storage bunkers. This was a 5 year temporary permission controlled by Condition 1; the reason being to enable the Council to review the position in the light of experience at the end of the limited period.
- 3.11 Furthermore, Condition 2 restricted the use of the site to the then applicant only i.e. a personal permission, the reason being that the site was not within an area where the development would normally be allowed and consent was granted solely having regard to the particular circumstances of the case. Condition 3 also prevented any retail sales to take place from the site, the reason being in the interests of highway safety.
- 3.12 Planning permission P95/2088 was subsequently granted in July 1995 to use the site as approved under P92/2466 but without complying with conditions 1 and 2. This meant that the site now had permanent use as a Coal Depot with no restriction on who operated it. It is however noted that the Condition relating to 'no retail sales' remained and a third condition was added that restricted the use of the premises to that approved only i.e. any permitted development rights for alternative uses were removed.
- 3.13 An earlier application to remove the restriction on retail sales i.e. P93/2008 was refused and a subsequent appeal dismissed (see para. 3.4 above).
- 3.14 Since 1995, no other planning permissions have been granted. Officers are therefore satisfied that the authorised use of the site is as granted under P95/2088 i.e. a Coal Depot (*sui generis*).

- 3.15 The site has over the years had a somewhat chequered planning history with a number of breaches of planning control recorded and enforcement notices served. At the time of the officer site visit (Sept. 2019) in relation to this current application P19/8265/O, there was no evidence to suggest that the site was being used as a Coal Depot. On the contrary, the site was being used for what appeared to be a container storage and distribution yard; this was confirmed by the applicant.
- 3.16 Officers observed several shipping containers piled up to two high on the site. The applicant confirmed that the rudimentary building near the access was being used for the storage of tools and spare wheels. Officers were informed that up to 6 HGV's were stored overnight on the site whilst during the day the driver's cars were parked on site whilst the HGV's were out delivering/collecting the containers. It was evident that some associated maintenance and repair of HGV's was also being carried out on the site. A porta-cabin on the site appeared to be used for the storage of domestic items.
- 3.17 The existing use of the site is more akin to a B8 use and is clearly unauthorised. The Council's Enforcement Officer is aware of this and investigations are ongoing (see para. 3.9 above).

4. **CONSULTATION RESPONSES**

4.1 Iron Acton Parish Council

Support change of use to residential as will improve the visual aspect of the area. Comment concerns over parking and amount of dwellings on the site

4.2 Other Consultees

Lead Local Flood Authority

No objection - Sufficient information has now been provided in regards to both foul and surface water disposal methods for the site and is acceptable to us.

Transportation D.M.

No objection subject to conditions relating to access & parking arrangements; cycle parking and provision of electric vehicle charging points.

The Archaeology Officer

No objection

Children and Young People

No response

Community Infrastructure and Public Open Space

The proposal for demolition of existing building and erection of 5no dwellings and associated works (Outline) currently falls below our threshold for public open space S106 requirements therefore we have no comments to make.

Housing Enabling

Affordable Housing is not required because the proposal is below the threshold for affordable housing.

Landscape Officer

We require at least a net contribution to the tree cover and hedgerows, and further enhancement of the biodiversity to the site, with the use of native species that will mitigate for the increased development of the site area.

Tree Officer

No objection subject to the development being carried out in accordance with the recommendations of the Arboricultural Report.

Listed Buildings & Conservation Officer

Object - I see little material benefit in the proposals in terms of the enhancement to the setting of the conservation area that the development would deliver.

Environmental Protection

No objection subject to a condition relating to possible contamination of the site.

Network Rail

Initial Response:

Network Rail objects to this proposal for the following reasons:

- Part of the land shown in the red line of the site location belongs to Network Rail, please see attached plan. Network Rail will not accept any encroachment onto our land. It should be noted we have not been served notice and therefore to make the application valid the red line should be altered accordingly or a Notice must be served and the correct certificate (Certificate B) completed.
- There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. Any foundations that encroach onto Network Rail land could undermine, de-stabilise or other impact upon the operational railway land, including embankments, cuttings etc.
- No trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.
- No building is to be constructed within 2 metres of Network Rail's boundary to allow for construction and for any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure.
- This development is next to a level crossing - the applicant must contact Network Rail for an assessment of the works, to ensure that trains, train movements and barriers are not affected by traffic on the crossing and to insure there is no increased risk with its use. You are also obliged to consult with H.M. Railway Inspectorate at the Office of Rail Regulation on the application (in accordance with the provisions of the Town & Country

Planning (General Development Procedure) Order 2010, SI:2010 No.2184 and Paragraph 13, Appendix B of Department of Environment Circular 9/95).

Certificate B was subsequently served and the scheme revised to take account of the above i.e. number of houses reduced to 4 and new trees removed from the boundary.

Later response to formal re-consultation:

Network Rail objects to the proposal.

The access for this development is over an open automatic crossing (AOCL) with no barriers. There is also a right turn into the development immediately after traversing the crossing, with a risk of a vehicle having to stand stationary on the crossing whilst waiting to turn in to the development if access is blocked from oncoming traffic.

To mitigate this, the crossing would need to be renewed as a full barrier crossing or a new access from the minor road to the north would need to be provided to the development site in order to avoid using the crossing altogether.

As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund rail improvements necessitated by commercial development.

Other Representations

4.3 Local Residents

Objections have been received from 4no. local residents. The concerns raised are summarised as follows:

- The site is in the Green Belt.
- Increased traffic on shared access.
- Increased noise.
- Traffic congestion on lane.
- Traffic damage to verges, access and Station Rd from large vehicles.
- Adjacent to Conservation Area.
- The lane is used by horses, cyclists and pedestrians.
- Poor visibility at exit onto the railway line.
- Loss of privacy to Station House.
- Overdevelopment.
- Not in-keeping with the rest of the village.
- Site struggles with drainage and flooding.
- Parking should be accommodated on the plots.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

- Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the Council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2012 (NPPF). The Policies, Sites & Places Plan was adopted in Nov. 2017 and also now forms part of the Development Plan.
 - 5.3 It has recently been established via the 2020 Annual Monitoring Revue (AMR) that, using the Standard Method, South Gloucestershire can now demonstrate a 5.28 years housing land supply. The revised NPPF (para. 11) reiterates that; at the heart of the Framework is the presumption in favour of sustainable development. At para. 11 c) the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay.
 - 5.4 Furthermore, The South Gloucestershire Local Plan Core Strategy adopted (Dec 2013) Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with the NPPF para. 38, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible. Policy CS17 of the Core Strategy sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities.
 - 5.5 The locational strategy for the District is set out in policy CS5. Under this policy new residential development is directed to the strategic housing allocations, existing urban areas, and defined rural settlements as shown on the proposals maps, with most new development being on the North and East Fringes of Bristol. This application proposes development outside of any Established Settlement Boundary.
 - 5.6 It is considered likely that the proposed development would begin to contribute towards housing supply in the district within a period of 5 years.
 - 5.7 Chapter 9 of the NPPF promotes sustainable transport and states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be 'severe'.
 - 5.8 It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings. The NPPF encourages efficient use of land and requires (para.59) the need to boost significantly the supply of homes.

- 5.9 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.
- 5.10 Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.

Analysis

- 5.11 The site is a previously developed, non-safeguarded economic development site, located in a rural location, outside any settlement boundary and within The Bristol & Bath Green Belt.
- 5.12 The main issues to consider are therefore:
- Whether the proposed development would be inappropriate development in the Green Belt having regard to the NPPF and any relevant development plan policies.
 - The effect of the proposed development on the openness of the Green Belt.
 - The effect of the proposed development on the character and appearance of the area having regard to the proximity of the site to the Iron Acton Conservation Area.
 - Whether the location of the development is an appropriate location for housing with regard to the development plan and national policy.
 - The acceptability or otherwise of the loss of the employment site.
 - Whether the development would result in an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
 - The impact on residential amenity.
 - If the proposed development is inappropriate development within the Green Belt, whether that harm by reason of inappropriateness, and any other harm, is outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Inappropriate Development in the Green Belt

- 5.13 The NPPF para. 133 states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.14 The five purposes of including land in the Green Belt are:
- a) To check the unrestricted sprawl of large built-up areas.
 - b) To prevent neighbouring towns merging into one another.
 - c) To assist in safeguarding the countryside from encroachment.
 - d) To preserve the setting and special character of historic towns; and

- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.15 Inappropriate development is, by definition, harmful to the openness of the Green Belt and should not be approved except in very special circumstances.
- 5.16 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.17 Para. 145 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless the development is one or more of a list of exceptions. The NPPF at paras. 145 & 146 lists exceptions that are not inappropriate development within the Green Belt; these include at para. 145
- e): limited infilling in villages and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development: or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 5.18 e) limited infilling in villages:
- Policy CS34 of the South Gloucestershire Core Strategy relating to development in rural areas indicates, amongst other things, that the designated Green Belt will be protected. CS Policy CS5 indicates that within the Green Belt, small-scale development may be permitted within the settlement boundaries of villages shown on the Policies Map.
- 5.19 Policy PSP7 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (2017) sets out that "inappropriate development is harmful to the Green Belt and will not be acceptable unless very special circumstances can be demonstrated that clearly outweigh the harm to the Green Belt, and any other harm". Both Policy CS5 of the Core Strategy and Policy PSP7 of the PSPP are therefore consistent with the Framework in their approach to development within the Green Belt.
- 5.20 Whilst the site is not within the settlement boundary for Iron Acton the National Planning Policy Framework (the Framework) indicates that 'limited infilling in villages' should not be regarded as inappropriate in the Green Belt. Recent appeal decisions indicate that whilst Settlement Boundaries can provide a useful indication of the extent of a village, the situation on the ground should

- also be considered (see PT18/2416/F - Wills House, 27 Gloucester Rd. Rudgeway - Erection of 1no. detached dwelling with parking and associated works. Allowed on appeal Ref. APP/P0119/W/18/3214856 26th March 2019). This implies that, dependant on the circumstances, some development outside a settlement boundary may not necessarily be inappropriate.
- 5.21 At this point, one must consider what constitutes 'infill' development and what is considered to be 'limited' development, as neither are defined in the NPPF glossary of terms. The Core Strategy glossary describes infill development as: "The development of a relatively small gap between existing buildings normally within a built up area". The Council's Green Belt SPD identifies infill development as: "development that is small in scale and which fits into an existing built up area in a defined settlement boundary, normally in-between existing buildings, in linear formation." These documents however are relatively old now and these definitions appear to have been superseded by the NPPF policy.
- 5.22 Officers consider that in the Framework the term 'limited infill' is somewhat open to interpretation and that subsequent appeal decisions suggest that it is for the decision taker to make an interpretation as to what would constitute limited infilling, having regard to the individual circumstances of each case.
- 5.23 The site lies in an isolated ribbon of development South of Iron Acton some 320m from the edge of the Established Settlement Boundary. There are open fields to the North-West and South of the site. It is proposed to erect 4 x 3 bed dwellings on the site, arranged as a small cul-de-sac.
- 5.24 Your officer considers that 4 no. dwellings in this location would not be limited development, furthermore the proposal would not represent infilling within a village. The dwellings proposed, would in fact be quite remote having no other buildings to the South or North-West that create a gap to infill. The scheme is not adjacent to the village development boundary and neither does it represent a logical extension of the built development. The applicant appears to accept this interpretation in his D & A Statement at para. 2.2 where it states:
- "The application site is not a location where new residential development would normally be supported..."*
- 5.25 It is acknowledged that a house (see PK15/5093/F) was recently approved on the nearby site of the old station. This was however at a time when the Council could not demonstrate a 5-Year HLS.
- NPPF para. 145 g)
- 5.26 Moving to criterion g) of para.145; it has been established above that the proposal does not represent 'limited infilling' in a village and furthermore it would not contribute to meeting an identified affordable housing need within the area of the local planning authority. The scheme would however completely re-develop a plot of previously developed land.

Openness

- 5.27 As regards whether or not the scheme would have a greater impact on the openness of the Green Belt than the existing development, one must consider the impact of the scheme as proposed, against what is the authorised use of the site and **not** the existing unauthorised use.
- 5.28 Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. There is no definition of 'openness' in the Framework, but it is commonly taken to mean the absence of built or otherwise urbanising development rather than being primarily about visual effects.
- 5.29 The use of the site as a Coal Depot would be relatively low key with only one modest building and some coal bunkers being the main structures on the site. These would be well contained within the existing high boundary treatments that enclose the site.
- 5.30 Whilst the scale of the buildings proposed is a reserved matter, the number (4no.) and position of the dwellings is known. Furthermore the submitted information indicates that the dwellings would be 3 bedroomed houses. Whilst the elevation drawings are only indicative at this stage, they are no doubt intended to inform any subsequent reserved matters application. As such, the drawings show 2-storey dwellings arranged around the access road. The bulk of these buildings would clearly be significantly greater than any of the authorised structures and would therefore have a much greater impact on the openness of the Green Belt than the existing authorised development. The proposed dwellings would be permanent and their impact on openness would continue to exist long after the benefits of removing an eyesore had ceased.
- 5.31 Officers must therefore conclude that the proposed scheme would be harmful to the openness of the Green Belt.

Conclusion on Whether Inappropriate Development

- 5.32 The proposal fails to meet any of the exceptions listed in NPPF paras. 145 and 146 and is therefore inappropriate development in the Green Belt. The proposal would also have a greater impact on the openness of the Green Belt than the existing development on the site, in conflict with Policy CS34 of the South Gloucestershire Local Plan: Core Strategy adopted 2013 and Policy PSP7 of the South Gloucestershire Local Plan – Policies, Sites and Places Plan adopted 2017 which require the Green Belt to be protected from inappropriate development, and CS Policy CS5, which requires that proposals for development in the Green Belt comply with the provisions in the Framework, or relevant local plan policies in the CS. Substantial weight is given to the harm identified to the Green Belt. Furthermore the scheme would represent an urbanisation and encroachment into the countryside, which is contrary to one of the five purposes of including land in the Green Belt.
- 5.33 This view is consistent with that of the Inspector for the 2004 appeal against the erection of only 3no. new dwellings (dormer bungalows) on the site. Whilst this appeal decision is some 17 years old, little has changed on the ground in the

interim and the main aims and objectives of Green Belt Policy remain much the same.

Character and Appearance

- 5.34 The site owes its existing developed character and appearance to its origins and associations with the railway line and nearby Station complex. The presence of the Station attracted some development to this otherwise rural location e.g. the former Station building, the Stationmasters Cottage and some later commercial development to the East of the railway line.
- 5.35 Since the closure of the original railway line and Station, the site has to some extent degraded. Whilst it is not unusual for railway buildings and paraphernalia to be found in rural locations, they do not always positively contribute to the quality of the landscape and visual amenity of the area.
- 5.36 Whilst the Stationmasters Cottage retains its visual charm, the application site is more of a blot on the landscape. The scheme may offer the potential to improve this situation, which would be desirable, especially given the proximity of the site to the edge of the Iron Acton Conservation Area. This matter is discussed in more depth under the Historic Environment section below.

Impact on Historic Environment

- 5.37 The application site lies immediately adjacent to the Iron Acton Conservation Area boundary and so can be considered to contribute to the setting of the Conservation Area. Officers note that the submitted supporting statement suggests that the proposals represent an enhancement to the character of the site and thus address enhancement requirements noted within the Iron Acton Conservation Area SPD page 27 which states at bullet point two:

“New development or works requiring planning permission around the former station site should incorporate measures to mitigate the impact of the existing unsympathetic boundary treatment”

While in principle the proposals could represent some betterment visually, the layout shows a standard suburban cul-de-sac, which is fairly high density. The indicative elevations (with appearance reserved) shows a very mundane design, which fails to demonstrate any regard to the character and the local distinctiveness of the locality. The proposed use of smooth render as an external facing material encapsulates (along with the layout and design) the discordant nature of the proposal in this context. On this basis the design of the scheme is clearly contrary to Policies CS1 and PSP1.

- 5.38 In terms of impact on the setting of the Iron Acton Conservation Area, while the removal of the unsightly elements of the existing site as noted in the SPD would be an enhancement, the proposed development would not represent any significant benefit. With financial assistance some of the boundary treatment issues could be addressed, the site having been in a commercial use for a very long time. While views of the existing site might not be aesthetically pleasing, it could be argued they are representative of the land use, of which its original function is reflected in the site. Furthermore, if it is argued that in this context such a commercial use is alien or intrusive, it could equally be said that a

dense cluster of residential units as proposed would also be equally as intrusive and disparate in nature. Officers consider that there would be little material benefit in the proposals in terms of the enhancement to the setting of the Conservation Area that the development would deliver.

- 5.39 In light of the quantum of development being sought and in the absence of any design principles to suggest otherwise, the proposed development would remain a cramped and contrived form of development whose urbanising impact would have a harmful impact on the setting and in turn significance of the Iron Acton Conservation Area. The failure to respond positively to the site's context represents poor design that can also be considered contrary to Policies CS1 and PSP1 along with CS9 and PSP17 and the Iron Action Conservation Area SPD. While the failure to sustain the significance of the Conservation Area may be considered to be within the lower half of the spectrum of less than substantial harm, harm would nevertheless be caused to a designated heritage asset and the identification of harm results in a statutory presumption against the granting of planning permission.

Location of Development

- 5.40 The site is located outside but not adjacent to the settlement boundary for Iron Acton. For planning policy purposes, it is located within the open countryside.
- 5.41 LP Policy PSP40 establishes the type of development that is considered acceptable in the open countryside. The proposal for 4no. new, open market dwellings does not correspond with the list of development found acceptable by this policy.
- 5.42 The site is within a reasonable walking distance of facilities in Iron Acton which include a primary school, the Parish Hall and two public houses. Employment areas in Yate and the nearest senior school are within a reasonable cycling distance. Sustainable access to supermarkets, health services and comparison retail facilities would be achievable on the hourly bus services to Yate and Bristol city centre from the bus stops about 350m walking distance away.
- 5.43 The intended future occupiers of the new dwellings would be likely to support local services within the village and further afield, which could be accessed by transport modes other than the private car. In this regard there would be no conflict with the sustainable transport objectives of CS Policy CS8 or the Framework. Furthermore, there would be no conflict with paragraph 78 of the Framework which requires that housing in rural areas is located where it will enhance or maintain the vitality of rural communities. The application site is sustainably located in this regard.
- 5.44 However, CS Policy CS5 identifies locations for development to deliver the Council's Strategy for Development. The location of the site does not accord with parts 1-5 of this Policy. In terms of its Green Belt location, part 6 of this policy is relevant. The proposal would not comprise development set out in 6(a) or 6(b), nor would it comply with 6(c) because it would not amount to development in the Green Belt which complies with the Framework or relevant local plan policies in the CS. Given these matters, the proposal would conflict with the Council's framework for the location of development set out in CS

Policy CS5. Officers conclude therefore that the site is not suitably located for the new dwellings as proposed.

- 5.45 The applicant at paras. 3.5 & 3.6 of his D & A Statement attempts to make a case for the site being a Rural Housing Exception Site and quotes CS Policy CS19 which as such would be acceptable in the Green Belt (see NPPF para. 145 f) and Policy PSP40 (1).
- 5.46 The applicant however seems somewhat deluded in this approach as Policy CS19 clearly states that proposals for permanent affordable housing to meet an identified local need, will be permitted as an exception on sites where market housing would not normally be acceptable, subject to a number of criteria. Proposals should be:
1. Supported by an approved housing needs survey.
 2. Well related to a rural settlement
 3. Modest in scale and in keeping with the form and character of the settlement and local landscape setting; and
 4. Supported or initiated by the appropriate Parish Council.

The scheme as submitted fails to meet any of the above criteria.

