



**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. 22/17

Date to Members: 02/06/2017

Member's Deadline: 08/06/2017 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by the Planning and Transportation Committee on 21 November 1996. The procedure is designed to increase the effectiveness and efficiency of the Development Control Service. Under the arrangement reports are circulated on a weekly basis.

The reports assess the application, consider representations which have been received, and make a recommendation regarding the proposal. The procedure is designed to ensure that Members are aware of any concern expressed by interested parties in their ward and indicate a recommendation.

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **by email within five working days of the publication of the schedule (by 5pm)**. If there has been no 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, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee**

PLEASE NOTE: THE CIRCULATED SCHEDULE PROCESS IS ONLY OPEN TO THE ELECTED MEMBERS OF SOUTH GLOUCESTERSHIRE COUNCIL.

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of Environment of Community Services know 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 the end of Thursday) (see cover page for the date).

To refer an application(s) members are asked to email MemberReferral@southglos.gov.uk providing details of

- Application reference and site location
- Indicate whether you have discussed the application(s) with the case officer and/or area planning manager
- Indicate whether you have discussed the application(s) with ward member(s) if the site is outside of your ward
- The reason(s) for the referral

The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Development Control Committees or under delegated powers including:

- a) Any application submitted by or on behalf of the Council.
- b) Any application requiring either new or a modification to an existing planning agreement, provided that the application is not required to be determined by Committee.
- c) Any footpath diversion required to implement an approved scheme.
- d) Applications, except those where approval is deemed to be granted upon the expiry of a defined period, where a representation contrary to the Officers recommendation are received.
- e) Applications for Certificates of Appropriate Alternative Development where a representation contrary to the Officer's recommendation is received.
- f) Applications for Certificates of Lawful Use of Development

GUIDANCE FOR 'REFERRING' APPLICATIONS

Members are entitled to refer any application for consideration by the relevant DC Committee or Sites Inspection Committee, before a decision has been made. However as call-ins will delay the decision on an application and in the interests of improving the effectiveness and efficiency of the Development Control service, this option should only be exercised after careful consideration. Members are therefore asked to take account of the following advice:

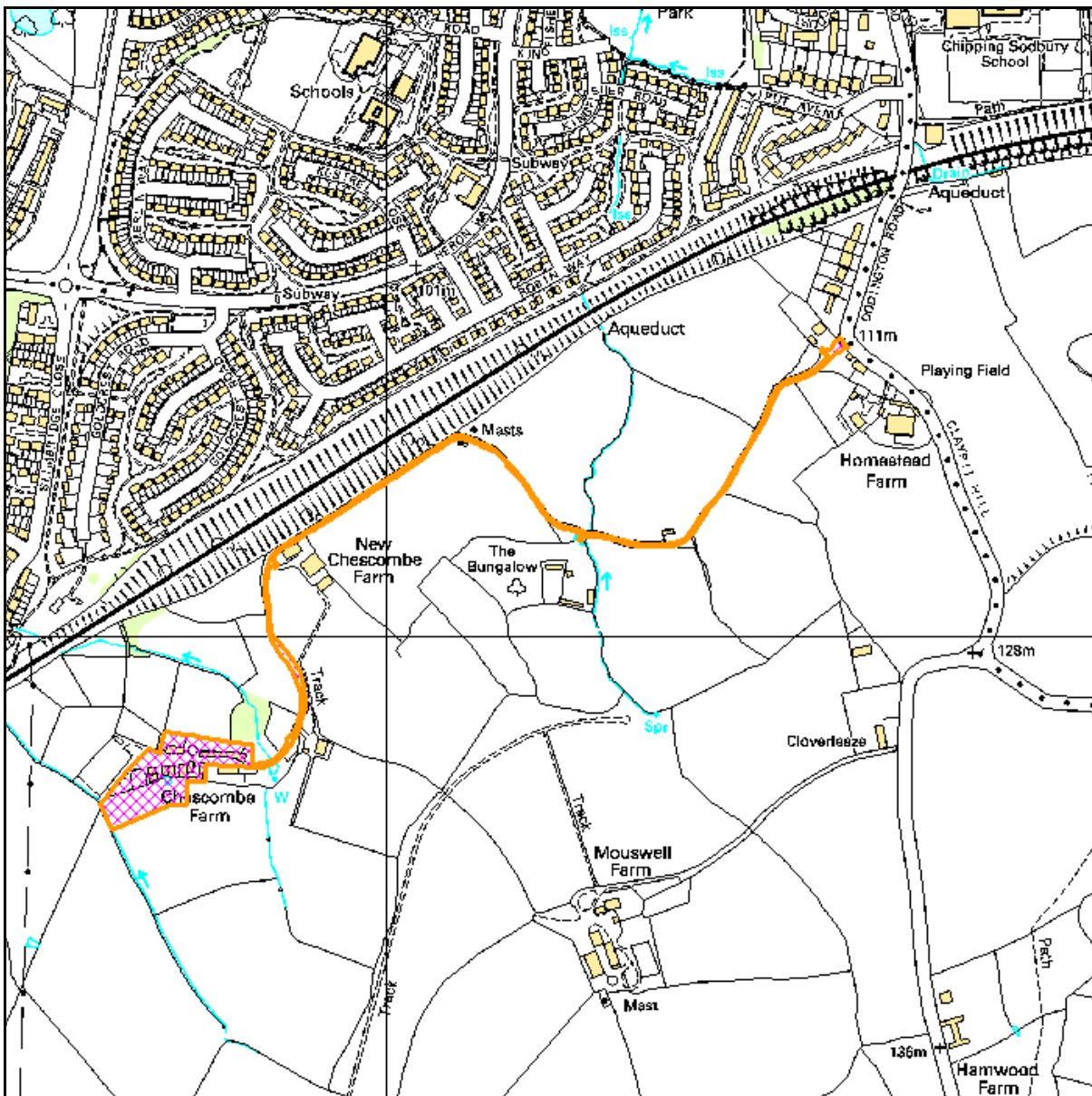
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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**
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Management Technical Support Team. Please note a copy of your referral e mail will appear on the website. **If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.**
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