Loss of Employment Site

- 5.47 Whilst the NPPF para. 83 generally supports the sustainable growth and expansion of all types of business in rural areas, it does not specifically seek to retain the type of use that is authorised on the application site. CS Policy CS13 relates to non-safeguarded economic sites specifically within the settlement boundaries of the urban areas and villages as defined on the Proposals Map. Given that the application site lies well outside the Village Development Boundary for Iron Acton, the Policy is not relevant in this case. There is therefore no in-principle objection to the loss of this economic development site.

Highway Issues

- 5.48 It is proposed to utilise the existing access off Station Road, which also serves Station Cottage. This access would lead to a new private access road 4.5m wide within the site, with a turning head at the end that would serve the proposed 4no. dwellings. The Council's Transportation Officer is satisfied that the available visibility splays at the existing junction onto Station Road are adequate given the nature and width of Station Road which restricts the speed of traffic.
- 5.49 The proposed parking provision would accord with the Council's Adopted Parking Standards for 3 bedroom dwellings. The proposed garages would be of sufficient size to accommodate cycle parking as well. Electric charging points could be secured by condition. A lay-bye would be provided within the site to provide two visitor parking spaces. Vehicle Tracking Diagrams have been submitted to demonstrate that cars and a large waste vehicle can adequately access the site. A bin collection point would be located close to the access.

- 5.50 Station Road is an Active Travel Route, popular with walkers, cyclists and horse riders alike. The road is however relatively lightly trafficked as it is no longer a through road. It is a narrow rural lane with grass verges, so to some extent the use of the lane as a recreational route is somewhat in conflict with the HGV's using the application site (be that for the authorised or unauthorised use). Officers are aware of the damage being caused to the grass verges from the HGV's currently using the lane.
- 5.51 Whilst the actual number of vehicles using the site might not decrease in the overall scheme proposed, the nature and type of vehicles would certainly change for the better, with predominantly domestic cars using the site. This would be a benefit of the proposed scheme.
- 5.52 Officers note that Network Rail have raised an objection to the proposal stating that:
- “The access for this development is over an open automatic crossing (AOCL) with no barriers. There is also a right turn into the development immediately after traversing the crossing, with a risk of a vehicle having to stand stationary on the crossing whilst waiting to turn in to the development if access is blocked from oncoming traffic.*
- To mitigate this, the crossing would need to be renewed as a full barrier crossing or a new access from the minor road to the north would need to be provided to the development site in order to avoid using the crossing altogether.*
- As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund rail improvements necessitated by commercial development. “*
- 5.53 Officers find this objection somewhat surprising given the long-standing commercial uses of the site and the fact that Station Road is no longer a through road. The railway line is a 'mineral line' only, serving the limestone quarries in the North of the County. The trains carry road aggregate and are very infrequent, at best one a day and slow moving. Officers note that the initial access (outside Station Cottage) is wide enough for two cars to pass so the likelihood of vehicles backing up on the level crossing is very low.
- 5.54 Enquiries were made (by the applicant) of Network Rail to see if a yellow box junction would be sufficient for their needs but Network Rail are insisting on a full barrier crossing. The applicant has stated that the cost of a new full barrier crossing or alternative access road as suggested by Network Rail, would render the scheme unviable. Officers have sought to obtain a figure from Network Rail as to the likely cost of a full barrier crossing but none has been forthcoming. Officers are however satisfied that it is most unlikely that a small housing scheme, such as that proposed, could support the works requested by Network Rail.
- 5.55 If such works were to be secured through this scheme, the cost would need to be secured by a S106 Legal Agreement. Officers are mindful of the criteria

against which Councils can request a planning obligation (see para. 5.66). In this instance officers are of the view that the cost of inserting a new full barrier crossing at the level crossing would not be fairly and reasonably related in scale and kind to the development because it would simply render the scheme unviable.

- 5.56 Chapter 9 of the NPPF promotes sustainable transport and states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be 'severe'.
- 5.57 In this case officers are mindful of the existing and historical uses of this site and the number and nature of vehicles using it, which have done so for many years without mishap using the existing barrier crossing. The scheme if anything offers a betterment to this situation as described above. On this basis there are no objections on transportation grounds.

Landscape and Tree Issues

- 5.58 The site is identified within the South Gloucestershire Landscape Character Assessment as lying within Area 8 – Yate Vale. Notwithstanding the fact that landscaping of the site would be the subject of a reserved matters application, should outline consent be granted; the Council's Tree Officer and Landscape Architect have between them requested the following matters to be addressed:
- A tree protection plan and tree survey.
 - A full landscape plan is required with planting specification and plant schedule.
 - All planting should increase the biodiversity of the existing site, with consideration to Bees.
 - All planting should be native species and look to enhance the current landscape, increase and link the wider biodiversity of the site and the wider landscape, and the nearby Site of Nature Conservation (Frome Valley).
 - All existing hedgerows and hedgerow trees to be retained, as they provide a substantial screening to the wider landscape.
 - All trees to be native species, as the site is within the greenbelt.
 - Fruit trees to be planted in the rear gardens.

As a minimum there should be at least a net contribution to the tree cover and hedgerows, and further enhancement of the biodiversity to the site, with the use of native species that will mitigate for the increased development of the site area.

- 5.59 In response the applicant has now submitted an Arboricultural Report to the Tree Officer's satisfaction; this would inform any subsequent reserved matters application as also would the indicative landscaping shown on the Site Layout Plan. The D&A Statement confirms the applicant's intention to retain the majority of the existing trees and hedgerows, most of which grow outside the site anyway, and to introduce further planting.

5.60 Impact on Residential Amenity

The nearest properties likely to be affected by the proposal are Station Cottage and the new dwelling to the East on the site of the old railway station. Given the distance from these properties and orientation of the proposed dwellings, there would be no adverse impact on residential amenity in terms of, overbearing impact or loss of privacy from overlooking or inter-visibility between habitable room windows. Adequate areas of private amenity space would be provided for each of the proposed new dwellings.

5.61 Ecological Issues

The site is entirely developed and concreted over, being enclosed by high fences and breeze block walls. There are no ecological implications for the development of the site. The scheme does however offer the opportunity for additional planting and ecological enhancement which could be secured by condition.

5.62 Drainage Issues

In terms of drainage, the site lies in Flood Zone 1 and the Council's Drainage Engineer has raised no objection to the proposal subject to the prior submission and approval of a suitable SUDS drainage Scheme.

5.63 Environmental Issues

Any increase in noise levels or anti-social behaviour, would be the subject of normal environmental health controls. Whilst there would inevitably be some disturbance for neighbours during the development phase, this could be adequately addressed by imposing a condition to restrict the hours of working. Given the previous uses of the site, there is the potential for the land to be contaminated. In the event of planning permission being granted, a condition is therefore required to secure an appropriate site investigation to ascertain if any contamination exists and a scheme of mitigation if contamination is found. Whilst the site does lie adjacent to a railway line, the line is very lightly used and the houses have been set back within the site with a belt of high vegetation immediately opposite. There are therefore no objections on environmental grounds.

5.64 New Communities

The proposal falls below the threshold to provide contributions to meet the community service requirements of future occupiers.

5.65 Affordable Housing

The proposal falls below the threshold to provide affordable housing in accordance with Policy CS18 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

Planning Obligations

5.66 The Community Infrastructure Levy Regulations 2019 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is;

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

In this instance, it is considered that a planning obligation relating to the provision of a full gated level crossing would not be in accordance with criterion C.

Community Infrastructure Levy (CIL)

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

5.68 Consideration of likely impact on Equalities

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

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

Very Special Circumstances and Planning Balance

5.69 For the reasons explained above, the proposal would be inappropriate development in the Green Belt which requires very special circumstances to overcome the harm by reason of inappropriateness, and any other harm, if planning permission is to be granted.

5.70 The applicant has stated within his D&A Statement that in his opinion the scheme should be approved on the grounds that it is sustainable development under Policy CS4A that would not compromise the five purposes of including land in the Green Belt. The applicant also considers that the site can be considered to be a rural exception site under Policy CS19. The applicant also submits that the complete re-development of this previously developed site for housing as proposed, would not have a greater impact on the openness of the Green Belt and by the removal of deleterious structures would enhance the setting of the Iron Acton Conservation Area.

5.71 Officers consider that the scheme would have a significantly greater impact on the openness of the Green Belt than the authorised structures and that substantial weight should be given to the harm to the Green Belt. The scheme

is also considered to represent a further encroachment and urbanisation of the countryside than the authorised use. It has also been established above that the scheme is in conflict with the Council's Locational Strategy for housing development outlined in Policy CS5; it also fails to meet any of the criteria listed in Policy CS19 for a Rural Exception Site.

- 5.72 Furthermore, the Council's Listed Buildings & Conservation Officer considers that the scheme by reason of its density, layout, form and general design, would fail to preserve or enhance the setting of the Iron Acton Conservation Area or meet the enhancement strategy outlined in the Iron Acton Conservation Area Supplementary Planning Document.
- 5.73 Of the material factors in favour of the development, it is acknowledged that the proposal would make a positive contribution to open market housing provision in the County, albeit only a modest one; there would be some benefit to local services provided by future occupants; the reduction in use of the access and lane by HGV's is a benefit and the proposal would to some extent provide employment for local builders and craftsmen.
- 5.74 The considerations advanced in support of the proposal at most carry only moderate weight. Taken as a whole, officers conclude that the benefits of the scheme do not clearly outweigh the harm identified. Consequently the very special circumstances necessary to justify the proposal have not been demonstrated. The proposal is not sustainable and should therefore be refused.

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 outline planning consent be REFUSED for the reasons stated on the Decision Notice.

REASONS FOR REFUSAL

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. The applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. Furthermore, the development would result in significant harm to the openness of the Green Belt and would represent encroachment into the

countryside. The proposal is therefore contrary to the provisions of Policies CS4A, CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP7 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; the Development in the Green Belt SPD (Adopted) 2007; and the provisions of the National Planning Policy Framework.

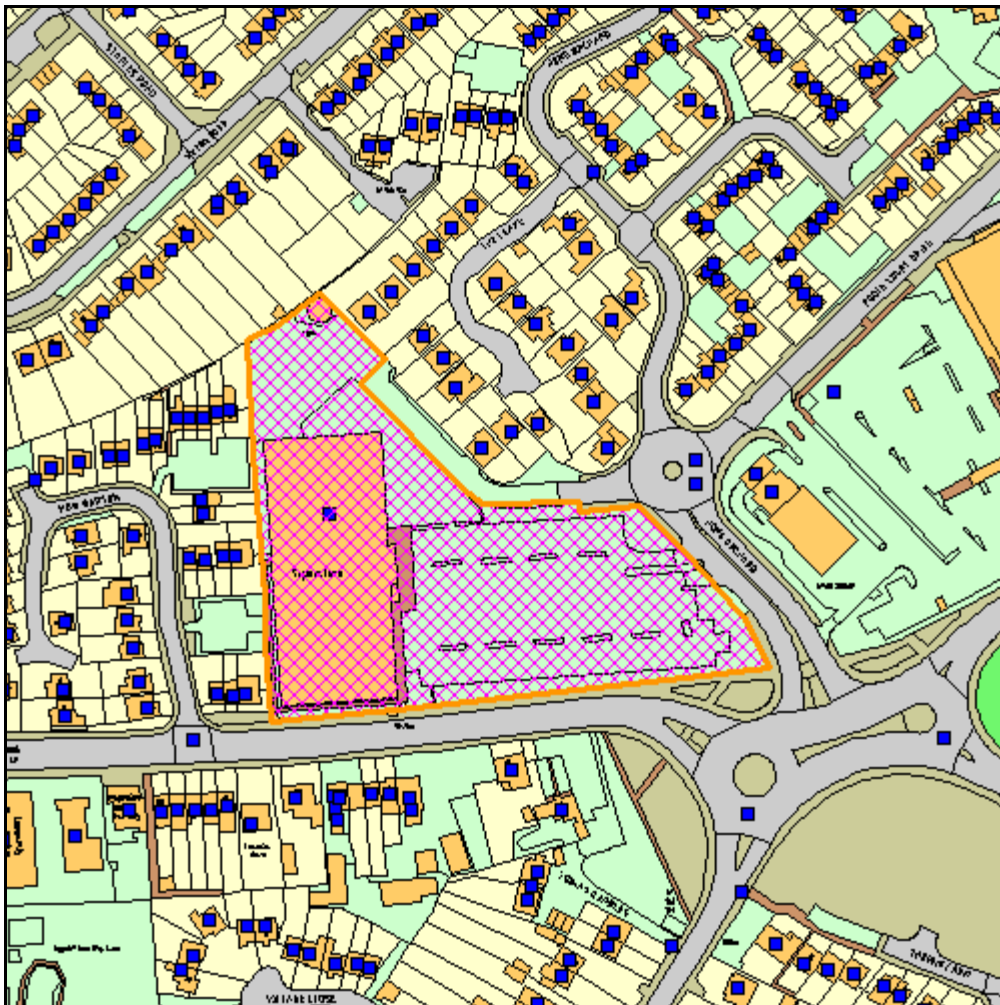
2. The application site is outside of any defined settlement and therefore in the open countryside. Defined settlements establish locations which the local planning authority consider suitable, in the spatial strategy, for sustainable development. The proposal conflicts with the locational strategy and the proposal does not contain any of the limited forms of residential development acceptable in the open countryside. The proposal is therefore not a sustainable form of development and conflicts with Policies 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, July 2018.
3. By reason of inappropriate density, scale, layout and appearance the proposal would impinge on the historic character and setting of the Iron Acton Conservation Area contrary to the preservation and enhancement strategy set out at page 27 bullet point 2 of the Iron Acton Conservation Area Advice Note (Adopted Jan. 2013); Policies CS1 & CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013; Policies PSP1 & PSP17 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and para. 194 of the National Planning Policy Framework Feb. 2019.

Case officer: Roger Hemming

Authorising officer: David Stockdale

CIRCULATED SCHEDULE NO. 04/21 -29th January 2021

App No.:	P20/07452/F	Applicant:	Harmsworth Pension Funds Trustees Limited
Site:	B And Q Plc Station Road Yate South Gloucestershire BS37 5PQ	Date Reg:	1st May 2020
Proposal:	Use of part of building (Unit A) as Food and non-food store (Class A1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Unit B to be retained as DIY and garden centre (Class A1).	Parish:	Yate Town Council
Map Ref:	370892 182587	Ward:	Yate North
Application Category:	Minor	Target Date:	23rd June 2020



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P20/07452/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 an objection by Yate Town Council contrary to the officer recommendation below.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the change of use of part of an existing DIY store and garden centre to a food and non-food store. Whilst both of these uses are within the same Use Class (now E, previously A1), application P85/1777 restricted the site to "*a retail warehouse for the sale of D.I.Y. products and as a garden centre*". Two applications have previously been submitted with the intention of varying this condition (P96/2501 and P97/1353) however these were not determined.
- 1.2 The application was originally submitted as the change of use for the entire building to unrestricted food and non-food retail. This has been revised during the course of the application to retain part of the DIY store within the unit.
- 1.3 The application site is within the Settlement Boundary and Town Centre of Yate, but is not within the Primary Retail Area, and is not within a designated frontage. The building is around 300m from the primary shopping area, and for retail purposes is therefore classed as Edge of Centre.
- 1.4 This application is for the partial change of use of the unit and internal alterations only. Any necessary external alterations to facilitate the change of use will be applied for under a separate application.

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
CS14 Town Centres and Retail
CS30 Yate and Chipping Sodbury

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

PSP8 Residential Amenity
 PSP11 Transport Impact Management
 PSP16 Parking Standards
 PSP31 Town Centre Uses

2.3 Supplementary Planning Guidance

3. **RELEVANT PLANNING HISTORY**

- 3.1 P85/1777, Decision: APP, Date of Decision: 24-JUL-85, Proposal: Erection of D.I.Y.Store and garden centre totalling 3681sq.Ms.(39,580 sq.Ft.Approx.) Gross floor area; construction of associated car park, access road and roundabout. Erection of 3m.High brick wall around service yard.
- 3.2 P96/2501, Decision: DEF, Date of Decision: 01-JAN-00, Proposal: Modification of condition to permit unrestricted Class A1 retailing (Planning permission P84/2534/3 condition (k) dated 05/07/1985).
- 3.3 P97/1353, Decision: HISAPP, Date of Decision: 01-JAN-00, Proposal: Modification of condition to permit unrestricted Class A1 retailing (Planning Permission P84/2534 condition K).

4. **CONSULTATION RESPONSES**

Responses to original application

4.1 Yate Town Council – Objection:

“We object to loss of diversity within the town centre as a result in the reduction of DIY retail footage - we have consulted local residents and there is a strong view that we have enough supermarkets, but will suffer from the loss of the only large DIY outlet. NPPF para 89 refers to the significance of consumer choice. We have 4 large supermarkets within 5 minutes walk of this site, but no large DIY outlet (we have two small independent stores covering some aspects of the DIY offer). The residents and town council strongly argue that the NPPF commitment to consumer choice should apply to protection of diversity of supply by seeking to retain our only DIY superstore.

Impact on amenity of neighbours unless a condition is imposed on both stores to ensure trading is limited to the current B&Q consented hours of trading.

Concern at impact on traffic flows on the access road. This is a very well used pedestrian crossing point, where Home Orchard leaves Station Road. South Glos Council has recently carried out works there to enhance pedestrian safety. Those works were based on current traffic flows. The increased traffic flows from a supermarket provision will require a safety assessment and then possibly works to change pedestrian safety arrangements, and surely the developer should be paying for those? We are surprised that in carrying out the vehicle trip assessment they have used forecast trips for the current occupation based purely on square footage not actuals, which are far lower, and would therefore increase the significance of the change.

Impact on traffic flows at the roundabout worry us. The developers have used PICADY JUNCTION 9 as their model, but traffic engineers will be aware of the very unusual nature of the B&Q lozenge junction and the extent to which movements into Home Orchard have presented a challenge in designing improvements to that roundabout. We are also concerned about this increase in vehicles on the mini roundabout. As far as we can see this has not been mapped in the consultants report.

Concern at the lack of car parking for what will be a significant supermarket in town. We are surprised there is no proposed parking layout or comment on parking provision, including cycle provision in the applicants traffic assessment. We consider it essential that there are conditions for cycle and buggy parking and that a full assessment of parking requirements is carried out to ensure there is sufficient parking for both uses. We expect there is but consider the numbers should be provided, together with conditions about cycling and other modes of transport

Access from the bus stop outside is currently up steps. The access from the bus stop and from the west is up those steps. There should be a condition requiring a wheelchair friendly access from Station Road to the front of the site, rather than the current long detour.”

4.2 Other Consultees

Highways – No objection subject to TRO and conditions requiring cycle parking, electric vehicle charging facilities and submission of a travel plan.

Environmental Protection – No objection in principle

Public Right of Way – No objection

Planning Policy - Given that the PSP defines no additional convenience need, independent advice should be sought in relation to the impacts the proposed sub-division could have on the retail impact assessment, as well as the Yate masterplanning work.

Retail Consultant - the impact and sequential tests have not been met and therefore recommend that unless there are other, overriding material considerations, planning permission should be refused. If there are overriding considerations and permission is to be granted conditions to restrict the use of floorspace to that assessed in the RPA would be necessary.

Other Representations

4.3 Local Residents

10no. objection comments were received, including from the owners of Yate Shopping Centre. These are summarised as:

- Large conifers should be felled
- No mention of displaced traffic should DIY store close
- Yate and Chipping Sodbury well served by supermarkets

- DIY store should be retained
- No other DIY stores in local area
- Another budget store of no benefit to local area
- Traffic in area already excessive
- Two stores on site will increase noise and pollution from traffic and deliveries
- Limits should be put on delivery times and yard working
- Delivery road and yard should be soundproofed
- Only immediately adjacent properties have been notified
- Noise survey has not been carried out within The Leaze and did not take into account refuse collection
- Title deeds will be impacted
- Introduction of food store will increase vermin
- Bargain stores use products from China where people and environment are exploited
- Small independents will be impacted by bargain store
- Empty units within Chipping Sodbury and Yate that could be used
- Insufficient parking in nearby areas for staff
- No evidence that unit could not be used by a different DIY store should the current occupiers vacate
- The Sequential Test has not been applied correctly
- The development will have an adverse impact upon the Yate Primary Shopping Area
- Further subdivision should be prohibited
- Further mezzanine floorspace should be prevented
- Units should be restricted
- Unit A should not provide concession units or staffed food counters
- Opening times should be restricted

2no. support comments were received, summarised as:

- Closest store owned by the applicant is Bradley Stoke or Longwell Green
- Proposed retail unit would be busy
- Objections to previous supermarkets were received however they are now well used
- Population expansion has resulted in more shops being needed
- Competition benefits the consumer
- DIY store will close regardless of application outcome
- Car park and approach road are adequate
- Last remaining store suitable for proposal
- Anti-social delivery hours can be prevented
- Existing building looks tired
- Discount stores will assist in recession

Responses to revised application

4.4 Yate Town Council – Objection:

“We wish to restate our earlier comments as the revised layout and additional supporting documents have not resolved our concerns.”

4.5 Other consultees

Highways - No objection subject to conditions requiring cycle parking, electric vehicle charging facilities, submission of a travel plan and provision of disabled ramp access.

Environmental Protection – No objection in principle.

Public Rights of Way – No objection.

Planning Policy

Retail Consultant - Subject to conditions along the lines proposed by the Applicant, the application would not conflict with the retail planning policy for the area.

Other representations

4.6 Local residents

6no. objection comments have been received, summarised as:

- Need a DIY store in Yate
- Do not need another supermarket
- Noise from deliveries would increase
- Another supermarket would be detrimental to existing retailers
- Traffic will increase
- Lorries will park in residential areas
- Sequential and impact tests need revising
- Previous applications have been refused
- Lack of external details
- Additional plant could impact neighbouring properties
- Car parking is insufficient
- How will parking in residential streets be prevented
- No travel plan has been submitted
- Conifer trees should be felled
- Deeds state shop should only be used for DIY

26no. support comments have been received, summarised as:

- Great addition to Yate
- No longer losing DIY store
- Will bring further customers to Yate
- Car park is big enough
- Other DIY stores should be involved
- More jobs would be provided
- Delivery would be useful
- More choice would be provided
- More houses have resulted in further need
- Existing shops very busy
- Refit of store will benefit area
- New store would have no further impact

1no. general comment has been received, summarised as:

- No objection providing proposal doesn't impose on way of life
- Local authority is known to force applications through
- Other local proposals changed after permission
- If property is devalued then compensation will be sought from Cllrs
- Not directly informed by Council

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is within the allocated town centre of Yate, and is within 300m of the primary shopping area. The site is therefore classed as Edge of Centre according to both the NPPF and the PSP DPD. The site is not allocated for further convenience retail.

5.2 The unit is an existing retail warehouse unit (Class E), approved under P85/1777 with a restrictive condition requiring the unit to be used solely for the use of selling DIY products and of a garden centre. This application is seeking to subdivide the unit, with Unit A proposed to be a supermarket and Unit B to be retained as a DIY store. No increase in floorspace is proposed.

5.3 Policy CS14 ensures that developments protect and enhance the vitality and viability of existing centres in recognition of their retail, service and social functions. As well as encouraging retail, commercial, leisure and cultural development (of appropriate type and scale), the policy seeks to safeguard the retail character and function of centres by resisting developments that detract from their vitality and viability, and protects against the loss of retail units within these centres.

5.4 Policy PSP31 sets criteria whereby certain uses are appropriate. Criterion 5 states that *"where there are no suitable sites to meet the needs for main town centre uses in centres, edge of centre locations may be acceptable provided that the proposal(s) would support the role of the centre and would be of a scale proportionate to the centre, and be well connected by pedestrian and cycle links to the primary shopping area."*

5.5 Given the size of the proposed unit, a Retail Impact Assessment is required as part of criterion 8 of PSP31.

5.6 The original application, submitted to subdivide the unit, the loss of the DIY store, and the provision of a supermarket and budget convenience store, failed to provide evidence that there was a lack of other DIY operators wishing to use the unit. The submitted Sequential Test was considered to be limited, and failed to demonstrate that there were no suitable alternative sites available. It was also found that the applicant failed to provide a reliable assessment of the likely impact of the proposed development, and as such failed to demonstrate compliance with the impact tests. Whilst it was recognised that the proposal was appropriate for a market town and the site benefits from good accessibility, the application as a whole was considered unacceptable.

5.7 Following the failure of both the Sequential Test and Impact Assessment, the proposal was altered to retain a DIY store within Unit B, and the change of use

of Unit A to a supermarket. A revised Sequential Test and Impact Assessment was submitted on that basis.

- 5.8 The revised Sequential Test extended the list of sites examined and also identified these sites on a plan, and the amount of information supplied on the sites has been expanded. The revised Sequential Test was considered to now be sufficiently detailed, and sufficient evidence has been provided to demonstrate that there are no sequentially preferable sites available, and the sequential test has been passed.
- 5.9 The Impact Assessment was also revised to include up to date population and expenditure data from a household survey carried out in October 2020. It followed a well-established method to assess the likely trade diversion, and concluded that the proposed impact is unlikely to have a significant adverse impact on Yate Primary Shopping Area, or Chipping Sodbury Town Centre. The proposal is therefore considered to comply with policies CS14 and PSP31, and is acceptable in principle subject to reasonable conditions.
- 5.10 Highways
Concerns have been raised regarding the traffic impact of the proposal. A Transport Statement has been prepared by the applicant and submitted as part of this application. Using standard TRICS data to assess the level traffic to be generated by a DIY use compared with a mixed DIY and supermarket suggests that there would be some extra vehicular traffic movements at this section of the highway network. However, Transportation DC are satisfied that the likely traffic increase would not be so significant as to justify the refusal of the application on traffic grounds alone, and would have no severe impact on the adjoining junctions capacity.
- 5.11 No changes are proposed to the existing access and servicing arrangements at the site. Access to the customer car park will continue to be provided via the existing left-in/left-out junction with Home Orchard, with service vehicle access continuing to be provided via the Home Orchard/Pool Court Drive Roundabout. The existing service yard will be used by all service vehicles, with the building configured such that a service corridor will allow deliveries from the service yard to both proposed stores. The existing access is considered to be adequate and there are no concerns over the highway safety of the access.
- 5.12 No changes to the existing car parking provision at the site are proposed as part of the planning application. There are currently 174 parking spaces available and this will not change as a result of the proposed development. In order to address residents' concerns regarding parking overspill into residential streets, the applicant has carried out a parking accumulation exercise which demonstrates that the maximum accumulation is predicted to occur on a Saturday between 10:00-13:00 when it is estimated that 81 cars will be parked. This represents a maximum occupancy of 47% which is well within the capacity of the existing car park, with no vehicles required to park on local streets.
- 5.13 The site is within a highly sustainable location within the Yate Town Centre. There are a very good network of footway and cycle links in the area, and the site is on a bus route with bus stops of Station Road and Kennedy Way. Overall

- Transportation DC agrees that the site is sustainably located with a range of facilities within a reasonable walk or cycle of the site that would encourage the use of more sustainable modes of transport. The proposed redevelopment of the site will also inevitably facilitate an increase in the number of potentially linked trips with opportunities to visit shops and facilities in the town centre. Given the above, there is no Transportation DC objection raised to the proposal.
- 5.14 Detailed plans of car and cycle parking on site will be required to be submitted, and maintained satisfactorily in accordance with that approved plan, and a Travel Plan will be required comprising immediate, continuing and long-term measures to promote and encourage alternatives to car use, which shall be implemented, monitored and reviewed to the satisfaction of the Council. A disabled ramp will also be required from the Station Road direction into the site in order to improve pedestrian accessibility for all users.
- 5.15 Transportation DC have also requested 17no. car spaces (10% of total number of spaces) to provide electrical charging facilities. The applicant has contested this, and has stated that this is excessive at the current time given electric vehicle use is still limited. The applicant has suggested a compromise in providing 2no. electrical charging facilities initially, with a commitment to future monitoring contained within the Travel Plan, which would allow future use and demand for electric vehicle charging to be monitored and increased as required. This is considered to be reasonable.
- 5.16 Residential amenity
Concerns have been raised by residents regarding residential amenity, particular in terms of disturbance from deliveries and potentially unsociable operating hours.
- 5.17 A Noise Assessment has been carried out and found that the noise rating levels from the proposed store deliveries are predicted to be no more than 3dB above the existing background noise levels during daytime (07:00-23:00) hours. Maximum noise level limits have been set for potential building services plan which ensures that rated noise levels are at or below the existing background noise levels during both daytime and night-time.
- 5.18 A noise intrusion assessment has shown that BS 8233 criteria will be achieved at all of the closest sensitive receptors with windows open or closed. Furthermore, a change in noise level assessment which compared the existing ambient noise levels with the addition of the proposed noise levels has shown that noise levels are predicted to change by no more than 0.6dB which is considered to be of negligible significance.
- 5.19 Accordingly, the proposed operations are not expected to have a significant adverse impact on health or quality of life at nearby dwellings.
- 5.20 The Council does recognise that disturbance could potentially be caused by deliveries late at night, or unsociable operating hours. It is therefore considered reasonable in this instance to condition both delivery hours and opening hours.

- 5.21 The proposal is likely to require external plant, and in order to ensure no disturbance is caused by noise, fumes etc, details will be required by condition.
- 5.22 Other matters
Concerns have been raised that no external details have been submitted. Following correspondence with the agent, a full application will be submitted at a later date to allow consideration of these details. This application therefore only considers the principle of the change of use, as well as any impacts that change of use could have.
- 5.23 Comments regarding the Yate Masterplan have been made within the application. The Masterplan is at an early stage, and currently has limited weight. The applicant should however consider engaging with the Council at an early opportunity, particularly with consideration towards an enhanced arrival space from Station Road for pedestrians and cyclists with better connectivity to surrounding communities, the provision of biodiversity opportunities, urban shading and sustainable urban drainage.
- 5.24 Concerns regarding a potential increase in vermin are noted, however it is not considered that a properly run supermarket would cause such an occurrence. Should this be observed to be occurring Environmental Protection should be contacted.
- 5.25 Requests to fell the Conifer Trees are noted, however this is not a material consideration for this planning application.
- 5.26 Consideration of likely impact on Equalities

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

6. CONCLUSION

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

7. **RECOMMENDATION**

7.1 The application is recommended to be GRANTED.

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 use of Unit A shall be restricted to a net sales area of 1,310 square metres for the sale of convenience goods, with up to a maximum of 262 square metres being for the sale of comparison goods.

Reason:

To define the extent of the permission. Further use of floorspace would require the consideration of the Local Planning Authority.

3. The use of Unit B shall be restricted to non-food retail, only comprising the sale of building materials, timber, joinery and sheet metal, decorating, plumbing and other associated bulky products for DIY, maintenance and improvement; garden related products; furniture, soft furnishings and homewares, carpets and floor coverings; pets, pet food and related products; electrical goods; and motor goods, cycles, cycle products and accessories.

Reason:

To define the extent of the permission. Further use of floorspace would require the consideration of the Local Planning Authority.

4. No deliveries shall be taken at or despatched from the site outside the hours of 8:00-20:00.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 and the provisions of the National Planning Policy Framework.

5. The use hereby permitted shall not be open to customers outside the hours of 07:00-22:00.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 and the provisions of the National Planning Policy Framework.

6. Notwithstanding the plans /information submitted, provide details of car/cycle parking arrangement on site for the council's written approval. All car/cycle parking shall then be maintained satisfactorily in accordance with that approved plan thereafter.

Reason:

To ensure the satisfactory provision of parking facilities and in the interest of highway safety, to promote sustainable transport and to accord with Policies PSP16 and PSP39 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

7. The development hereby approved shall not be occupied until electrical charging facilities for 2no. car spaces have been provided, and shall be maintained satisfactory thereafter.

Reason:

To promote sustainable transport and to accord with Policies PSP16 and PSP39 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

8. No building or use hereby permitted shall be occupied until a 'Travel Plan' comprising immediate, continuing and long-term measures to promote and encourage alternatives to car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The Travel Plan should also include monitoring for future demand of electric vehicle charging points and plans for any increase as required. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets to the satisfaction of the Council.

Reason:

To ensure the satisfactory provision of parking facilities and in the interest of highway safety, to promote sustainable transport and to accord with Policies PSP16 and PSP39 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

9. The development hereby approved shall not be occupied until a disable ramp access constructed from the Station Road direction into the site, details of which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason:

To approve access to the site for all users in accordance with Policy CS8.

10. The use hereby permitted shall not commence until a detailed scheme for ventilation and extraction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the precise details of the flue extraction equipment to be used, including: the stack height; the design and position of all ductwork and filters; the noise/power levels of the fan(s); the number, type and attenuation characteristics of any silencers; details of anti-vibration mounts and jointing arrangements in the ductwork; the number of air changes per hour, and the efflux velocity. The scheme shall be installed in accordance with the approved details prior to the commencement of the use and thereafter maintained as such.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 and the provisions of the National Planning Policy Framework.

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

28 Apr 2020 Q01 SITE LOCATION PLAN
08 Dec 2020 2463 P00 GROUND FLOOR PLAN AS PROPOSED

Reason:

To define the terms and extent of the permission.

**IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.**

POSITIVE AND PROACTIVE STATEMENT:

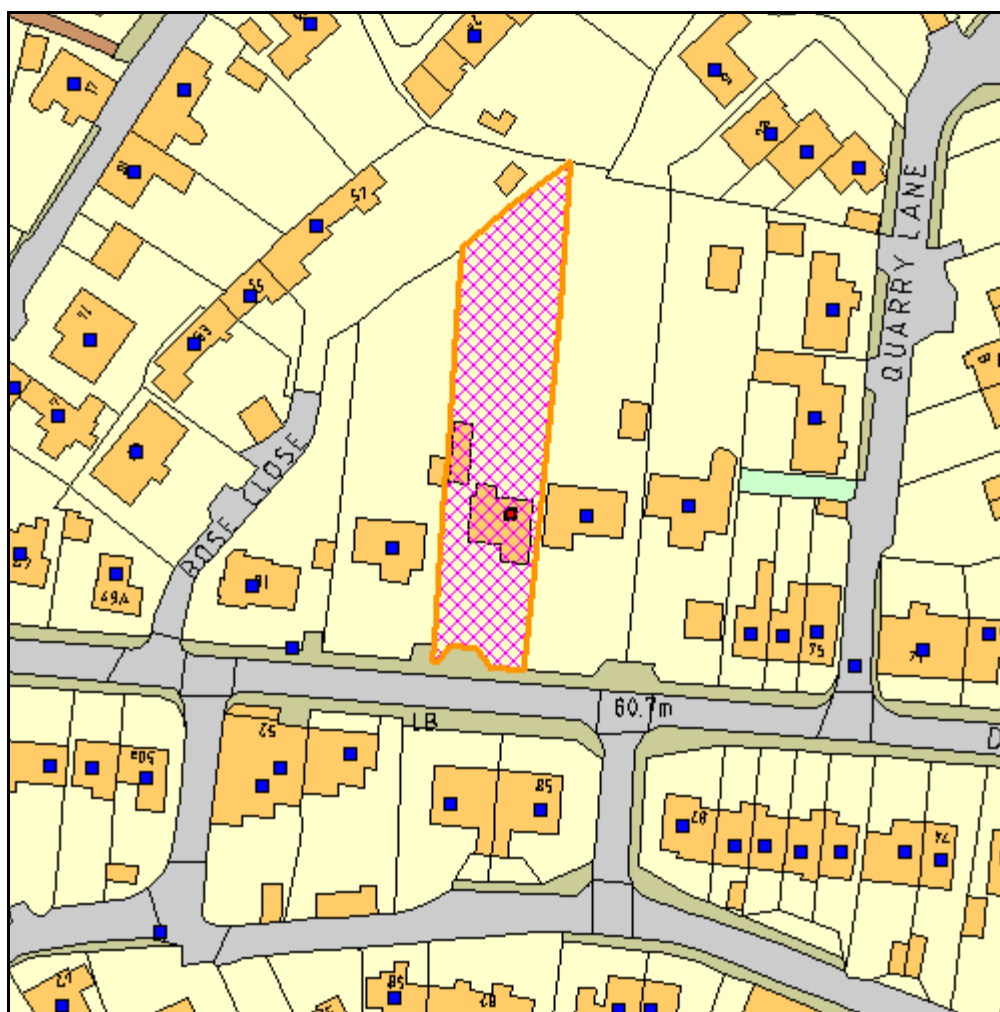
In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising during the course of the application by seeking revisions and additional information.

Case Officer: Rae Mepham

Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 04/21 -29th January 2021

App No.:	P20/14711/F	Applicant:	Mr Paul Edwards
Site:	Porthrepta 65 Down Road Winterbourne Down South Gloucestershire BS36 1BZ	Date Reg:	24th August 2020
Proposal:	Erection of 1no. dwelling with parking, new vehicular access and associated works.	Parish:	Winterbourne Parish Council
Map Ref:	365269 179679	Ward:	Winterbourne
Application Category:	Minor	Target Date:	15th October 2020



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N.T.S.

P20/14711/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 six objections from local residents, contrary of the officer recommendation detailed below.

1. THE PROPOSAL

- 1.1 Full planning permission sought for the erection of 1no. dwelling with parking, new vehicular access and associated works to the rear of 'Porthrepta', 65 Down Road, Winterbourne Down.
- 1.2 The application site is located within the settlement boundary and is not covered by any restrictive designations. The development site relates to a parcel of land which forms a rectangular plot to the rear of the host dwelling. This forms a 1.5 storey dwellinghouse with a detached garage.
- 1.3 Amendments have been received during the determination process, which have seen the omission of the previously proposed dormers.

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
CS29	Communities of the East Fringe of Bristol Urban Area

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodlands
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Ecology
PSP38	Development in Residential Curtilages
PSP43	Private Amenity Space Standards

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 Ref. PT17/5208/F. Permission Granted, 02.03.2018.
Proposal: Erection of a two storey rear extension with balcony to form additional living accommodation. Installation of 1.6m high entrance gates.
- 3.2 Ref. PT03/1234/F. Permission Granted, 28.07.2003
Proposal: Erection of two storey side and rear extension to form garage, utility room and WC with bedroom over.

4. **CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council
No Objection. The Parish Council would like to raise concerns regarding a large tree on the adjoining property which could be affected.
- 4.2 Highway Structures
Details of excavations and the temporary support that is to be provided during construction of the new vehicular access are to be submitted to satisfy the highway authority that support to the highway is provided at all times.
- 4.3 Lead Local Flood Authority
No objection subject to informatives.
- 4.3 Sustainable Transport
No objection subject to conditions and informatives.
- 4.4 The Tree Team
No objection subject to conditions.
- 4.5 The Ecology Officer
No objection subject to conditions.

Other Representations

- 4.3 Local Residents
Two rounds of public consultation have been issued due to amended plans being received. Of which 3no objections were received in the second round and 6 in the first (3 of which from the same member of public). The comments have been summarised as follows:

- Lack of parking;
- Detriment to safety;
- Lack of detail for planting;
- Lombardy Poplar Trees unsuitable – resulting in loss of view and over-shadowing;
- Lack of outside space;

- Overbearing and out of keeping;
- Loss of privacy;
- Harm to wildlife – including bats and hedgehogs; and
- Contrary to Winterbourne Village Design Statement 2012.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is within part of the established area of the Winterbourne. Policy CS5 directs development to established urban areas and defined settlement boundaries. As such, based solely on the location of the site, the principle of the development is acceptable.