CIRCULATED SCHEDULE - 02 June 2017

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK16/4992/F	Approve	Chescombe Farm Dodington Road Chipping Sodbury South Gloucestershire BS37 6HY	Westerleigh	Dodington Parish Council
2	PK17/0459/F	Approve with Conditions	Land At 2 Gloucester Road Staple Hill South Gloucestershire BS16 4SD	Staple Hill	None
3	PK17/1287/O	Refusal	1 The Greenways Chipping Sodbury South Gloucestershire BS37 6DW	Chipping	Sodbury Town Council
4	PK17/1317/CLE	Approve	Dairy Cottage Cross Hands Farm Tetbury Road Old Sodbury South Gloucestershire BS37 6RJ	Cotswold Edge	Little Sodbury Parish Council
5	PK17/1592/FDI	No Objection	Land East Of Oaktree Avenue Pucklechurch South Gloucestershire BS16 9SS	Boyd Valley	Pucklechurch Parish Council
6	PK17/1806/F	Approve with Conditions	126 Westons Brake Emersons Green South Gloucestershire BS16 7BP	Emersons	Emersons Green Town Council
7	PT17/0976/RVC	Approve with Conditions	Woodlands Manor Nursing Home Ruffet Road Winterbourne South Gloucestershire BS36 1AN	Westerleigh	Westerleigh Parish Council
8	PT17/1065/F	Approve with Conditions	9 Newtown Charfield Wotton Under Edge South Gloucestershire GL12 8TF	Charfield	Charfield Parish Council
9	PT17/1242/RVC	Approve with Conditions	Forecastle 1 Down Road Alveston South Gloucestershire BS35 3JF	Thornbury South And	Alveston Parish Council

CIRCULATED SCHEDULE NO. 22/17 – 2 JUNE 2017

App No.:	PK16/4992/F	Applicant:	Mr M Gauntlett
Site:	Chescombe Farm Dodington Road Chipping Sodbury Bristol South Gloucestershire BS37 6HY	Date Reg:	5th October 2016
Proposal:	Erection of hay and bedding store and erection of extensions to two stable buildings. (Retrospective).	Parish:	Dodington Parish Council
Map Ref:	371811 180847	Ward:	Westerleigh
Application Category:	Minor	Target Date:	25th November 2016



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PK16/4992/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule in order to address the comments of objection received.

1. THE PROPOSAL

- 1.1 This application seeks retrospective planning permission for the erection of a hay and bedding store (building **O**) and the erection of extensions to two stable buildings (building **J** and **K**) at an equestrian complex in Chipping Sodbury. This planning application must be considered in conjunction with a recent certificate of lawfulness (PK16/4678/CLE) which sought to regulate a series of unauthorised development at the site.
- 1.2 The application site is located outside of any defined settlement boundary in land falling within the Bristol and Bath Green Belt. Due to the age of the farm, it also appeared on the tithe maps. A public right of way also runs through the site.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS5	Location of Development
CS8	Managing the Environment and Heritage
CS34	Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1	Landscape
L9	Species Protection
L11	Archaeology
T12	Transportation
E10	Horse Related Development
LC12	Recreational Routes

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP1	Local Distinctiveness
PSP7	Development in the Green Belt
PSP30	Horse Related Development