5.2 In addition, policy PSP38 states that new dwellings and extensions within existing residential curtilages are acceptable in principle but should respect the overall design and character of the street and surrounding area, would not prejudice the amenities of neighbours, would not prejudice highway safety or provisions of an acceptable level of parking provision for any new and existing buildings, would not prejudice the provision of adequate private amenity space, and would not lead to the loss of gardens that form part of a settlement pattern that contributes to local character.

5.3 The principle of residential development on this site is acceptable, however regard is provided to the detailed matters which are discussed below.

5.4 Design and Visual Amenity

Policy CS1 only permits new development where the “highest standards” of site planning and design are achieved. This policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality. Policy PSP38 provides additional clarity with regard to new dwelling within existing residential curtilages.

5.5 In terms of its design, the surrounding area portrays a mixed residential character, with dwellings within the vicinity of the site varying in size, scale and design. The proposed dwelling takes the form of a 1.5 storey modern chalet building. It would be clad with Siberian Larch, with 2no. raised triangular windows to the gable ends at first floor level. To the ground floor level, the gable ends would benefit from bi-fold doors and a small porch to the west elevation. The roof would be finished with concrete interlocking tiles, 2no larger skylights and PV panels to the west elevation and 4no. smaller skylights to the east elevation. Overall, the architectural design of the proposed dwelling is of a high standard for which moderate weight can be afforded in favour of the proposal.

5.6 In terms of its siting, the dwelling would be located in the garden towards the rear of the plot. Whilst this space is undeveloped, it sits within a built-up area, encompassed by residential gardens where some ancillary buildings and mature trees exist. It is acknowledged that the proposal would not sit within the prevailing staggered and linear development pattern of properties nearby, however this is only prevalent when looking from above, and not at ground

level. The building would be recessed into the slope of the hill and is not considered as being overly dominant in terms of its height or bulk, with screening proposed to the peripheries to reduce localised impact. In this respect, a neutral weight can be afforded. As such, a balanced judgement has been taken, and it is not considered that the proposed development would result in a level of unreasonable harm to the character of context of the site. The proposed development would therefore comply with the provisions of the local development plan.

Residential Amenity

- 5.7 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. In order to be acceptable, any development proposal must be compatible with its immediate surroundings.
- 5.8 The sitting, scale and design of the proposed development have all been considered relative to the amenity of the neighbours, whilst it is likely that these nearby occupiers would notice some change to their residential amenity, it would be unacceptable. The proposed dwelling would exceed the minimum recommended back-to-back separation distance of 20m with the host and neighbouring properties and the windows at first floor level have been raised from the finished floor level so to restrict outlook. No windows are proposed to the side elevations at first floor level, therefore preventing views across the neighbouring gardens. Existing and proposed vegetation would provide sufficient levels of screening and when taken into consideration with the separation distances and fenestration detail, the amenity of the neighbours would be protected.
- 5.9 With regard to the amenity for both the existing and proposed property, sufficient private amenity space would be retained for both properties, which exceed the minimum standards as provided for by policy PSP43. The proposed property would provide sufficient floor space in line with national standards. Acceptable levels of outlook would be provided, albeit part restricted. Access to natural light would be provided for in each room. The proposed development would therefore comply with policies PSP8, PSP38 and PSP43 of the local development plan.
- 5.10 Parking and Highway Safety
Having reviewed the submitted information, sufficient levels of off-street parking and turning would be provided for both the existing and proposed property in accordance with the council's minimum residential parking standards. Furthermore, the applicant has proposed covered and secure cycle parking and an electric vehicle charging point. Subject to these provisions being made available prior to first occupation, no objections are raised.

5.11 Ecology and Trees

A Preliminary Ecological Appraisal Report and Tree Protection Plan were submitted with the application. Officers have reviewed the submitted documents and are satisfied with the proposed mitigation strategy and precautionary measures. Subject to conditions, there is no ecological objection.

5.13 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. This planning application it is considered to have a neutral impact on equality.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 It is recommended that planning permission is GRANTED.

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:

Received by the council on 14 August 2020: The Location Plan; Existing Block Plan and Sections; Existing Elevations. Received by the council on 9 December 2020: Block Plan Proposed (Revised); Proposed Plans and Elevations (Revised).

Reason: To define the terms and extent of the permission.

3. The dwelling hereby granted permission shall not be occupied until the access and parking arrangements have been fully completed in accordance with the submitted details.

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

4. The dwelling shall not be occupied until covered and secure cycle parking for two cycles and a 7Kw 32 Amp electric vehicle charging point have been provided in accordance with the submitted details.

Reason: To promote sustainable travel and to accord with SGC policies PSP16 and CS8.

5. The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Ecological Appraisal (Herdwick Ecology, October 2020).

Reason

To ensure the works are carried out in an appropriate manner and in the interests of wider biodiversity, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted (2017) and the National Planning Policy Framework. With further regard to the species protected under the Conservation of Habitats & Species Regulations 2017 ('European Protected Species) and Wildlife & Countryside Act 1981 (as amended).

6. Prior to works commencing an inspection should be undertaken of the building to confirm absence of roosting bats. If crevices cannot be inspected fully appropriate survey effort should be undertaken.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of wider biodiversity, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted (2017) and the National Planning Policy Framework. With further regard to the species protected under the Conservation of Habitats & Species Regulations 2017 ('European Protected Species) and Wildlife & Countryside Act 1981 (as amended).

7. Prior to occupation, a "lighting design strategy for biodiversity" for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above

species using their territory or having access to their breeding sites and resting places.

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

Reason

To ensure the works are carried out in an appropriate manner and in the interests of wider biodiversity, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted (2017) and the National Planning Policy Framework. With further regard to the species protected under the Conservation of Habitats & Species Regulations 2017 ('European Protected Species) and Wildlife & Countryside Act 1981 (as amended).

8. Prior to first occupation, evidence of the installation of the ecological enhancement features recommended in the Preliminary Ecological Appraisal (Herdwick Ecology, October 2020) shall be submitted to the local planning authority for approval in writing. This shall include, but is not limited to bird boxes, bat boxes, retention of compost heap and creation of access of hedgehogs (PSP19).

Reason

To ensure the works are carried out in an appropriate manner and in the interests of wider biodiversity, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted (2017) and the National Planning Policy Framework. With further regard to the species protected under the Conservation of Habitats & Species Regulations 2017 ('European Protected Species) and Wildlife & Countryside Act 1981 (as amended).

9. The development shall proceed in strict accordance with the submitted All Arboriculture Tree protection plan and BS:5837:2012.

Reason

To ensure the protection of trees as per policy PSP3 of the SG Local Development Plan.

IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.

POSITIVE AND PROACTIVE STATEMENT:

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways: the application has been determined within a timely manner.

Case Officer: Thomas Smith

Authorising Officer: David Stockdale

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

CIRCULATED SCHEDULE

This report appears on the Circulated Schedule as a result of three objections from members of the public, which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 In April 2017 planning permission was granted for the demolition of an existing garage and the erection of a single detached dwelling on land to the rear of 52 Horse St, Chipping Sodbury (PK17/0860/F). The dwelling permitted was to be a two bedroom bungalow, with the elevation plans depicting a compact building on flat ground and with a maximum height of 6 metres (the plans had no scale, but an annotation indicated the maximum height of the building).
- 1.2 The dwelling subsequently constructed on site is markedly different to the approved scheme. It is a two storey, four bedroom dwelling, with two bedrooms and a bathroom in the roofspace. The site is not level as originally depicted, and is in fact approximately half a metre lower at the northern end of the building as compared to the southern end. At its tallest point, as built the dwelling is approximately 6.7 metres high, and is approximately 6.25 metres at the southern end. Because of the additional height, the roof slope is at a steeper angle, and there are two rooflights in the northern roof slope, and one in the western roof slope. There are also minor differences in footprint and distance from the western boundary. Finally, a raised deck has been constructed the full width of the northern flank of the building.
- 1.3 Following an enforcement investigation and dialogue between the developer and the council this application has been submitted to seek retrospective planning permission for the retention of the dwelling, with further modifications to overcome identified harms arising from the dwelling as-built. These modifications include:
 - a reduction in height of the ridgeline by 0.7 metres to bring the overall height down to the previously agreed 6 metres at its highest point (the north end).
 - The relocation of the rooflight from the western roof slope to the eastern slope.
 - The replacement of the large first floor bathroom rooflight in the northern roof slope with a smaller rooflight.
 - The relocation of the second large rooflight from the northern roof slope to the southern roof slope.
 - The installation of a privacy screen to the eastern end of the raised deck.

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
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/3572/F Demolition of existing garage and the erection of 1no. detached dwelling and garage.
Approved 25th April 2017
- 3.2 PK17/0860/F Demolition of existing garage and the erection of 1no. detached dwelling.
Approved 25th April 2017

4. CONSULTATION RESPONSES

- 4.1 Chipping Sodbury Town Council
No objection.

Internal Consultees

- 4.2 Highway Structures
No comment

- 4.3 Archaeology
No comment
- 4.4 Lead Local Flood Authority
No objection
- 4.5 Conservation
While maintaining that harm is caused to the setting of a number of heritage assets, the remedial works will bring the building within the parameters of the approved scheme and will not cause any additional harm to that already approved, and so no objection is raised.
- 4.6 Flood and Risk Management Team
No objection subject to conditions.
- 4.7 Sustainable Transport
No objection.

Other Representations

- 4.8 Local Residents
Three objection comments received, raising the following points:
- Will make on-street parking in the road worse
 - Greater risk of accidents
 - May prevent access to other homes
 - Rooflights overlook adjoining properties and invade their privacy
 - Overbearing impact
 - Increased disturbance and fumes
 - Loss of wildlife

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The principle of development on this site has already been established through the approval of application PK17/0860/F which granted permission for the erection of a dwelling at this location. The underlying policy context remains the same, and it is still considered that the proposal accords with policy in principle.
- 5.2 This application is therefore primarily concerned with considering the impact of the proposed modifications to the dwelling as-built, to determine whether these will make it acceptable in planning terms.
- 5.3 Design, Character and Heritage Impact
The proposed modifications to the building principally involve the removal of the top 0.7 metres of the roof and creation of a small flat roof section with 'Dutch Hips' at the ends. While this is somewhat unorthodox design, the local character within Woodmans Close is quite varied and flat roof would not be visible from ground level at the road or the adjacent properties. Consequently the modified building will appear largely the same as previously approved. The

- reduction in height to the previously approved level would mean that the impact upon the nearby heritage assets would not be materially different, as acknowledged by the Conservation Officer. Accordingly the proposal is considered acceptable in terms of design and heritage impact.
- 5.4 Residential amenity
The proposed reduction in height of the ridgeline will reduce the sense of overbearing, and as this reduction would bring it into line with the height of the previously approved scheme this is considered to be acceptable in that regard.
- 5.5 The removal of the rooflight in the western roof slope will remedy the overlooking of Roseacre to the west. The relocation of that rooflight into the eastern roof slope will only provide views over the frontages of the adjacent properties at the end of Woodmans Close, and therefore there is no loss of privacy from that modification. The new rooflight in the southern roof slope will look toward 22b Woodmans Close, but at a distance of approximately sixteen metres and with views only of the side of the house (which has no windows or doors) and the rear garden. As such the privacy impact will be limited, as the rear gardens are already overlooked to a greater degree from the neighbouring properties.
- 5.6 The proposed privacy screen, to be installed at the eastern end of the decking, will prevent overlooking of the adjacent bungalow, remedying the harm to privacy that would otherwise arise.
- 5.7 Sustainable Transport and Parking
Access arrangements remain as per the approved scheme and are considered acceptable. Notwithstanding the proposed modifications, the finished dwelling would retain four bedrooms. It is noted that one of the primary grounds of objection by neighbours was the existing on-street parking pressure, and the likelihood that this development would exacerbate this.
- 5.8 However, Parking Standards policy PSP16 requires two parking spaces for a four-bed dwelling, and the plans show two spaces and the case officer has measured on site and the spaces meet the policy size standards. As such the development meets the policy requirement for parking and refusal could not be sustained on parking grounds.
- 5.9 Planning Balance and Conditions
Subject to the proposed modifications, the development is considered to be acceptable in terms of design and heritage impact. The relocation of the rooflights will remedy the privacy harm and the impact on residential amenity will be the same as with the previously approved scheme. Notwithstanding local concerns over parking, the proposal will provide the level of off-street parking required by council policy, and is considered acceptable in that regard.
- 5.10 In order to ensure that the development is carried out in strict accordance with the approved details, and to ensure that no potentially harmful further development is carried out without proper consideration of the impacts, a number of conditions are considered to be necessary.

5.11 Firstly, to ensure that the modifications are carried out exactly as shown and within a reasonable timescale, a plans condition will be attached to require strict adherence to the approved plans, and for the modifications to be completed within 3 months of the date of the decision. To prevent any interim harm to the amenity of neighbours, a further condition will prohibit occupation of the dwelling until the modifications have been carried out in full. Finally, because of the constrained nature of the site and the potential for overlooking or other negative impacts on the amenity of neighbours, permitted development rights for extensions, roof extensions and alterations, chimneys and flues and aerials and antennae will be removed. A further condition will require the privacy screen on the raise deck to be retained in perpetuity. Finally, to ensure that the off-street parking provision is retained, a condition will require this to be retained and kept free from obstruction and for it to be used solely for the purpose of vehicular parking.

5.1 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.

5.2 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.

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

CONDITIONS

1. The development hereby approved shall be modified to bring it into full and strict accordance with the approved plans listed below within three months of the date of this decision. For the avoidance of doubt, the plans show the ridgeline being lowered by 0.7m and no part of the building shall be more than 6m above ground level.

The approved plans are as follows:

Proposed Elevations drawing 4039/P1 B dated August 2020
Proposed Floor and Roof drawing 4039/P2 A dated August 2020
Proposed Site and Block Plan drawing 4039/P3 A dated August 2020

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; and the National Planning Policy Framework.

2. The dwelling hereby approved shall not be occupied until the modifications to the building as shown on the approved plans have been carried out in full.

Reason

To protect the privacy and residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

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, E, G and H, or any minor operations as specified in Part 2 Class A of that order, 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; and the National Planning Policy Framework.

4. The parking facilities (as shown on the block plan ref. 4039/P3 A) shall be retained in perpetuity and shall not be used for any purpose other than the parking and manoeuvring of vehicles.

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.

5. The dwelling hereby approved shall not be occupied until the privacy screen on the outdoor decking area has been installed in accordance with the details as shown on plan ref. 4039/P1 B. The privacy screen will be retained thereafter in perpetuity.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.

POSITIVE AND PROACTIVE STATEMENT:

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways:

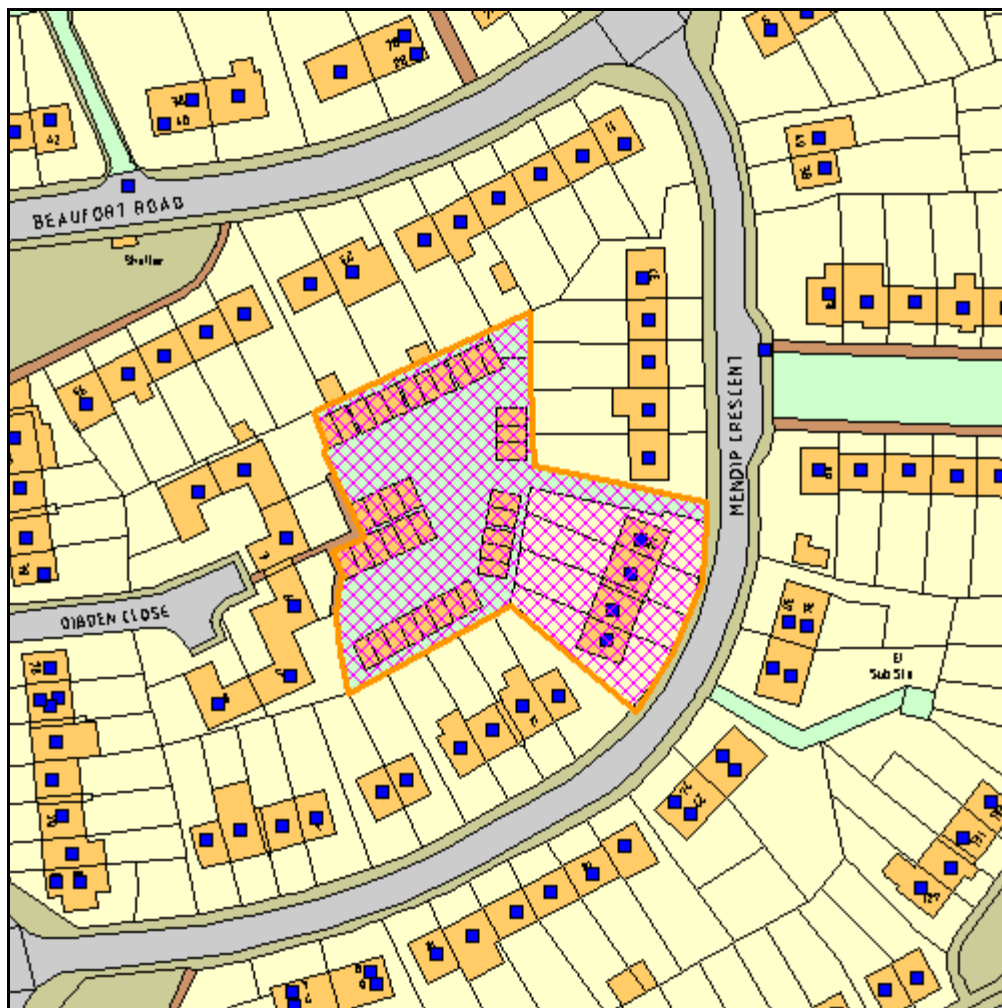
Seeking solutions to overcome planning objections.

Case Officer: Neil Howat

Authorising Officer: Dawn Russell

CIRCULATED SCHEDULE NO. /20 -29th January 2021

App No.:	P20/17527/F	Applicant:	BromfordBromford
Site:	21, 23, 25 And 27 Mendip Crescent Downend South Gloucestershire BS16 6UF	Date Reg:	24th September 2020
Proposal:	Demolition of 4no existing dwellings and 37no garages. Erection of 11no dwellings, with car parking spaces and associated hard and soft landscaping.	Parish:	Emersons Green Town Council
Map Ref:	366299 177535	Ward:	Emersons Green
Application Category:	Major	Target Date:	16th December 2020



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100023410, 2008.

N.T.S.

P20/17527/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 was previously referred to the Circulated Schedule following the receipt of objections from 3no. local residents; the concerns raised being contrary to the officer recommendation. The scheme also required a new S106 legal agreement to secure an affordable housing contribution.

Members may recall that this application previously appeared on Circulated Schedule No. 01/21 when outline consent was approved in principle subject to a S106 Agreement.

It has subsequently come to light that a small area of land within the submitted red line plan is in fact not within the control of the applicant. This has required a minor change to the red line to the rear of 23 Beaufort Road, where the red line has been pulled slightly further in to the application site. As such there has been a very slight change to the red line thus reducing the application site behind plot 10 to ensure that the land ownership remains present and correct. This change to the red line has no material planning implications as such but does require the report to be re-circulated.

Revised plans have been submitted thereby requiring revised wording of Condition 2. There has also been a very slight revision to the wording of Condition 10 where 'pre-commencement' has been replaced with 'pre above ground construction'. This is to allow soil testing following demolition, which may inform the drainage design.

Other than the above, the wording of the report remains the same as previously circulated.