2.3 Supplementary Planning Guidance

Development in the Green Belt SPD (Adopted) June 2007

Landscape Character Assessment SPD (Adopted) November 2014

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/4678/CLE Approved 31/03/2017
Certificate of lawful use and development for: use of land edged in red (excluding the land edged in blue, pink and green on the Curtilage Plan received 22 March 2017) as a commercial equestrian yard (Sui Generis, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended)); installation of a sand school [A] and sand school shelter [B]; erection of horse walker [C]; erection of horse spa [D]; erection of stable buildings [G, H, I, J, and K]; erection of mare's pen [L]; erection of building for ancillary storage and additional stabling [N]; change of use of part of building N to provide ancillary staff living accommodation (Sui Generis); all as identified on plan 4777-02; and, conversion of building M (as identified on plan 4777-02) to 1no. independent residential dwelling (Class C3, as defined in the Town and Country Planning (Use Classes) Order 1987), as shown edged in blue on the Curtilage Plan received 22 March 2017; use of The Lodge [E] (as identified on plan 4777-02) as 1no. independent residential dwelling (Class C3, as defined in the Town and Country Planning (Use Classes) Order 1987) as shown edged in green on the Curtilage Plan received 22 March 2017; and use of The Cottage [F] (as identified on plan 4777-02) as 1no. independent residential dwelling (Class C3, as defined in the Town and Country Planning (Use Classes) Order 1987) as shown on the Curtilage Plan received 22 March 2017.

4. CONSULTATION RESPONSES

- 4.1 Dodington Parish Council
No objection in the following circumstances:
- planning permission would be granted for the developments should an application be submitted
 - public right of way is kept clear at all times
 - CIL receipts are checked
- 4.2 Highway Structures
No comment
- 4.3 Lead Local Flood Authority
No objection
- 4.4 Public Rights of Way
Objection: development affects the legally recorded line of footpath LDO/2/10 and therefore a diversion order is required under the Highways Act 1980.
- 4.5 Sustainable Transport
No objection

Other Representations

4.6 Local Residents

Two letters have been received from a planning agent on behalf of a nearby landowner raising the following matters:

- applications to regulate unauthorised developments welcomed
- decisions should act as a baseline against which further development should be considered
- application does not include the change of use of land
- certificate of lawfulness is not based on planning merit
- buildings must be reasonably necessary and should be determined on planning merit

The contents of these letters related mainly to the certificate of lawfulness which is not listed here but has been listed in the determination of the certificate.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks retrospective planning permission for the erection of a new building and extensions to existing buildings at an equestrian facility in the green belt close to Chipping Sodbury.

5.2 Principle of Development

Policy E10 is generally supportive of horse related development. This policy is broadly similar to proposed policy PSP30 which is intended to replace E10 when the PSP is adopted. However, the site is in the green belt and any development must accord with the principles of development within the green belt.

Green Belt

5.3 Development in the green belt is strictly controlled in the interests of keeping the land permanently open in nature. The construction of new buildings in the green belt should be considered inappropriate unless they fall within a predefined exception category. Those categories include: provision of appropriate facilities for outdoor sport, outdoor recreation [...] as long as it preserves the openness of the green belt and does not conflict with the purposes of including land within it; and, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the original size of the building.

5.4 The site operates as an equestrian yard which is both an outdoor sport and outdoor recreation. Therefore appropriate facilities are not inappropriate development in the green belt. The erection of a building for the storage of bedding and hay would be an appropriate building for an equestrian use. While there are a number of other buildings on the site, there are also a large number of stables. Therefore it is not considered that there are alternative buildings available and that the proposed building is reasonable required. It is situated within the cluster of farm buildings and would not have a significant impact on either openness or the purposes of the green belt.

- 5.5 The other aspect of the development is the extension of 2 existing stable blocks which were found to be lawful under the recent certificate. The extension of a building is not inappropriate development in the green belt when it does not result in a disproportionate addition to that building. The Development in the Green Belt SPD provides some guidance on what would be considered to amount to being disproportionate, although it should be noted that this mainly refers to dwellings.
- 5.6 The extension to building K should be read alongside both building K prior to the extension and building G to which it is attached. While a calculation of the volume increase based on building K alone would present as disproportionate, when viewed as a whole, the extension would not be disproportionate. The extension to building K is therefore acceptable.
- 5.7 The extension to building J would equate to approximately a 35% increase in the volume of the building. It is considered that this would not be disproportionate and therefore is acceptable.
- 5.8 Residential Amenity
The proposed building and extensions in their own right would not have a material impact on residential amenity.
- 5.9 Transport Impacts
The proposed building and extensions in their own right would not materially affect traffic movements to and from the site.
- 5.10 Environmental Impacts
The proposed building and extensions in their own right would not result in unacceptable environmental impacts; the buildings will operate as part of the wider site.
- 5.11 Access to Bridleways
This development forms part of a wider equestrian use including access to a riding arena. Therefore it benefits from acceptable provision for horse exercise and recreation.
- 5.12 Availability of Other Buildings
There are a lot of buildings on this site. However, the site also holds a large number of horses. It is considered that the proposed building and extensions are reasonably necessary and that there is no alternative provision within existing buildings.
- 5.13 Public Right of Way
There is a conflict between the buildings and the definitive route of the right of way. The public rights of way officer has requested that the footpath be diverted. However, under the Planning Act, a footpath can only be diverted to enable development whereas in this case the development has already occurred and the breach is therefore under the Highways Act.