1. THE PROPOSAL

- 1.1 The application site is a 0.23ha plot of land, which lies on the western side of Mendip Crescent, Downend. The site lies within the Urban Area and Bristol East Fringe but has no special designations. The site is currently occupied by a terrace of 4no. two-storey houses (nos. 21, 23, 25 and 27) facing Mendip Crescent, behind which is an area of 37no. garages clustered in blocks of two, three and four, accessed off Mendip Crescent via a tarmacked driveway between nos. 27 and no.29 Mendip Crescent. Some of the garages are in a rather dilapidated state, and many have vegetation growing on the roof. Approximately 33% of the garages are unoccupied. The application site lies within a densely populated residential area and is entirely enclosed by residential dwellings fronting Mendip Crescent to the south and east, Beaufort Road to the north and properties at the end of Dibden Close to the West.
- 1.2 The scheme as proposed is to demolish the terrace of 4 dwellings nos. 21, 23, 25 and 27 and all of the garages to the rear, in order to facilitate the erection of 11no. new dwellings (net increase of 7 dwellings) all to be occupied as affordable housing by clients of Bromford Housing Association.
- 1.3 The application is supported by the following documents:

- Design & Access Statement
- Arboricultural Report
- Drainage Strategy
- Ecological Appraisal
- Parking Survey
- Sustainable Energy Statement

2. **POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework Feb. 2019
National Planning Practice Guidance 2014

2.2 Development Plans

The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013

CS1 - High Quality Design

CS2 - Green Infrastructure

CS4A - Presumption in Favour of Sustainable Development

CS5 - Location of Development

CS6 - Infrastructure and Developer Contributions

CS7 - Strategic Transport Infrastructure

CS8 - Improving Accessibility

CS9 - Managing the Environment and Heritage

CS15 - Housing Distribution

CS16 - Housing Density

CS17 - Housing Diversity

CS18 - Affordable Housing

CS23 - Community Infrastructure and Cultural Activity

CS29 - Communities of the East Fringe of Bristol Urban Area

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

PSP1 - Local Distinctiveness

PSP2 - Landscape

PSP3 - Trees and Woodland

PSP6 - On Site Renewable and Low Carbon Energy

PSP8 - Residential Amenity

PSP11 - Transport Impact Management

PSP16 - Parking Standards

PSP17 - Heritage Assets and the Historic Environment

PSP19 - Wider Biodiversity

PSP20 - Flood Risk, Surface Water and Watercourse Management

PSP21 - Environmental Pollution and Impacts

PSP37 - Internal Space and Accessibility Standards for Affordable Dwellings

PSP43 - Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Check List (SPD)

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

3. **RELEVANT PLANNING HISTORY**

1.1 None

4. **CONSULTATION RESPONSES**

4.1 Emersons Green Town Council
No objection

Other Consultees

Highways Structures
No comment

Lead Local Flood Authority
No objection subject to a SUDS condition.

Sustainable Transport
No highway objection to this application but the following conditions are recommended.

- 1) Prior to occupation, provide off street car parking in accordance with the submitted and approved plan.
- 2) Prior to occupation of the dwelling, provide electric vehicle charging points for each dwelling where the car parking spaces are adjacent to it.

Children & Young People
No response

Environmental Protection (Noise)
No adverse comments. Standard Informatives relating to building sites.

Landscape Officer
No objection subject to conditions to secure a detailed planting plan and details of boundary treatments & hard landscaping.

The Tree Officer
No objection to the proposal subject to a suitably worded landscaping condition to secure further details for planting, aftercare, sizes, species and quantities.

Wessex Water
No response

Avon Fire and Rescue

No response

Police Community Safety Officer

Having viewed the information as submitted I find the design to be in order and complies appropriately with the crime prevention through environmental design principles.

Arts and Development Officer

No comment

Waste Engineer

Both the position of the bin collection points for the properties and access for the collection look suitable.

Environmental Policy and Climate Change Officer

No objection

Public Open Space Officer

This application falls below the threshold for Public Open Space S106 requirements.

Housing Enabling Officer

No objection subject to S106 to secure 4no affordable dwellings for social rent.

Self-Build Officer

Policy PSP42 requires the Council to encourage developers to provide serviced plots on residential sites over 10 dwellings.

The applicant has stated that unfortunately it isn't desirable or practical to deliver self-build plots as part of this project due to the size of the scheme which is delivering 100% affordable homes.

NHS

No response

The Ecology Officer

No objection subject to conditions to secure Ecological Mitigation Measures, lighting design strategy and Ecological Enhancement Scheme.

Avon Wildlife Trust

No response

Other Representations

4.2 Local Residents

3no. letters of objection have been received from local residents; the concerns raised are summarised as follows:

- Loss of privacy due to overlooking of neighbouring property.
- Loss of property values.

- Loss of light to lane rear of no.19 Beaufort Rd.
- Loss of garages.
- Increased on-street parking.
- Loss of access ramp to rear of 19 Beaufort Rd.
- Increased traffic.
- Increased anti-social behaviour.
- Insufficient parking provision.
- Electric charging points should be provided.
- Disturbance during development phase.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the Council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2012 (NPPF). The Policies, Sites & Places Plan was adopted in Nov. 2017 and also now forms part of the Development Plan.

5.3 It has recently been established via the 2020 Annual Monitoring Review (AMR) that, using the Standard Method, South Gloucestershire can now demonstrate a 5.28 years housing land supply. The revised NPPF (para. 11) reiterates that; at the heart of the Framework is the presumption in favour of sustainable development. At para. 11 c) the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay.

5.4 Furthermore, The South Gloucestershire Local Plan Core Strategy adopted (Dec 2013) Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with the NPPF para. 38, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible. Policy CS17 of the Core Strategy sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities.

5.5 The locational strategy for the District is set out in policy CS5. Under this policy new residential development is directed to the strategic housing allocations, existing urban areas, and defined rural settlements as shown on the proposals maps, with most new development being on the North and East Fringes of Bristol. This application proposes development within the designated Urban Area on the East Fringe and as such is acceptable in principle.

- 5.6 It is considered likely that the proposed development would begin to contribute towards housing supply in the district within a period of 5 years.
- 5.7 Chapter 9 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.8 It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings. The NPPF encourages efficient use of land and requires (para.59) the need to boost significantly the supply of homes.
- 5.9 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.
- 5.10 Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.
- 5.11 South Gloucestershire Council can currently demonstrate that it has a 5.28 year supply of deliverable housing land. In this instance, the NPPF makes a presumption in favour of approving sustainable development. Notwithstanding this position, the site is located within the Urban Area where new residential development is acceptable in principle.
- 5.12 The site lies in a sustainable location close to public transport routes, shops and leisure facilities. There are no designations on this site that preclude its development for housing and the NPPF is clear that there is a presumption in favour of sustainable development. On this basis, there is a presumption in favour of the proposed scheme. However, it is necessary to consider the benefit of this proposal against any adverse impact and weigh these factors in the planning balance. The issues for consideration are discussed as follows:

Analysis

Scale and Design

- 5.13 Core Strategy Policy CS1 only permits new development where "the highest possible standards of site planning and design are achieved". The Policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality; this policy is fully compliant with the design guidance in the NPPF.
- 5.14 The locality is characterised by predominantly pre-war, two-storey residential dwellings interspersed with sporadic commercial developments. It is a densely populated suburban area comprising mainly terraces of a basic standard pitch

roofed design with gable ends and brick/render walls. The garages to the rear of Mendip Crescent have a very basic design, having concrete walls with mono-pitch roofs. Many of the garages are dilapidated and underutilised, which overall creates a somewhat foreboding environment that would appear to be a haven for fly tipping and anti-social behaviour. The terrace to the front comprises houses that are considered to be of low architectural significance that have gone beyond their design life, being poorly insulated and no longer sustainable. From an architectural viewpoint, the loss of these garages and the terrace of 4 houses (nos. 21, 23, 25 & 27) to the front is not opposed.

- 5.15 It is proposed to demolish the 37no. garages and terrace of four houses to the front and erect 11no. dwellings, to be occupied by clients of Bromford Housing Association (i.e. 100% affordable housing). The dwellings would comprise 2 x 1 bed houses, 8 x 2 bed houses and 1 x 3 bed house. The aim is to create a proposal which makes a positive contribution to the site and its wider context by replacing existing properties and low quality, under-utilised garages with well-designed modern, warm, efficient and high quality affordable housing to meet local housing need.
- 5.16 The existing terrace to the front would be replaced by dwellings of a similar scale on a similar footprint. The area of the site that is currently occupied by the existing garages has been configured to form a two storey terrace of 2 & 1 bed houses facing north (plots 5 - 7), and 2no. pairs of semi-detached dwellings facing south (plots 8 -11). The 2no. single-bedroom dwellings are proposed as chalet bungalows to reduce any potential overlooking between the two-storey properties on Dibden Close that bound the site to the West. A footpath has been proposed to the north-east corner of the site to maintain access to existing properties (see para. 5.46 below).
- 5.17 The proposal is considered to make efficient use of a site within the settlement boundary and Urban Area. The scale and form of the buildings would respect the street scene and character of the area in general. There are no objections on scale and design grounds.

Environmental Sustainability

- 5.18 National guidance in paragraph 17 of the NPPF states that planning should “support the transition to a low carbon future in a changing climate.” A Sustainability/Energy Statement has been submitted in support of this application.
- 5.19 The existing properties are poorly insulated and unsustainable, and the garages are under-utilised and in a state of disrepair. The replacement of these structures with high quality and sustainable dwellings would positively impact the environment and the lives of the existing and proposed tenants.

With regards to the energy efficient specification the key aspects are:

- Good Fabric Insulation Standards.
- Thermal Bridging Minimisation.
- Construction Detailing to Reduce Unwanted Ventilation Losses
- Efficient Heating and Hot Water Plant

Landscape & Trees

- 5.20 Policy PSP2 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) Nov 2017 seeks to conserve and where appropriate, enhance the quality, amenity, and distinctiveness of the landscape. Policy CS9 of the South Gloucestershire Local Plan Core Strategy expects new development to conserve and enhance the character, quality, distinctiveness and amenity of the landscape.
- 5.21 The site is generally flat or gently sloping with no notable landscape features. Other than the structures as described earlier, the remainder of the site consists of a mixture of varying types of hard standing but is generally tarmac that is in poor condition.
- 5.22 The submitted Arboricultural Report confirms that the 3No. trees that would be lost to the development within its northern corner are Category C, and comprise a Plum and 2no. Conifers. The Proposed Landscape Plan – 120, shows a general arrangement for the shared surfaces, parking areas, and planting areas with indicative tree planting, as well as specifying different fence types. Officers consider that there is scope for more tree planting than shown on this plan.
- 5.23 Detailed hard and soft landscape items can however be adequately dealt with by Condition. Subject to a landscape condition there are no in-principle objections in landscape terms.

Transportation Issues

- 5.24 In location terms, the transportation officer considers the site is in a highly sustainable central location with excellent access to the neighbouring local centres, retail and commercial offerings. There are also good transport links to Bristol City Centre and other areas within South Gloucestershire. This will allow future residents to use sustainable modes of transport (bus, walking and cycling) for accessing these facilities, driving down transport-related CO2 emissions. It also results in the suitability of the site for a relatively dense development to make best use of its location.
- 5.25 The existing site access point would be retained and upgraded to accommodate a vehicle crossover point and shared surface access road into the site. The shared surface access road would culminate in a turning head, which has been designed into the scheme to allow for emergency and amenity vehicles to access, turn and exit the site in a forward gear. A new pedestrian access is provided via the shared surface site access. Smaller pathways around the dwellings will connect together, providing a sense of inter connectivity to the scheme.
- 5.26 5no. parking spaces have been provided off Mendip Crescent for the properties fronting Mendip Crescent. The proposed site plan provides a total of 20 parking spaces to adhere to Local Planning Policy. This includes three visitor spaces. The level of parking provided meets the Councils' parking standards and as such it is considered acceptable. Sheds would be provided to the rear of each dwelling to provide cycle storage. With regards to EV charging, 7Kw/ 32amp electric car charging points would be provided for each dwelling which has a

space adjacent to it and the remaining spaces would be provided with ducting for future electric car charging points, this would be secured by condition.

- 5.27 Each property is to be given separated recycling and non-recycling bins. Sufficient space has been provided for all properties to manoeuvre all bins directly from their rear garden to the front of their properties for collection. Vehicle tracking has been undertaken to show that sufficient space has been provided for manoeuvring within the site of both a small and large refuse vehicle. This plan has been submitted as part of this application.
- 5.28 The application includes a Parking Survey undertaken in Sept. 2019 to establish the existing usage of the Mendip Crescent garage site for parking, which was minimal. Officers therefore have no objection to the loss of these garages, which are unlikely to result in any significant increase of on-street parking. Given that the residual cumulative impacts of the development on highway grounds are not severe, there is no transportation objection to the proposal.

Residential Amenity

- 5.29 The nearest residential properties lie immediately adjacent to the boundaries of the site on Mendip Crescent, Beaufort Road and Dibden Close.
- 5.30 As advised by the NPPF, the applicants have engaged with the local community. In May 2020, the applicants wrote to local residents and the Town Council to consult on the proposed redevelopment of 21, 23, 25 and 27 Mendip Crescent and Mendip Crescent garage site. A copy of the proposed site layout and a feedback form was sent to over 100 local residents so they could provide their views on the plans. This was instead of a drop-in consultation event which unfortunately had to be cancelled in line with government advice on the coronavirus pandemic.
- 5.31 13no. residents' sent their feedback on the plans. The applicant's design team collated and carefully considered the points raised and sent individual responses to residents where appropriate. Below is a summary of the main issues/queries raised, a copy of which was sent to local residents:

'The plans the applicant consulted on proposed building 12 new homes consisting of one and two-bedroom flats and one, two and three-bedroom houses with associated parking and landscaping. As a result of comments received on the relationship between the new development and existing homes in terms of possible overlooking, the applicant revised the proposed site layout, reducing the total number of proposed new homes from 12 to 11. The four apartments and the detached 3-bedroom house were removed and instead a scheme consisting of one, two and three-bedroom semi-detached/terrace houses with associated parking and landscaping is proposed.

The revised proposed site layout minimises the impact the new homes may have on existing properties by including chalet bungalow style homes at plots 7 and 8 along the western boundary and a minimum of 21m back to back distances for the two-storey homes at plots 7 to 11. Where a back to back distance of 20.75m for the two-storey homes at plots 5 to 7 is proposed, the

internal layouts of the new homes have been designed to minimise overlooking to the rear of 13 to 19 Mendip Crescent.'

- 5.32 The scale of the proposed buildings is not excessive. Given the location, scale and orientation of the proposed buildings, it is not considered that the scheme would result in a level of overbearing impact, loss of privacy from overlooking or significant overshadowing for local residents' that would justify refusal on this issue.
- 5.33 Notwithstanding the local facilities available to the future occupants of the dwellings, the future occupants would have access to private rear gardens all of which exceed the space standards required in PSP43. The gardens would be well enclosed by high boundary treatments secured by condition 9.
- 5.34 Any future anti-social behaviour would be a matter for the appropriate agencies. Given however that the site would be made over to dwellings, passive surveillance would significantly increase therefore reducing the likelihood of such behaviour.
- 5.35 There should be no significant adverse impact on the residential amenity of future or neighbouring occupiers. The scheme is therefore considered to accord with policy CS1 of the Core Strategy (Adopted) December 2013, Policy PSP43 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov 2017 and the NPPF.

Ecology

- 5.36 An Ecological Appraisal (Landmark Practice, September 2020) has been submitted with the application. No designated sites will be impacted by the proposal. No further surveys are required and there is appropriate mitigation and enhancements recommended within the appraisal; these can be secured by condition.

Environmental and Drainage Issues

- 5.37 Whilst there would inevitably be some disturbance for neighbours during the development phase, this can be adequately addressed by imposing a condition to restrict the hours of working. In terms of drainage, the site lies in Flood Zone 1 but the Council's Drainage Engineer still requires a condition to secure the prior submission and approval of a SUDS scheme of drainage. The site is not known to lie in an area of former coal mining.

Affordable Housing

- 5.38 Bromford Housing Association (formerly Merlin Housing Society) is proceeding with a redevelopment programme regarding a number of the PRC (pre-cast reinforced concrete) dwellings and other properties. The project will span a period of at least 7 years and enable regeneration across 60 sites and 30 different locations in South Gloucestershire, providing quality, redeveloped, sustainable homes.
- 5.39 The National Planning Policy Guidance states that 'provision of Affordable Housing should only be sought for residential developments for major developments, other than in designated rural areas (where policies may set out

a lower threshold of 5 units or lower).’ Major development being defined as - ‘For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.

- 5.40 Notwithstanding the fact this scheme seeks to deliver 100% affordable housing, as it exceeds the AH threshold as set down under Policy CS18 of the Core Strategy, the Council will still need to secure 35% affordable housing as part of a Section 106 agreement.
- 5.41 In the event that not all the Affordable Housing is delivered or the site is subsequently sold on the open market, Enabling will secure the Council’s planning policy requirement of 35% affordable housing in perpetuity via the Section 106 agreement

Community Services

- 5.42 As this proposal falls below the POS threshold of 10 dwellings (net gain of 7no. houses only) or more and/or is below 0.5ha and there appears to be no POS on site, it would not trigger a policy CS24 requirement.

Planning Obligations

- 5.43 The Community Infrastructure Levy Regulations 2019 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is;

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

In this instance, it is considered that the planning obligation relating to affordable housing is required to mitigate the impacts from the development and are consistent with the CIL Regulations (Regulation 122).

Community Infrastructure Levy (CIL)

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

Consideration of likely impact on Equalities

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

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

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

Other Matters

5.46 Of the concerns raised by local residents that have not been addressed above:

- The impact of development on property values is not a material consideration in the determination of planning applications.
- A lighting scheme for the site would be secured under condition 6.
- The existing pedestrian access would be retained to the rear of 17-19 Beaufort Rd. All fences and ramps would be secured through condition 9. With regards this issue, the applicant has stated the following:

“We note the objections from Mr John Rodway and Mr Julian Godfrey in relation to the proposed redevelopment of 21, 23, 25 And 27 Mendip Crescent and the Mendip Crescent garage site, Downend, South Gloucestershire, BS16 6UF. Though not a planning issue, for information, we wrote to the objectors in September 2020 with regards to rear access onto the proposed redevelopment site. Whilst their properties do not have a formal right of way over the proposed redevelopment site, in the interest of being a good neighbour, we propose to include a path along the side and rear of plot 11. This would allow them to continue to have pedestrian access from the rear of their properties to the completed development. Subject to achieving planning permission, they will not be able to access the development site from the rear of their properties during the construction of the new homes. These discussions will continue alongside the determination of the planning application.”

Planning Balance

- 5.47 This proposal makes efficient use of previously developed land in a highly sustainable urban location.
- 5.48 Employment opportunities for local craftsmen is a positive aspect of the scheme. The scheme delivers 100% affordable housing which is a social gain.
- 5.49 The proposal would provide suitable living conditions for future occupiers especially given the highly sustainable location of the site. The proposal would not be harmful to the character and appearance of the area nor harmful to highway safety.
- 5.50 The scheme is on balance considered to be sustainable development that is acceptable and should be approved.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

7.1 (1) 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:

(i) The provision of on-site affordable housing as follows:

- A total of four (4) affordable homes for social rent based on the following house type and tenure mix:
- 3 x 2-bed, 4-person, 2-storey houses at 79m² at plots 5, 9 & 10 and
- 1 x 1-bed, 2-person, 1.5 storey house 59m² at plot 8

The reasons for this Agreement are:

- (i) To provide affordable housing on the site in accordance with Policy CS18 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the Affordable Housing and Extra Care Housing SPD (Adopted) Sept 2008.

7.2 It is recommended that the Head of Legal and Democratic Services be authorised to check and agree the wording of the Agreement.