- 5.14 A balance should therefore be reached on the harm to the public right of way as a result from the development. It is clear that the obstruction to the definitive route has been in place for a significant period of time and that users of the right of way have taken an alternative route. The test in policy LC21 is that development should seek to protect the amenity of the right of way. Given that users of the path now follow a route which is not affected by the development (albeit it not the legal route of the path), the development would not have a significant impact. It does not therefore act as a constraint to granting planning permission which would tip the balance to restricting planning permission.
- 5.15 An informative note should be attached to any permission granted making it clear that the applicant, under the provisions made in the Highways Act, should seek to make a diversion order to rectify the walked and legal route of the right of way.
- 5.16 Other Matters
The lawful use of the site has been established under the certificate. This application seeks only to regulate those aspects of development to which the certificate does not apply.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

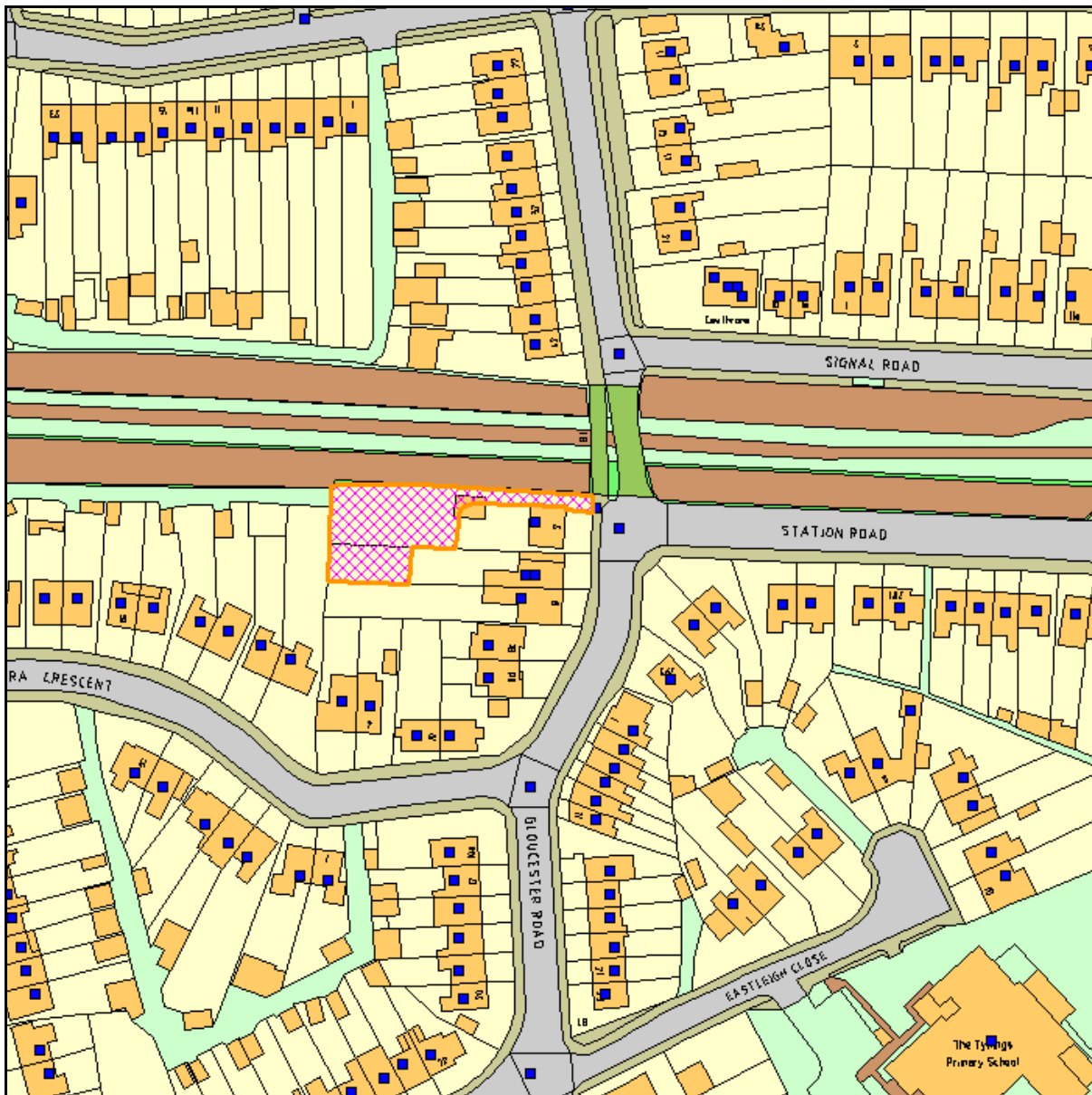
7. RECOMMENDATION

- 7.1 It is recommended that planning permission is GRANTED.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CIRCULATED SCHEDULE NO. 22/17 – 2 JUNE 2017

App No.:	PK17/0459/F	Applicant:	Mr J Clemmings
Site:	Land At 2 Gloucester Road Staple Hill South Gloucestershire BS16 4SD	Date Reg:	9th March 2017
Proposal:	Erection of 2no dwellings with associated works	Parish:	None
Map Ref:	365375 175649	Ward:	Staple Hill
Application Category:	Minor	Target Date:	2nd May 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been submitted to the Council's Circulated Schedule procedure, following representations received from local residents which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of two semi-detached houses within the rear gardens of nos. 2 and 4 Gloucester Road, and associated works.
- 1.2 The application site is within the Bristol East Fringe urban area, and is adjacent to the Bristol/Bath Railway Path.
- 1.3 Amendments were received on 15th and 22nd of May 2017 to address design and amenity issues. A period of re-consultation was not deemed necessary as the proposal did not differ significantly from the submitted application.
- 1.4 This application follows the granting of planning permission for 2 no. detached dwellings within the site in 2015 (PK15/1148/F), which is still extant.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

H4 Development within Existing Residential Curtilages
T7 Cycle Parking
T12 Transportation
EP2 Flooding
LC12 Recreational Routes

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 Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities of the East Fringe of Bristol Urban Area

2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/1148/F Approve with conditions 18/05/2015
Erection of 2no dwellings with associated works

4. CONSULTATION RESPONSES

- 4.1 Parish Council
Un-parished area.

- 4.2 Other Consultees

Highway Structures

The applicant is to demonstrate how the integrity of the railway cutting slope is to be maintained at all times during the construction and throughout the lifespan of the development. Foundation details for the new buildings and the access driveway are to be submitted to the SGC Structures team for review prior to construction commencing on site, including method statements for the construction phase.

Sustainable Transport

No objection, relevant conditions from PK15/1148/F should be applied.

Lead Local Flood Authority

No objection to revised plans subject to SUDS condition.

Environmental Protection

Contamination condition recommended.

Other Representations

- 4.3 Local Residents

Five letters of objection have been received, raising the following points:

- Public footpath outside no. 2 is well used and many school children use it to get to school, as well as adults with impaired vision and disabilities
- A new driveway near the Teewell Hill Bridge could create a severe road safety hazard or a collision
- Lorries and diggers coming out during construction is also a safety hazard, and emergency vehicles would have difficulties
- Increase parking issues in the area
- Overbearing and imposing towards 10 Riviera Crescent, as well as causing loss of privacy to no. 8, no. 10 and no. 18 Riviera Crescent
- Railway drainage system has not been taken into consideration
- May result in transitional/rotational land slip or lateral spreading land slip to extra piling following works to bridge
- Overdevelopment, will be shoehorned in

A general comment has been received stating the following:

- Please note there will be no rear access to the buildings along the lane behind Riviera Crescent. It has been considered a gate being put in to prevent damage and theft to garages along this lane.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The previously approved development on the site for 2 no. dwellings (PK15/1148/F) is still extant and has already established the principle of residential development at this site. Policy CS5 of the South Gloucestershire Council Core Strategy (Adopted) December 2013 seek to direct housing towards urban areas and existing settlement boundaries. Housing in the urban area is not restricted by CS5 as the policy is up to date for the purposes of this application, and can therefore be given full weight. The application site is within the East Bristol urban fringe area and therefore new dwellings in this location is considered to accord with the adopted development plan in principle. Paragraph 14 states a presumption in favour of sustainable development, and states that proposal that accord with the development plan should be approved without delay, unless other material considerations indicate otherwise.

- 5.2 The published Authority Monitoring Report (December 2016) found that the Council cannot demonstrate a five year housing land supply. The provision of two additional houses in a sustainable location would be given weight when coming to the planning balance.

5.3 Design

The general locality is characterised by a variety of building styles, which are predominately two-storey in height. Riviera Crescent to the south consists mostly of post-war semi-detached properties, with hipped tiled roofs and a rendered finish. Nos. 2-6 Gloucester Road are dressed with course rubble and ashlar on the principal elevation, and finished in render to the side and rear. No. 2 is detached with a gable roofline, and nos 4 and 6 are semi-detached with a flat roof hidden by a parapet wall. No. 8 Gloucester Road has a half-hipped gable roof.