7.3 It is recommended that should the Agreement not be completed within 6 months of the date of any consent being granted; that delegated authority be given to the Director or 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/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Site Location Plan Drawing No. 6257-P-01 Rev A received 19th Jan. 2021
 Existing Site Layout Drawing No. 6257-P-100 Rev A received 19th Jan. 2021
 Proposed Site Layout Drawing No. 6257-P-111 Rev B received 19th Jan. 2021
 Proposed Highways Adoption Plan Drawing No. 6257-P-112 Rev A received 19th Jan. 2021
 Proposed Landscape Plan Drawing No. 6257-P-120 Rev B received 19th Jan. 2021
 Proposed Boundary Plan Drawing No. 6257-P-130 Rev A received 19th Jan. 2021
 Proposed Hard Surfaces Plan Drawing No. 6257-P-140 Rev A 19th Jan. 2021

Plots 1-4 Proposed Floor Plans Drawing No. 6257-P-200 received 16th Sept. 2020
 Plots 5-7 Proposed Floor Plans Drawing No. 6257-P-210 received 16th Sept. 2020
 Plots 8-9 Proposed Floor Plans Drawing No. 6257-P-240 received 16th Sept. 2020
 Plots 10-11 Proposed Floor Plans Drawing No. 6257-P-250 received 16th Sept. 2020
 Existing Floor Plans Drawing No. 6257-P-300 received 16th Sept. 2020

Plots 1-4 Proposed Elevations Drawing No. 6257-P-700 received 16th Sept. 2020
 Plots 5-7 Proposed Elevations Drawing No. 6257-P-720 received 16th Sept. 2020
 Plots 8-9 Proposed Elevations Drawing No. 6257-P-740 received 16th Sept. 2020
 Plots 10-11 Proposed Elevations Drawing No. 6257-P-750 received 16th Sept. 2020
 Existing Street Scene Drawing No. 6257-P-900 received 16th Sept 2020
 Proposed Indicative Street Scene Drawing No. 6257-P-910 received 16th Sept 2020

Proposed Bin Collection Points Drawing No. 6257-P-113 Rev A received 19th Jan. 2021
 Swept Path Analysis Refuse Vehicle Drawing No. CTP-20-290_SP01-C

Reason:

To define the terms and extent of the permission.

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

Reason

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

4. Prior to the first occupation of the dwellings hereby approved, the off street car parking facilities and electric vehicle charging points for each dwelling (where the car parking spaces are adjacent to it. As a minimum suitable ducting and draw chord should be provided for the other spaces) shall be provided in accordance with the

submitted and approved details shown on The Proposed Site Layout Plan Drawing No. 6257-P-111 and subsequently maintained thereafter for that purpose.

Reason

To promote sustainable forms of travel and to mitigate the increased numbers of dwellings and ensure the satisfactory provision of car parking facilities; in the interest of highway safety and the amenity of the area, and to accord with Policies PSP11 and PSP16 of the South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

5. The development shall proceed in strict accordance with the Mitigation Measures provided in the submitted Ecological Appraisal (Landmark Practice, September 2020).

Reason

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

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

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

Reason

To ensure there isn't excessive light spill onto adjacent habitats; in the interests of protected species and the bio-diversity of the location, to accord with Policy PSP19 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

7. Prior to the first occupation of the houses hereby approved, an ecological enhancement scheme is to be submitted to and approved in writing by, the local planning authority. The scheme is to detail all proposed ecological enhancements which should expand on the recommendations within the Ecological Appraisal and it is to include location of the enhancements including, but is not limited to, bird boxes, bat bricks/boxes, permeable fencing, native planting and a hedgehog house. The

enhancements so approved shall be implemented/installed no later than 3 months from the first occupation of the dwellings hereby approved.

Reason

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

8. Notwithstanding the submitted information, prior to the commencement of above ground development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; location, species, stock size, planting centres and quantities of all proposed tree and structure/front garden planting, supported by tree pit details and proposed times of planting; shall be submitted to the Local Planning Authority for approval in writing. The development shall thereafter be carried out in accordance with the agreed details. Any trees that subsequently become diseased or die within a three year period of being planted, shall be replaced with trees of a similar size and species in the first available planting season.

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

9. Notwithstanding the details shown on the approved plans; a plan specifying all proposed boundary and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls and ramps that may be required, together with a supporting schedule of proposed manufacturer hard landscape materials and site furniture products (e.g cycle stands). shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the boundary treatments and hard landscaping details so approved shall be erected/implemented prior to the first occupation of any of the houses hereby approved and maintained as such in the future.

Reason

To protect the visual amenity of the area and the residential amenity of the future and neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP2 & PSP8 of The South Gloucestershire Local Plan : Policies , Sites & places Plan (Adopted) Nov. 2017 and the National Planning Policy Framework.

10. No above ground construction 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.

Development proposals will be expected to reduce surface water discharge from the site, wherever practicable and feasible on previously developed land, by reducing post

development runoff rates for events up to and including the 1 in 100 year return period, with an allowance for climate change, to that of a Greenfield condition. Where it can be demonstrated that this is not practical or feasible, a 30% betterment of the existing condition will be required;

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

- Confirmation and acceptance of an agreed connection point and discharge rate for surface water disposal from Wessex Water.
- The maximum overall surface water discharge rate is restricted to 14l/s in line with a 30% Brownfield betterment.
- A clearly labelled drainage layout plan showing the pipe networks and any attenuation features and flow control devices.
- Updated drainage calculations to show there is no flooding on site in 1 in 30 year storm events up to the 10080 minute scenarios (winter and summer); and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer) in line with the current industry accepted allowance.
- Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus an allowance for climate change storm event up to the 10080 minute scenarios (winter and summer) in line with the current industry accepted allowance.
- The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.
- The plan should also show any pipe node numbers referred to within the drainage calculations and should indicate the volume of storage and dimensions of the attenuation tank system.
- A manhole / inspection chamber schedule to include cover and invert levels.
- Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation features and Flow Control devices where applicable for the lifetime of the development.

Reason

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

**IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.
POSITIVE AND PROACTIVE STATEMENT:**

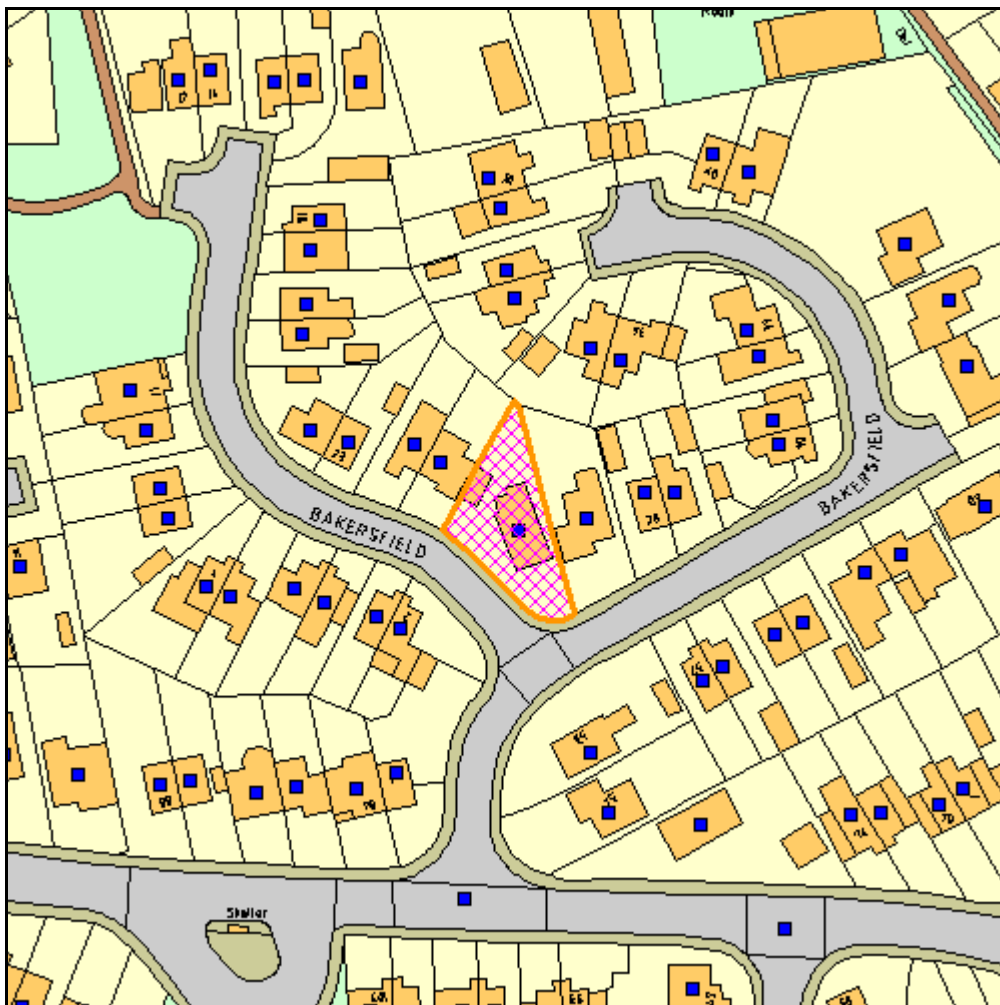
In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways:

In seeking additional plans and information to overcome officer concerns.

Case Officer: Roger Hemming
Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 04/21 -29th January 2021

App No.:	P20/23174/F	Applicant:	Sarah Buscemi
Site:	26 Bakersfield Longwell Green South Gloucestershire BS30 9YP	Date Reg:	23rd November 2020
Proposal:	Alterations to the existing garage ancillary to main dwelling.	Parish:	Oldland Parish Council
Map Ref:	366474 171340	Ward:	Longwell Green
Application Category:	Householder	Target Date:	14th January 2021



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

REASON FOR APPEARING ON CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for alterations to the existing garage ancillary to main dwelling at 26 Bakersfield, Longwell Green. The alterations include the bricking-up the existing garage door and inserting a new door to that elevation.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance

2.2 South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

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

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007
Residential Parking Standards SPS (Adopted) 2013
Residential Amenity TAN (Endorsed) 2016

3. CONSULTATION RESPONSES

- 3.1 Oldland Parish Council – Objection.

“The Parish Council objects to this application on grounds that, in light of the increasing size of the property, there is inadequate provision for off-street car parking.”

- 3.2 Sustainable Transport – Further information required relating to parking provision. [Officer Comment] Discussed in detail below.

3.3 Local Residents – No comments received.

4. **ANALYSIS OF PROPOSAL**

4.1 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 be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. The proposal has been carefully assessed and has found to be in compliance with these policies.

4.2 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 outlines the types of issues that could result in an unacceptable impact. The proposal has been carefully assessed and has found to be in compliance with these policies.

4.3 Transport

Policy PSP16 of the Policies, Sites and Places Plan sets out the Council's parking standards, for which it states that '*Only garages that meet the following internal space standards will count towards parking standards*'. For a single garage (as per the structure relating to this application), the minimum internal dimension is 6m x 3m. Officers have measured the internal dimensions of the existing garage, for which only measures 2.7m x 5.4m. As such, the existing garage does not count towards the existing parking provision for the host property. Subsequently, there is no change to the net parking provision and the development therefore complies with the minimum residential parking standards.

4.4 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. This planning application it is considered to have a neutral impact on equality.

4.5 Other Matters

It is noted that the use of the garage can be accessed independently of the host dwelling. As such, a condition should be attached to the decision notice to ensure that the use remains ancillary to the host dwelling and to prevent the building becoming a separate planning unit in the interests of residential amenity.

5. **CONCLUSION**

- 5.1 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. 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.

6. **RECOMMENDATION**

- 6.1 It is recommended that planning permission is GRANTED.

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:

Received by the council on 19/11/2020: Combines Plan; Site Location and Block Plan.

Reason: To define the terms and extent of the permission.

3. The garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 26 Bakersfield, Longwell Green, South Gloucestershire, BS30 9YP.

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 PSP1 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.

POSITIVE AND PROACTIVE STATEMENT:

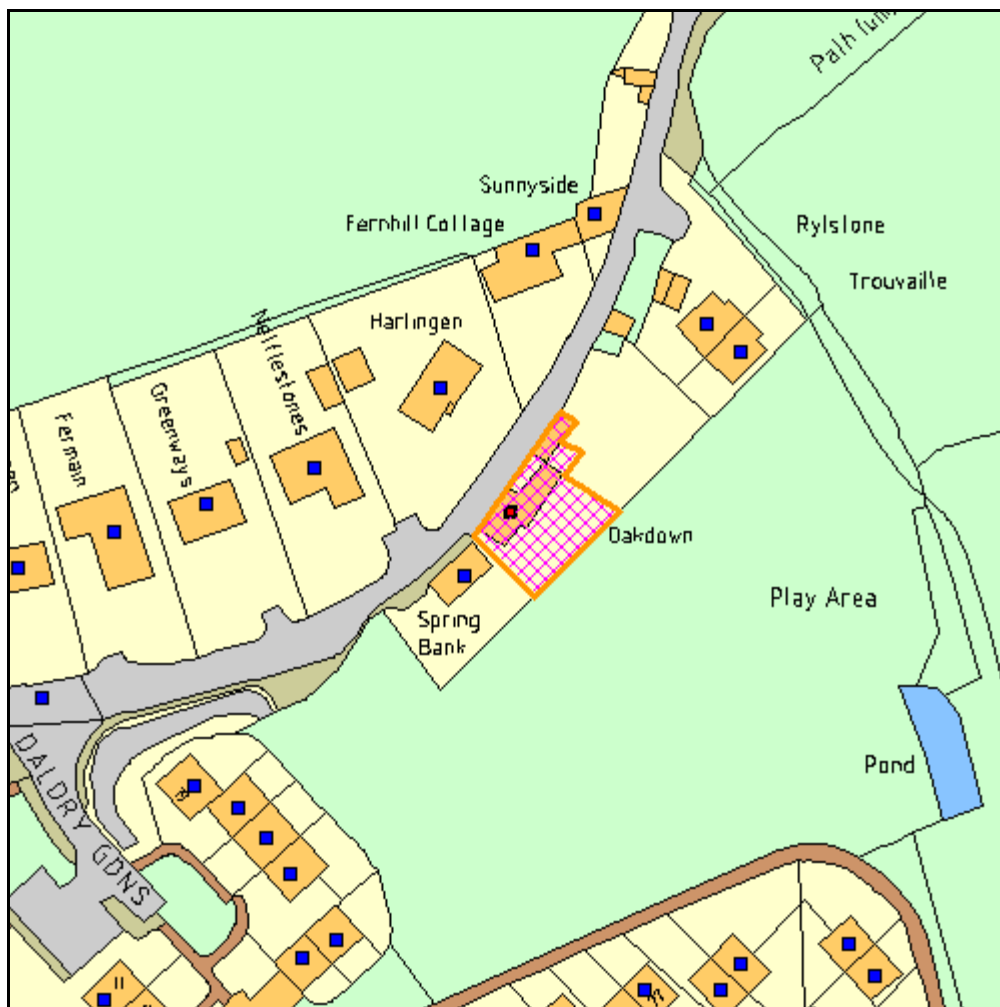
In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways: the application has been determined.

Case Officer: Thomas Smith

Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 04/21 -29th January 2021

App No.: P20/23525/F	Applicant: Mr And Mrs Clarke
Site: Oakdown Vicarage Lane Olveston South Gloucestershire BS35 4BT	Date Reg: 29th November 2020
Proposal: Proposed demolition of existing dwelling and adjoining outbuilding. Replacement dwelling with a new drive and parking provision.	Parish: Olveston Parish Council
Map Ref: 360385 187291	Ward: Severn Vale
Application Category: Minor	Target Date: 21st January 2021



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N.T.S.

P20/23525/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 an objection by the Parish Council, and the receipt of 19no. objection comments, contrary of the officer recommendation detailed below.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission the demolition of an existing dwelling and outbuilding, and the erection of a replacement dwelling with a new drive and parking provision.
- 1.2 The site is located within the Settlement boundary, and is within the Bristol/Bath Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance

2.2 South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS2 Green Infrastructure
CS3 Renewable and Low Carbon Energy Generation
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS34 Rural Areas

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodland
PSP6 Onsite Renewable and Low Carbon Energy
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
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
 Development in the Green Belt SPD (Adopted) June 2007
 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)
 Olveston Design Statement (2004)

3. RELEVANT PLANNING HISTORY

- 3.1 P98/1710, Decision: AFP, Date of Decision: 25-SEP-98, Proposal: Erection of detached dwelling, construction of new vehicular and pedestrian access.
- 3.2 P20/23533/F, Decision: Pending, Proposal: Subdivision of the existing site at Oakdown and construction of a new dwelling. Demolition of existing garage and glass house with a replacement garage that adjoins the proposed dwelling.

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council – Objection due to overdevelopment in the Green Belt, the style of the proposed building is not aesthetically suited to the area adjacent to the Conservation Area.
- 4.2 Highways – No objection.
- 4.3 Tree officer – No objection subject to submission of Tree Report.
- 4.4 Highways structures – No objection subject to submission of excavations and supports.
- 4.5 Archaeology – No objection subject to submission of Archaeological watching brief
- 4.6 Ecology – No objection subject to conditions securing mitigation
- 4.7 Flooding and drainage – No objection
- 4.8 Public Rights of Way – Public footpath OOL35 will be affected
- 4.8 Members of the public – 19 objections have been received, summarised as:
 - Demolition of property would be a heritage loss
 - Registered Conservation Village
 - Single track lane already hazardous
 - Direct access would be dangerous
 - Dangerous manoeuvring on blind corner
 - Site difficult to develop due to limited access

- Safety issues from lorries during construction
- No nearby parking for construction workers
- Overdevelopment of site
- No cycle parking provided
- Unclear if amenity standards are met
- Unclear whether drainage standards are met
- Design not appropriate
- Increase in volume inappropriate
- Length of build time unacceptable
- Fails to take account of personal safety
- Does not comply with Olveston Design Statement
- Property should be redeveloped by a family not a builder for profit
- Proposal out of keeping
- Proposed dwelling overbearing
- Significant impacts on privacy and natural light
- Disruption from construction will impact on homeworking

1 support comment has been received, summarised as:

- Design proposals reflect the spirit of the old house
- Proposals look like what is already there and fits in with other houses
- New driveway gives extra passing space
- Set back increases vision and safety

4. **ANALYSIS OF PROPOSAL**

Principle of development

- 4.1 The proposal is sited within the Green Belt, where the fundamental aim is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. As per para 134 of the NPPF, the Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;*
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.2 Whilst development in the Green Belt is strictly controlled, the NPPF provides a number of exceptions where new buildings in the Green Belt may not be inappropriate. Paragraph 145 of the NPPF lists the exceptions, for which the most relevant exception being *'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.'*
- 4.3 The existing property is in need of renovation, with some structural failures, draughts and water ingress, amongst other issues. Period extensions have also resulted in level changes and some low ceilings throughout the property.
- 4.4 The existing property has a volume of around 430m³, with the proposed being 515m³, an overall increase of 85m³ or 20%. Volume is not the only issue for

comparison. The proposed property is around 1.3m taller than the existing, a similar depth, and 6.4m shorter, with a smaller overall footprint. When viewed on the ground, despite the increase volume and height, due to the more compact layout the proposed dwelling will not appear materially larger than the existing property, and is therefore considered to constitute appropriate development within the Green Belt.

- 4.5 The proposal is located within the Settlement Boundary of Olveston, and as such is in accordance with policy CS5.