- 5.4 The previously approved development (PK15/1148/F) proposed two detached dwellings with a half-hipped gable roof, however it is considered that a semi-detached pair of dwellings with a gable roofline as proposed here is more appropriate, and better reflects the housing types and density in the immediate area. Small box dormers are proposed on the rear elevation to provide a second floor. A materials schedule has been submitted and this is considered to be acceptable.

- 5.5 Amendments were sought to the scheme to re-arrange windows so that a more traditional principal elevation and rear elevation is proposed, instead of a blank rear elevation on plot 2 as was originally submitted. The layout was also altered to ensure that the rear elevation of both dwellings faced out onto a rear garden. Given the previously approved detached properties, officers do not consider the proposal to represent overdevelopment.

- 5.6 With regards to vegetation, an existing tree in the south-west corner of the plot is to be retained; a condition on the decision notice will ensure that tree protection measures are undertaken.
- 5.7 Residential Amenity
The rear elevations of the proposed dwellings face towards the end of the rear gardens of properties on Riviera Crescent, with the window to boundary distance being 7 metres. It is considered that some overlooking from the first floor windows would be possible, however as only the end of the large gardens would be affected, which are linear in form, it is unlikely the development would be detrimental to their residential amenity. The second floor rear windows, which would have the potential for further reaching views due to their elevated height, would serve en-suite bathrooms and can therefore be reasonably expected to be obscure glazed. This will be conditioned on the decision notice. No windows are proposed facing south towards other properties on Riviera Crescent, or north across the Bristol/Bath Cycle Path.
- 5.8 The window to window distance between the proposed windows on the principal elevation of the semi-detached pair and the host dwelling is 26 metres, so inter-visibility will not be possible. Similarly, the distance from the principal windows of the proposed dwellings to the boundary to the garden of 2 Gloucester Road is approximately 14 metres, so overlooking will be minimal. Furthermore, following the submission of amendments, the alterations to the locations of the private amenity areas mean that plot 2 no longer overbears onto the garden of plot 1.
- 5.9 In terms of private amenity space, plot 1 has the smallest garden, however at approximately 70 square metres of useable space, it is considered to be an adequate size. There is no objection to the development from the perspective of residential amenity.
- 5.10 Highway Safety and Parking
The access proposed is sufficiently wide enough for a vehicle to pass a pedestrian or a cyclist, and there is waiting space to the front of 2 Gloucester Road for 2 no. vehicles to pass each other. The intensification of this access was deemed acceptable as part of the previously approved development. A condition on the previously approved application prevented commencement of development until the works on the adjacent bridge were complete, and as these works are now complete there is no requirement to apply this condition to any approval here.
- 5.11 Concerns have been raised regarding access by the emergency services. A fire tender could operate from the front of no. 2 Gloucester Road which is within the 45 metre maximum distance to the furthest house, and alternatively the emergency services could use the access driveway and operate from the turning area.
- 5.12 With regards to parking, two off-street parking spaces have been provided for each proposed dwelling, and two spaces for the host dwelling (one to the front of the dwelling and one to the rear).

The parking spaces to the rear have a turning head, and the parking space to the front does not, however this is an extant situation. The parking is considered to be in accordance with the Residential Parking Standards SPD (Adopted) December 2013.

5.13 Contamination

The Environmental Health team have recommended that an investigation into past contamination at the site is carried out. This was not considered necessary for the previously approved application (PK15/1148/F) which is still extant, and so it would not be reasonable to apply the condition in this instance.

5.14 Land Stability

The railway cutting slope down to the Bristol/Bath cycle path is located immediately to the north of the development. A pre-commencement condition is required so that the Council's Structures department can ensure that the slope remains stable during and after construction, to include a detailed technical investigation and design report. The construction of the access driveway must not alter the contiguous bored pile wall and capping beam that was constructed during the works to Teewell Hill Bridge in 2015, and the submitted details to be conditioned must demonstrate this. Subject to this condition, the stability of the railway bank will not be affected.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

2. Prior to the commencement of 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; and 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.

Reason

To protect the character and appearance of the area to accord with Policies CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013. This is required prior to commencement to ensure adequate protection for existing trees is in place before construction begins.

3. The dwellings hereby approved shall not be occupied until the access and parking (vehicle and cycle) arrangements have been completed in accordance with the submitted drawings no 17.023-002 Rev B (received 22nd May 2017).

Reason

In the interest of highway safety and adequate parking, and to accord with policies T12 and T7 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Residential Parking Standards SPD (Adopted) December 2013.