Heritage, Design and Visual Amenity

- 4.6 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 be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policy CS9 requires heritage assets to be conserved, respected and enhanced in a manner appropriate to their significance.
- 4.7 Concerns have been raised through the application process that the property should be considered as a heritage asset. The age of the original property is noted within the submission, with some form of development being on site since 1880. Local residents have provided some further history to the site, with the original dwelling constructed around 1820 by local Stonemasons the Cossham family, who were also involved in constructing other buildings within the village such as St. Mary's Church. It is however clear from an analysis of historic mapping that the current building footprint differs from historic mapping, with much of the existing dwelling being of relatively recent construction. The stone outbuilding is of mid-20th Century construction, first appearing on OS maps in the 1960's. The existing building therefore is of little historic significance, would not be a candidate for either national or local listing, and is not within a Conservation Area. There is no objection to its demolition.
- 4.8 The existing building has been extensively modified over time by extensions, resulting in a property with a varied roofline and staggered façade, presenting in a linear fashion along Vicarage Lane. The property is predominantly rendered with the exception of the stone outbuilding, with a multitude of fenestration types and sizing. The proposed dwelling would follow the linear presentation albeit slightly set back from the highway, and repeating the staggered formation that gives the property much of its character. Render to match the present building would be used, as well as a stone retaining wall and plinth and a nod to the outbuilding currently on site. The choice of fenestration also reflects the existing property.
- 4.9 The proposal includes the subdivision of the existing plot with the intention of constructing an additional dwelling on land previously part of the garden of Oakdown. Whilst that application will be considered on its own merits, this application must consider whether the subdivision of the property is acceptable. Although the proposal will result in a reduced garden size for the future occupiers, the resultant size will not be dissimilar to surrounding properties;

notably it will be comparable to the garden of the immediately adjacent property, albeit with a larger dwelling in place. The site is considered to be acceptable in plan form in this location.

- 4.9 Overall, the proposal is considered to respect the characteristics of the site and its context, and is a good example of modern design that reflects the sites history. The application is therefore in accordance with policies PSP1, PSP38, CS1 and CS9.

Residential Amenity

- 4.10 Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 outlines the types of issues that could result in an unacceptable impact.
- 4.11 Concerns have been raised regarding the potential loss of light and privacy that could be caused by the proposal. It should be noted that the proposal is for a replacement dwelling in largely the same location as the existing, and any impact must also be considered against the existing situation. Whilst the proposal is slightly higher than the existing property, it is also set back from the highway. Any overlooking or overbearing impact towards properties on the opposite side of Vicarage Lane would be minimal, and certainly not significantly harmful. Some slight overshadowing to the adjacent property may occur over and above the existing situation, however this will not directly impact upon windows to primary living accommodation and would be minimal.
- 4.12 The rear garden area of the proposal features both a patio area as well as a garden bordered by a hedge, which would be accessed from the rear of the property. At over 100m², this is over the set minimum standard of 70m² that would be expected for a 4no. bed dwelling. The proposal is considered to provide sufficient amenity space for the proposed dwelling in accordance with PSP43.

Transport

- 4.13 Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards, and PSP11 requires appropriate and safe access to proposals. Concerns have been raised regarding the impact of the proposal upon the single track access road, particularly upon other road users such as pedestrians, cyclists and horse riders.
- 4.14 The existing property contains 3no. bedrooms, and is proposed to be replaced with a 4no. bedroom property. As such, the proposal is unlikely to introduce vehicular movements over and above the existing situation.
- 4.15 The proposal does however introduce a new vehicular access and parking area adjacent to the property. This is in part due to the proposal adjacent for a new property, which would utilise the existing access and replace the existing garage, and in part due to the existing parking area being some distance away

from the dwelling, and the wishes of the applicant to park immediately adjacent to the new proposed dwelling.

- 4.16 What must therefore be considered therefore is whether the new access would cause severe harm to the proposed users and other users of the highway. It is noted that there is no space to turn vehicles before leaving the site, this is a common arrangement in the local area and given the relatively low vehicle speeds and knowledge that pedestrians, cyclists and horse riders use the Lane, this arrangement has been noted by highways to be satisfactory. It is also likely that users of the access would reverse into the parking area, and leave the site in forward gear. Additional information has been supplied during the course of the application to confirm that the parking spaces adhere to space standards, as well as clarification regarding visibility splays. As such, the proposal will not have a severe impact upon the highway network or its users, and complies with PSP11 and PSP16.
- 4.17 Given the proximity to the road and limited parking opportunities, it is considered necessary for a Construction Management Plan to be in place prior to commencement of development. Conditions will also be required for the provision of the parking area before the dwelling comes into use, and for the retention of the parking area in perpetuity.

Drainage

- 4.18 The proposal replaces an existing dwelling with no known drainage issues in the local area. The Drainage Team have raised no objections to the scheme, however the applicant should note that no surface water discharge will be permitted to an existing foul sewer without the expressed approval of the sewage undertaker.

Ecology

- 4.19 The proposal will not impact upon any designated sites, and a Bat and Nesting Bird Survey has been submitted as part of the application. Three emergence surveys were undertaken for the property and the outbuilding with one emergence survey being undertaken for the garage.
- 4.20 No bats were found to emerge from the property concluding that it is unlikely to be used currently as a bat roost. There were low levels of activity during the surveys. A sparrow nest was recorded during the survey within the western elevation of the main dwelling. Sufficient mitigation has been recommended. Removal of any vegetation is also to be undertaken under the same mitigation measures as the buildings. Hedgehogs may use the site and consideration is required.
- 4.21 It is considered that sufficient survey works have been undertaken, and there are no objections provided any excavations created as part of the development are backfilled or covered overnight, checked regular and installed with a ramp to provide an escape route, the development proceeds in strict accordance with the proposed mitigation measures, provision of a lighting strategy, and

evidence is provided of ecological enhancement measures. The proposal is considered to accord with policies PSP18, PSP18, CS9, CS2 and PSP3.

Trees

- 4.22 The existing site includes some mature trees along the read boundary which are proposed to be retained. A Tree Report will be required, including Tree Protection Measures, prior to the commencement of development to ensure no damage occurs during demolition or construction.

Public Right of Way

- 4.23 Comments have been received regarding public footpath OOL35, which runs through the garden of this property and that of Spring Bank. It appears at some point the gardens have been extended over the adjacent land but the footpath has never been diverted to accommodate this, with the exception of the north-east end which was diverted to allow for the erection of two never dwellings. As the adjacent playing field has been available for walkers the enforcement of the legal line of the footpath has not been a priority.
- 4.24 The area where the footpath officially runs remains as garden area and would not be impacted upon by the replacement dwelling. The applicant is aware that the enforcement of the legal line of the footpath is always a possibility, and it is understood that the applicant is in discussions with the PROW team regarding an official diversion.

Archaeology

- 4.25 The site lies in an area of archaeological significance with evidence of domestic / farming use from the mid C19th. Although the presence of the current domestic and out buildings of the property will have impacted on some below ground deposits it is not considered that these would have been entirely removed by previous historic development of the site. An archaeological watching brief should be undertaken on any ground works including the provision of services and utilities to the new building as a condition of any permission granted on this site.

Consideration of likely impact on Equalities

- 4.26 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. This planning application it is considered to have a neutral impact on equality.

5. **CONCLUSION**

- 5.1 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. 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.

6. **RECOMMENDATION**

- 6.1 It is recommended that planning permission is GRANTED.

CONDITIONS

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

Reason

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

2. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason:

To ensure that safe operation of the highway and in the interests of protecting residential amenity. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

3. The building shall not be occupied until the associated vehicle parking areas and access areas have been drained and surfaced in accordance with details approved in writing by the Local Planning Authority. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles and shall remain in perpetuity.

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.

4. Prior to the commencement of the external walls 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; and the National Planning Policy Framework.

5. Prior to the commencement of development a programme of archaeological investigation and recording (archaeological watching brief) for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects.

Reason:

The site is within an area of archaeological interest and the Council will wish to examine and record items of interest discovered. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

6. No occupation of the development shall commence until bicycle storage for at least 2no. bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason:

To ensure the satisfactory provision of cycle facilities 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.

7. The development shall proceed in strict accordance with the Mitigation Measures provided in the Bat and Nesting Bird Survey Report (Acer Ecology, October 2020) , this includes demolition and removal of vegetation outside of bird nesting season and where this not practical a suitably qualified ecologist is to undertake a check.

Reason: To protect nesting birds and prevent ecological harm in accordance with policy PSP19 of South Gloucestershire Local Plan and the National Planning Policy Framework.

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

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

Reason:

To avoid harm to bats and wildlife in accordance with policy PSP19 of South Gloucestershire Local Plan and the National Planning Policy Framework.

9. Prior to first occupation, evidence of the installation of the ecological enhancement features recommended in the Bat and Nesting Bird Survey Report (Acer Ecology, October 2020) shall be submitted to the local planning authority for approval in writing. This shall include, but is not limited to bird boxes and bat boxes

Reason:

To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policy PSP19 of South Gloucestershire Local Plan and the National Planning Policy Framework.

10. No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason:

To ensure that trees to be retained are not adversely affected by the development proposals in accordance with policy PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

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

23 Nov 2020	020	EXISTING OAKDOWN LOCATION PLAN
23 Nov 2020	122	PROPOSED PLANS
23 Nov 2020	131	PROPOSED NW & SE ELEVATIONS
23 Nov 2020	132	PROPOSED NE & SW ELEVATIONS
26 Nov 2020	120 A	PROPOSED BLOCK PLAN
26 Nov 2020	221_029	TREE PLAN
11 Dec 2020	121 A	PROPOSED ROOF PLAN

Reason:

To define the terms and extent of the permission.

**IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.**

POSITIVE AND PROACTIVE STATEMENT:

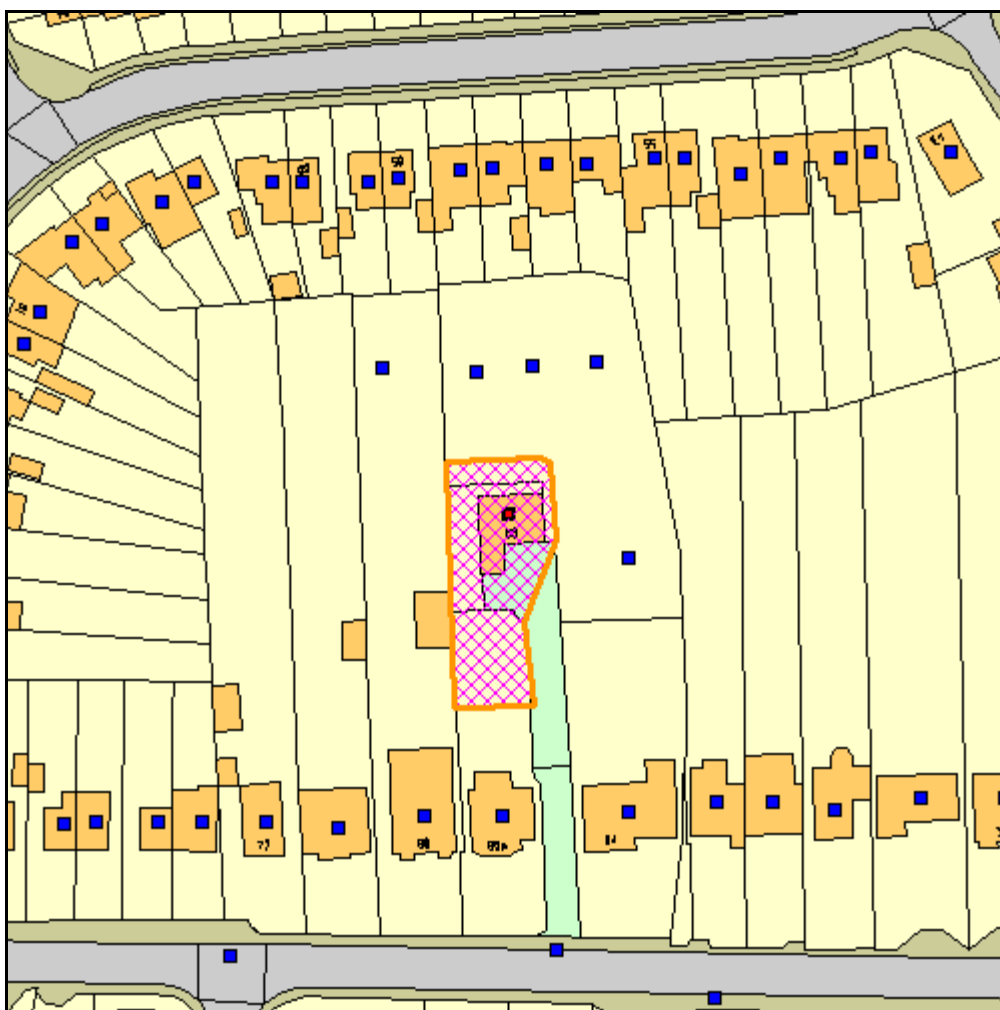
In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner by seeking further information during the course of the application.

Case Officer: Rae Mepham

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 04/21 -29th January 2021

App No.:	P20/23897/RVC	Applicant:	Victoria Morgan Sara Barros Platinum Planning
Site:	66 Court Farm Road Longwell Green South Gloucestershire BS30 9AD	Date Reg:	8th December 2020
Proposal:	Variation of condition 2 attached to reserved matters consent PK18/3539/RM to amend the approved plans. Demolition of existing bungalow. Erection of 2no. dwellings and detached garages with appearance, landscaping and scale to be determined. (Approval of reserved matters to be read in conjunction with PT17/3232/O-Demolition of existing bungalow. Erection of 2no. detached dwellings (Outline) with access and layout to be determined. (All other matters reserved)).	Parish:	Hanham Abbots Parish Council
Map Ref:	365525 170696	Ward:	Longwell Green
Application Category:	Minor	Target Date:	1st February 2021



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100023410, 2008.

N.T.S.

P20/23897/RVC

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

REASON FOR APPEARING ON CIRCULATED SCHEDULE

The application has been referred to the Circulated Schedule due to a representation received from the Parish Council, which is contrary to the findings of this report.

1. THE PROPOSAL

- 1.1 This planning application is made under Section 73 ("s73") of the Town and Country Planning Act 1990 (as amended) ("the Act"). Applications made under this section of the Act seek to develop land without compliance with conditions previously attached to the relevant planning permission.
- 1.2 The applicant is seeking to vary condition 2 of planning permission PK18/3539/RM, to amend the approved plans. Permission PK18/3539/RM was granted on the 26th October 2018 for; *Demolition of existing bungalow. Erection of 2no. dwellings and detached garages with appearance, landscaping and scale to be determined. (Approval of reserved matters to be read in conjunction with PT17/3232/O)*
- 1.3 The application site is located within the East Fringe of Bristol urban area (a designated settlement boundary) and is not subject to any other planning designations or constraints.
- 1.4 This application follows enforcement intervention following the properties not being implemented in accordance with the approved plans. During the course of the application consideration, revised plans were received. As these did not make any fundamental changes to the proposal, no public re-consultation was deemed necessary.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS29	Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
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

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

3. RELEVANT PLANNING HISTORY

3.1 P20/23724/CLE (refused 26/01/2021):

Erection of single storey rear extension to approved plots 6 and 7 to form additional living accommodation.

Refusal reason:

Insufficient evidence has been submitted to precisely or unambiguously demonstrate that, on the balance of probability, the existing extensions were commenced following the development, subject of applications PT17/3232/O and PK18/3539/RM, being substantially completed. Furthermore, by reason of the eaves height, the extensions would be contrary to paragraph A.1(d) of Part 1, Class A. Accordingly, the development would not constitute permitted development within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015.

3.2 P20/17984/RVC (refused 23/11/2020):

Variation of condition 2 attached to reserved matters consent PK18/3539/RM to amend the approved plans. Demolition of existing bungalow. Erection of 2no. dwellings and detached garages with appearance, landscaping and scale to be determined. (Approval of reserved matters to be read in conjunction with PT17/3232/O-Demolition of existing bungalow. Erection of 2no. detached dwellings (Outline) with access and layout to be determined. (All other matters reserved)).

Refusal reason 1:

By virtue of their scale and design, the orangery additions are considered to be out of keeping with the chalet bungalow style of this pair of dwellings, adversely affecting their overall appearance to the detriment of the proposed development and surrounding area. As such the proposal would not achieve the highest standards of design as required by Policy CS1 of The South Gloucestershire Local Plan : Core

Strategy (Adopted) Dec. 2013; Policy PSP1 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and the provisions of the NPPF.

Refusal reason 2:

The proposed east elevation rooflights (Plot 7), by reason of their size and siting; if allowed, would have a detrimental effect on the residential amenity of the occupiers of the neighbouring property, no.5 Court Farm Close. The proposal is therefore considered 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.

- 3.3 PK18/3539/RM (approved 16/10/2018):
Demolition of existing bungalow. Erection of 2no. dwellings and detached garages with appearance, landscaping, and scale to be determined. (Approval of reserved matters to be read in conjunction with PT17/3232/O).
- 3.4 PT17/3232/O (approved 08/11/2017):
Demolition of existing bungalow. Erection of 2no. detached dwellings (Outline) with access and layout to be determined. (All other matters reserved).

4. CONSULTATION RESPONSES

- Hanham Abbots Parish Council
4.1 Objection – application is confusing as it is not clear what has been built and what is proposed.

Consultees

- 4.2 Sustainable Transport
No objection subject to condition
- 4.3 Highway Structures
No comment
- 4.4 Drainage (LLFA)
No objection
- 4.5 Environmental Protection
No adverse comments
- 4.6 Planning Enforcement
No comments have been received

Other Representations

- 4.7 Local Residents
1no. general and 1no. Support comment has been received.

General comment – Address incorrect

Support comment – variation far superior than original plan, will reduce heating costs, conservatory was not energy efficient.

[officer comment] *The address had originally be submitted as 66A Court Farm Road, although the red line was in the correct place (around no.66). The address has been amended to 66 Court Farm Road.*

5. **ANALYSIS OF PROPOSAL**

Principle of Development

- 1.1 Applications made under s73 of the Act seek permission for the development of land without compliance with conditions subject to which a previous planning permission was granted. With applications made under s73, the Local Planning Authority shall consider only the conditions subject to which planning permission was granted; the principle of development is therefore already established.
- 1.2 If the Local Planning Authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the Authority should grant permission accordingly. If the Authority decides that planning permission should be granted subject to the same conditions, then the application should be refused
- 1.3 This application seeks to vary condition 2 of PK18/3539/RM (the 'RM application'). Condition 2 reads as follows;
- The development shall be implemented strictly in accordance with the following documents:
- Received 27.07.2018:
 Design & Access Statement
 The Location Plan
 Proposed Elevations (CFR1806)
 Proposed Block Plan (EAM0806)
 Landscape Plan (EAM2505)
- Received 06.08.2018:
 Existing Block Plan (CFR0108)
 Existing Floor Plan (CFR0109)
 Proposed Floor Plans (CFR1106)
 Existing Elevations (CFR1843)
 Proposed Garages (CFR2605)
 Proposed SUDS Plan (EAM2405)
- Reason
 For the avoidance of doubt.
- 1.4 The variation is to allow a change of design from what was approved under the RM application in 2018. In specific, the change relates to the currently built flat

- roofed rear extensions on the properties, which were approved as smaller Upvc conservatories. The plans also indicate a change in the roof light size on plot 6 (due West). A previous s.73 application sought to vary the plans to allow the rear extensions that have been built to be retained with flat roofs, and allow the larger roof lights to remain on plot 7 (due East) also. This was refused on the basis that the flat roofs were considered poor design, and that the larger roof lights on the Eastern roof slope of plot 7 would allow an unacceptable degree of overlooking and inter visibility with respect to the property (plot 1) due East.
- 1.5 The proposed plans in this instance show the rooflights that were identified as having an overlooking impact on the property due East as having been reduced back to the scale approved in the RM application. They also show the rear extensions that have been built as having pitched (hipped) roofs. Larger rooflights on plot 6 remain.
- 1.6 The plans are proposed to be substituted as follows;
- Elevations*
CFR1806 (Proposed elevations) is to be replaced by CFR0215A (Plot 7 elevations) and CFR0212 (Plot 6 elevations).
- Plans*
CFR1106 (Proposed floor plans) is to be superseded by CFR2455 (Proposed floor plans)
- 1.7 If the variation is permitted, it would allow changes to the overall design of the approved scheme, and so an assessment now needs to be made as to whether the proposal is still acceptable in terms of design. Assessment with regards to residential amenity and transportation will also be required.
- 1.8 Design and Visual Amenity
The properties have been approved as being chalet style bungalows with accommodation in the roof space, designed with low eaves. The RM application granted the properties with lean to conservatories on the rear elevations of plots 6 and 7. However, they were built out with deeper flat roof 'orangery' extensions. An attempt to regularise this was made under P20/17984/RVC, however it was felt that the extensions were not of a high quality design and would not be appropriate in this context, particularly with regards to the flat roofs. Whilst these are technically rear extensions, they are in fairly prominent positions on the approach to the site and wider backland development.
- 1.9 The proposal would see the extensions that have been built without permission (by reason of not being in accordance with the approved plans) retained and so therefore regularised. However, they would benefit from pitched (hipped) roofs, as opposed to flat roofs.
- 1.10 The design proposed is still to a degree questionable in some respects, for example the eaves remain higher than would be preferable. That said, the use of a pitched roof is much less incongruous and will help to assimilate the extensions to a much better degree with the main structures. Hipped roofs

would also not appear out of keeping with the surrounding properties to the South, many of which benefiting from hipped roofs. Officers therefore consider that on balance, the proposed design of the rear extensions can be considered acceptable, and it would be unlikely that a refusal could be sustained on design grounds.