4. Prior to the use or occupation of the dwellings hereby permitted, and at all times thereafter, the proposed second floor windows on the west elevation (serving the ensuite bathroom) shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

In the interests of residential amenity and to accord with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

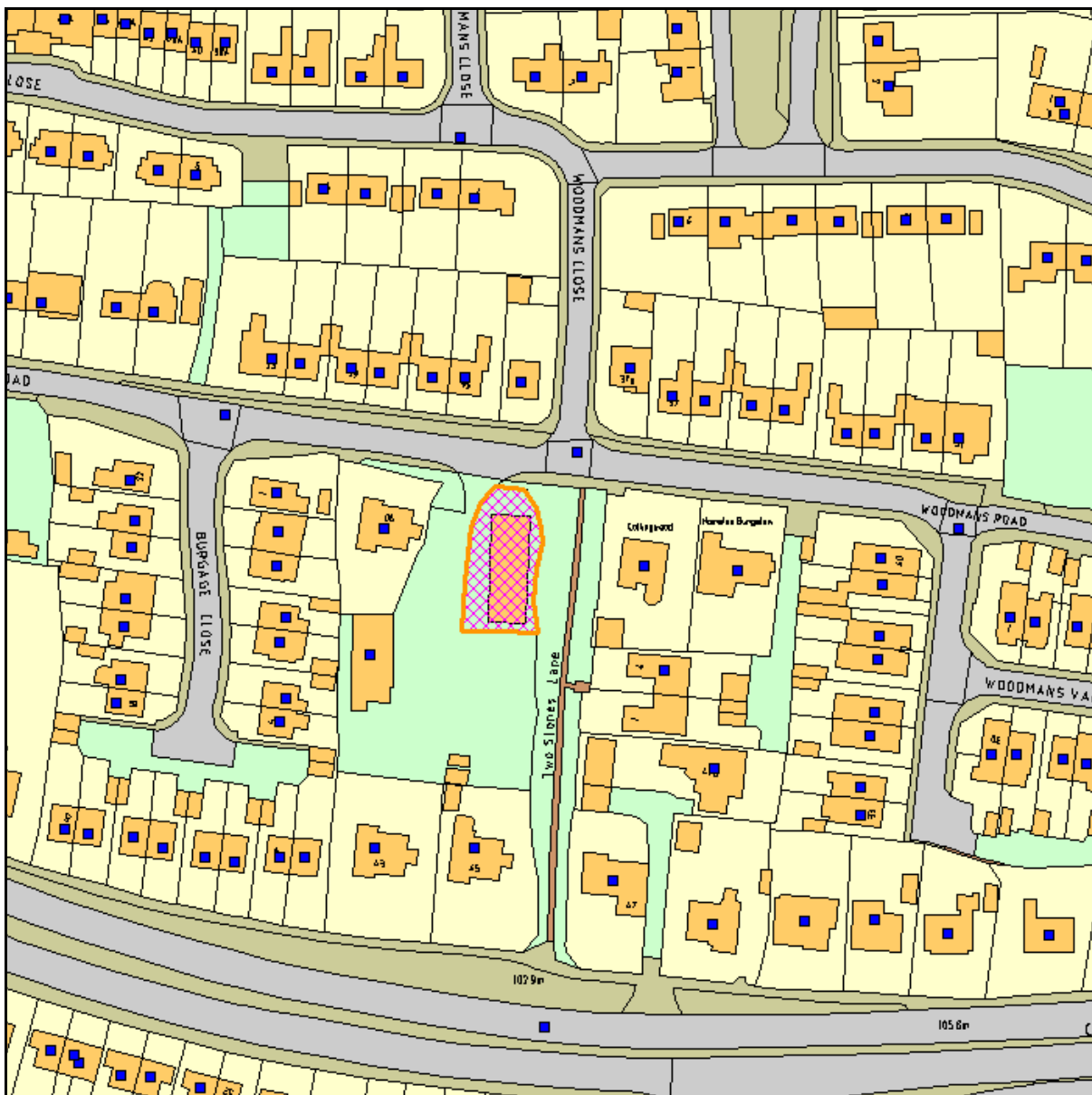
5. Prior to the commencement of development, foundation details for the new buildings, fencing and access driveway, as well as the design for the soakaway, shall be submitted to the Local Planning Authority for written approval, including method statements, a detailed geotechnical investigation and design report. Development shall commence in accordance with the agreed details.

Reason

To ensure that the land remains stable for the lifetime of the development, and to accord with policy CS9 of the Core Strategy and the National Planning Policy Framework. This information is required prior to commencement as it relates to the period of construction.