Implementation timescale

- 1.11 Officers are mindful that this RVC application follows intervention from the Council's enforcement team, following the properties not being built in accordance with the approved plans. It would therefore be considered necessary to apply a timescale in which the approved amendments need to be done by. The Outline application and RM application implementation time limits have both now expired, and a s.73 application cannot be used to extend the time implementation condition in any way.
- 1.12 However, the properties are not considered to be substantially complete, by reason of not being implemented in accordance with the approved plans. Therefore, the varied plans condition could be worded such that the development needs to be *completed*, within a set timescale. Officers consider 6 months to be reasonable in this case, given the nature of the change required. This would be both reasonable and necessary to ensure that the resultant development is built to a satisfactory standard of design, as opposed to the current situation, which is not considered to be of a satisfactory standard of design. It would also ensure that the amenities of neighbouring occupiers are adequately protected.
- 1.13 Residential Amenity
P20/17984/RVC was refused partially because the rooflights inserted in to the Eastern roof slope of plot 7 were much larger and lower than what was approved under the RM application. This meant that there was an amenity issue as they would allow an unacceptable level of overlooking. The plans in this instance show plot 7 to have smaller rooflights in accordance with what was approved under the RM application, thus removing this concern. It is noted that plot 6 still has the larger rooflights, however this roof slope overlooks the Western roof slope of plot 7 and does not have the same overlooking potential. Officers therefore consider this variation to be acceptable.
- 1.14 The rear extensions with hipped roofs will not, in officers view give rise to any material residential amenity concerns, by reason of their siting and single storey form/scale.
- 1.15 Transport
The proposed variation will not change the parking or access arrangements, nor will an increase in demand be created. As such, the parking and access situation can be considered to remain as agreed previously.
- 1.16 Condition 1 of the RM application submitted that within 3 months of the dwellings being *substantially completed*, off street parking shall be completed and maintained thereafter free of obstruction. As the properties have not been

built in accordance with the approved plans, they cannot be regarded as being substantially complete, and so condition 1 (a compliance condition) should still apply as worded.

1.17 Varied Condition (2) Wording

As discussed above, condition 2 should be permitted to be varied, and should be worded as follows;

The development shall be completed in accordance with the following plans, with the completion to be before the expiry of 6 months from the date of this permission;

Received 27.07.2018:
Design & Access Statement
The Location Plan
Proposed Block Plan (EAM0806)
Landscape Plan (EAM2505)

Received 06.08.2018:
Existing Block Plan (CFR0108)
Existing Floor Plan (CFR0109)
Existing Elevations (CFR1843)
Proposed Garages (CFR2605)
Proposed SUDS Plan (EAM2405)

Received 04.12.2020
CFR0212 – Plot 6 proposed elevations
CFR0215A – Plot 7 proposed elevations

Received 27.01.2021
CFR2455 – Proposed floor plans

Reason

For the avoidance of doubt and to ensure that the development is completed to a satisfactory standard of external appearance, following not being built in accordance with the approved plans.

Other Conditions

1.18 As a decision under s73 has the effect of granting a new (revised) planning permission, the other conditions attached to PK18/3539/RM must be reviewed.

No.	Brief Description	Discussion	Action
1	Parking implementation within 3 months of substantial completion	Development not substantially complete as not built in accordance with approved plans.	Retain
2	Plans	Vary as set out above, with timescale for implementation.	Vary

Impact on Equalities

- 1.19 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.
- 1.20 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 planning permission be **GRANTED** for the proposed variation.

CONDITIONS

1. Within 3 months of the new dwellings hereby approved being substantially completed the off-street parking shown on the approved plans shall have been completed, and thereafter, these areas shall be satisfactorily maintained and kept free of obstruction and available for the parking of vehicles associated with the development.

Reason

To ensure that there are adequate parking facilities to serve the development, and to accord with Policy PSP16 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; and the revised National Planning Policy Framework.

2. The development shall be completed in accordance with the following plans, with the completion to be before the expiry of 6 months from the date of this permission;

Received 27.07.2018:

Design & Access Statement
The Location Plan
Proposed Block Plan (EAM0806)
Landscape Plan (EAM2505)

Received 06.08.2018:

Existing Block Plan (CFR0108)
Existing Floor Plan (CFR0109)
Existing Elevations (CFR1843)
Proposed Garages (CFR2605)
Proposed SUDS Plan (EAM2405)

Received 04.12.2020

CFR0212 - Plot 6 proposed elevations
CFR0215A - Plot 7 proposed elevations

Received 27.01.2021

CFR2455 - Proposed floor plans

Reason

For the avoidance of doubt and to ensure that the development is completed to a satisfactory standard of external appearance, following not being built in accordance with the approved plans.

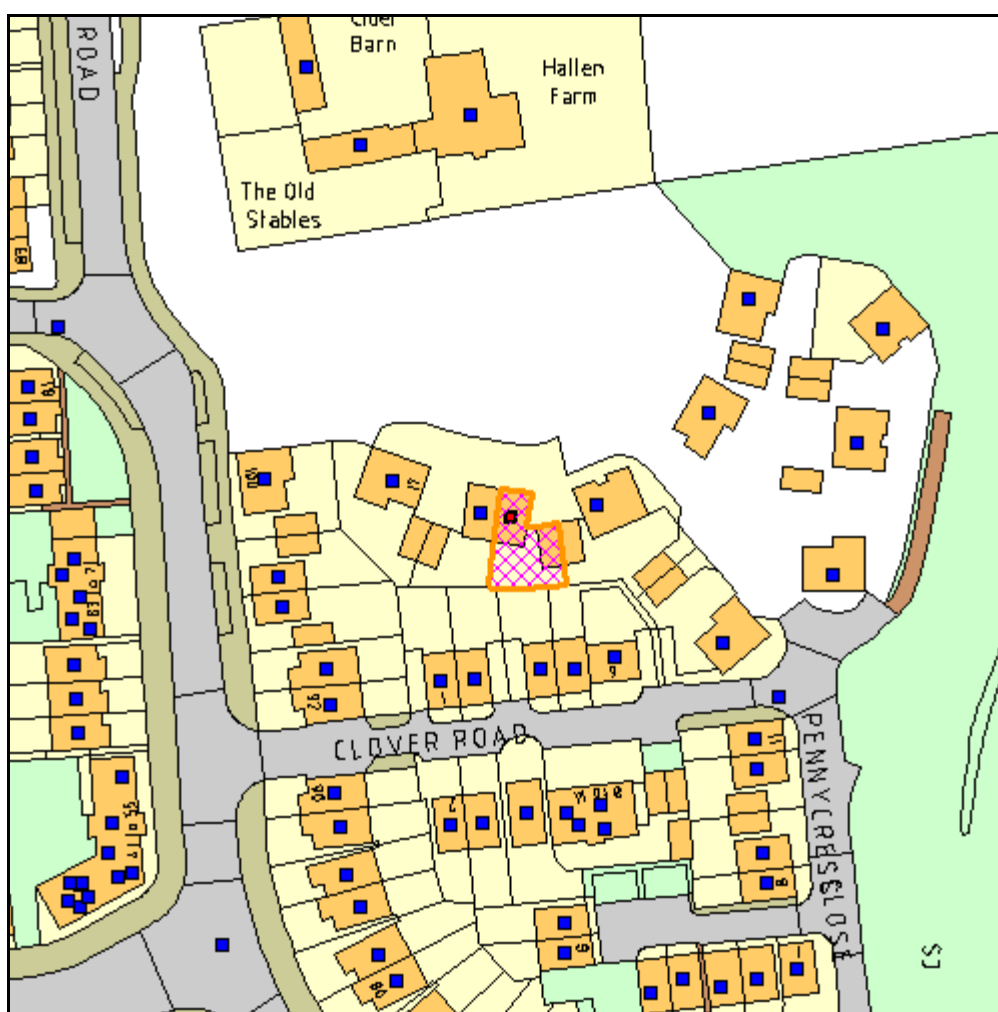
IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.
POSITIVE AND PROACTIVE STATEMENT:

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways: the Council has been in contact with the agent for the application during the process to seek information and revised plans where necessary. An extension of time has been agreed and the application has been determined within the agreed timescale.

Case Officer: Alex Hemming
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 04/21 -29th January 2021

App No.:	P20/24022/F	Applicant:	Mr And Mrs Terwin
Site:	15 Pennycress Close Emersons Green South Gloucestershire BS16 7GG	Date Reg:	14th December 2020
Proposal:	Erection of a single storey rear extension to form additional living accommodation.	Parish:	Emersons Green Town Council
Map Ref:	367502 177591	Ward:	Emersons Green
Application Category:	Householder	Target Date:	4th February 2021



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P20/24022/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 CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule on account of the objection from members of the Emerson Green Town Council Planning Committee being contrary to the Officers recommendation.

1. SITE DESCRIPTION & PROPOSAL

- 1.1 The application site comprises of an L-shaped plot situated on the southern side of the northernmost spur of Pennycress Close, Emersons Green. The principal feature of the site is a two-storey semi-detached dwellinghouse, finished in render with a tiled, gabled roof. A driveway to the east of the dwelling provides sufficient space for the parking of one vehicle and also serves as access to a semi-detached single storey garage. Between these structures, external access can be gained into a rear garden. The application site comprises of a constituent element of the recently constructed Emersons Green Urban Village and typifies the housing within this new estate. As such, the site is bounded by similarly proportioned residential curtilages excepting to the north where across Pennycress Close is an open expanse of soft landscaping that buffers this estate from the neighbouring Hallen Farm.
- 1.2 Planning permission is sought for a single-storey rear extension featuring a flat GRP fiberglass roof and lantern skylight. The extension would be recessed 0.3 metres from the boundary and would measure 5 metres in breadth, to align with the existing side elevations of the host dwelling. The plans as originally submitted included a rearward projection of 4 metres, but this has subsequently been reduced to 3m.
- 1.3 The application site is situated within the Emerson Green East committed housing site and has been identified as having potential for archaeological interest.

2. POLICY CONTEXT

- 2.1 National Guidance
 - i. National Planning Policy Framework 2019
 - ii. National Planning Practice Guidance 2014

- 2.2 Development Plans

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

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS29 Communities of the Eastern Fringe of Bristol Urban Area

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

PSP17 Heritage Assets and the Historic Environment

PSP38 Development Within Existing Residential Curtilages, Including
New Extensions and New Dwellings

PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 **PK04/1965/O** Urban extension on 99 hectares of land comprising of :- Residential development of up to 2550 dwellings; up to 100,000m² of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m² of small scale A1,A2, A3 A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavillion (class D1). Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined. **Approved with Conditions** 14th June 2014
- 3.2 **PK13/2646/RM** Erection of 56no. dwellings, garaging, parking, landscaping and associated works. (Approval of reserved matters to be read in conjunction with outline planning permission PK04/1965/O). **Approved with Conditions** 17th January 2014.
- 3.3 **PK06/2400/O** Urban extension on 102 hectares of land comprising of:- Residential development of up to 2550 dwellings; up to 100,000m² of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m² of small scale A1, A2, A3, A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavillion (Class D1) and health centre. Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined. **Refused** 31st July 2006.

4. **CONSULTATION RESPONSES**

4.1 Emersons Green Town Council

Objection. Members have concerns that the size of the proposed extension will not only significantly reduce the amenity space of this property, but may also result in the loss of light to the adjoining property.

4.2 Archaeology Officer

This location has already been subject to open excavation and all the features (some of which were Iron Age) have been recorded. As such, there is no objection to this application.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Design, Character & Appearance

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 be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. The proposal has been carefully assessed and has found to be in compliance with these policies.

5.3 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. For a 3 bedroom dwellinghouse such as the host dwelling, the minimum provision of private amenity space as stipulated in PSP43 is 60sq. metres. The scheme as originally proposed would result in a deficient provision that would have been further exacerbated by the unusual T-shape of the rear garden area further limiting its practical usability. The revised scheme has reduced the southward projection of the extension to qualify within

the parameters of permitted development. The host dwelling has not had any of its permitted development rights restricted and as such, notwithstanding any remaining residential amenity concerns, the revised scheme is necessarily acceptable.

5.4 Sustainable Transport & Parking Provision

The proposed works would serve to provide additional living accommodation within the property, but would not increase the provision of bedrooms or otherwise expand the degree of occupancy within the dwelling. As such, the extant parking and transportation provision for the application site is unaffected by this proposal.

5.5 Heritage Assets

The potential for archaeological heritage assets within the site has already been excavated and all features recorded as part of the original development of the Emersons Green Urban Village.

5.6 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 It is recommended that planning permission is GRANTED

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 bricks to be used externally in the development hereby permitted shall match those of the existing building in colour and texture.

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 decision relates only to the plans identified below:

Proposed Ground Floor Plans & Elevations - Drawing No: KT-PL-002 Rev: A
Block Plan & Site Location Plan - Drawing No: KT-PL-003 Rev: A

All plans received by the Local Planning Authority on 18th January 2021.

Reason:

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

IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.

POSITIVE AND PROACTIVE STATEMENT:

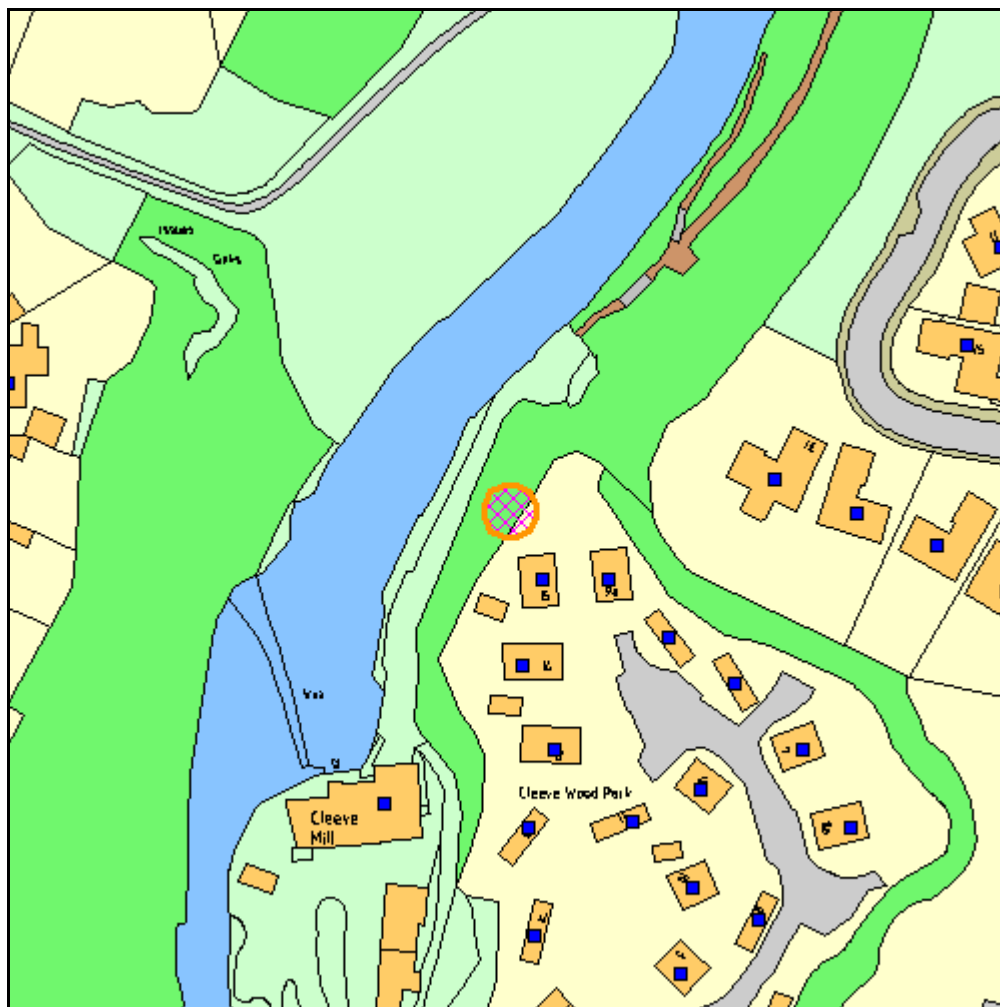
In determining this planning application, the Local Planning Authority have worked in a positive and proactive manner by seeking a timely resolution in accordance with the relevant policies.

Case Officer: Steffan Thomas

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 04/21 -29th January 2021

App No.:	P20/24026/TRE	Applicant:	Mr Lewis Gingell
Site:	15 Cleeve Wood Park Cleeve Wood Road Downend South Gloucestershire BS16 2SX	Date Reg:	15th December 2020
Proposal:	Works to crown reduce 1 no. Sycamore tree to leave a height of 1.5m. Tree covered by KTPO 03/87 and dated 14/09/1987.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364474 177832	Ward:	Frenchay And Downend
Application Category:		Target Date:	5th February 2021



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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 Works to crown reduce 1 no. Sycamore tree to leave a height of 1.5m

1.2 15 Cleevewood Park, Downend, BS16 2SX

2. POLICY CONTEXT

2.1 National Guidance

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

3. RELEVANT PLANNING HISTORY

3.1 No relevant history

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council
No Objection

Winterbourne Parish Council

The comments of Winterbourne Parish Council are Strong Objection. The Parish Council feel the information supplied is inadequate and show no reason why a healthy tree should be crowned to such a low height.

Other Representations

4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 Works to crown reduce 1 no. Sycamore tree to leave a height of 1.5m

5.2 Principle of Development

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

5.3 Consideration of Proposal

The proposal would see the heavy reduction of 1no. Sycamore to the rear of no.15 Cleeve Wood Park. The tree in question has a multi stem structure and is located on a bank to the rear of the property. Furthermore, the tree has diminished vitality and low amenity value. If left, the tree would inevitably fail.

Whilst it is acknowledged, as per Winterbourne Parish council's comments, that there is limited information provided, it was apparent on site that the tree is of poor quality. Its removal would not harm the character or appearance of the area and a replacement tree will be sort.

6. RECOMMENDATION

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

CONDITIONS

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

Reason

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

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

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

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

Reason

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

POLICIES CONSIDERED IN THE DETERMINATION OF THIS APPLICATION:

CS1 - High Quality Design

CS9 - Managing the Environment and Heritage

PSP1 - Local Distinctiveness

PSP2 - Landscape

PSP3 - Trees and Woodland

Case Officer: Ben Wainhouse

Authorising Officer: Marie Bath