CIRCULATED SCHEDULE NO. 22/17 – 2 JUNE 2017

App No.:	PK17/1287/O	Applicant:	Mrs Charlotte Windridge-Grainger Beaumont Homes Ltd
Site:	1 The Greenways Chipping Sodbury South Gloucestershire BS37 6DW	Date Reg:	7th April 2017
Proposal:	Erection of 3no dwellings (outline) with layout to be determined; all other matters reserved.	Parish:	Sodbury Town Council
Map Ref:	372847 181935	Ward:	Chipping Sodbury
Application Category:	Minor	Target Date:	30th May 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following comments received in support of the scheme contrary to Officer recommendation. Comments objecting to the proposal have also been received from local residents and from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks outline planning permission for the erection of 3no. dwellings with layout to be determined and all other matters reserved. The application site relates to 1 Greenways, Chipping Sodbury within the established urban area. This plot of land was formerly a haulage yard and planning permission was given for the erection of 7no. dormer bungalows in 2015.
- 1.2 Five of the dormer bungalows have been built. Under this application an existing former industrial building would be demolished and 3no. new dwellings are proposed in the location where previously two were approved. The new dwellings would be two-storey houses.
- 1.3 During the course of the application the applicant has provided sketches to show the indicative design and scale of the properties. Details of the parking arrangements have also been provided upon request.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
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 Environment and Heritage
CS13 Non-safeguarded Economic Development Sites
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS30 Yate and Chipping Sodbury

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

L1 Landscape Protection and Enhancement
EP2 Flood Risk and Development
EP6 Contaminated Land
T12 Transportation Development Control Policy

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

2.3 Emerging policy: South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

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

2.4 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

Residential Parking Standard SPD (Adopted) 2013

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

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|---------------|---|
| 3.1 | PK17/1817/NMA | non material amendment to planning application PK15/0255/F - for approved plans to be conditioned under PK15/0255/F |
| | No objection | 10.2.17 |
| 3.2 | PK15/0255/F | Demolition of 2no. buildings and erection of 7no.detached dormer bungalows with associated works. |
| | Approved | 11.3.15 |

4. CONSULTATION RESPONSES

4.1 Sodbury Town Council

Objection due to loss of privacy/overlooking and in support of neighbour objections

4.2 Other Consultees

Sustainable Transport

Initial queries to be answered :

- minimum of two parking spaces for both these plots. The parking spaces as shown should remain with access gate or garage door – and the width of these parking spaces to be minimum of 3m.
- concern about the suitability /workability of the parking space as proposed for plot no. 8. Space is too small for two cars and there is also inadequate manoeuvring space on site to get the cars in and out- ultimately if not sorted, this would result in parking in close proximity to the junction that serves the rest of the development on site.
- applicant ought to produce a proper auto –track details to prove that a large car can manoeuvre into and out of the space provided and to show that adequate space to open the [car] doors

Updated comments:

Objection – substandard access to Plot 8 interfering with safety of all road users

Drainage Engineer

No objection subject to a SUDS condition if approved

Environmental Protection

No objection in principle subject to a condition regarding investigations for potentially contaminated land if approved

Public Rights of Way

No objection as it does not affect the right of way (LSO 19a) running to the east of the site

Other Representations

4.3 Local Residents

Ten letters of objection have been received and three letters of support. The points raised are summarised as:

Objections:

Design:

- Two-storey buildings will dwarf my property
- Site is predominantly dormer bungalows – houses posing as bungalows would not be in-keeping
- No elevations submitted
- Scheme will ruin the landscape and appearance
- Scale and overall massing will not be sympathetic to the side of the street they are on
- Visual impact resulting in cramped site
- Concerned indicative drawings are not fully representative of what would be built

Residential impact:

- Privacy – will not be able to move between rooms without being overlooked
- Overlooking to existing bungalow
- View will be impacted on and sun will be lost a bit
- Large full height doors at first floor level would have impact on privacy

Transport:

- Parking provision seems low considering adjacent properties do not have car parking spaces – neighbourhood could suffer due to additional pressure on the road

Other matters:

- Impact on value of my property
- Window has appeared on one of the new properties looking straight into my conservatory and rear garden

- Application form states no trees or hedges but hedge alongside Two Stones Lane has already been replaced by a fence
- Site is clearly visible from the public footpath
- All plots have been sold on the basis of the development being 7 dormer bungalows not 5 bungalows, 2 houses and a cottage
- Scheme was to have been lifetime homes
- Three smaller bungalows would be better
- Not received formal notification of the proposal
- Existing dormer bungalows are of such a size that they should not be described as bungalows and are already an invasion of privacy
- Additional noise and disturbance
- Every dormer bungalow that has been built so far has had changes made to it
- Original scheme 'sold' to neighbours as live in care units – developer has reneged and made them general homes

Support:

- In keeping with the rest of development and housing on Woodmans Road which faces the main entrance to the site

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Planning law requires that applications for planning permission must be determined in accordance with the adopted local development plan unless material considerations indicate otherwise. The NPPF is a material consideration. It is recognised that this guidance has a presumption in favour of sustainable development, again unless other material considerations indicate otherwise. Paragraph 14 of the NPPF states that proposals that accord with the development plan should be approved without delay. Policy CS5 directs new housing to urban areas and as such does not restrict housing development where it would be within the urban area. The policy is therefore up-to-date and attracts full weight. The proposal is for development within the existing urban area and therefore accords with Policy CS5 and is acceptable in principle.

5.2 Of material consideration is the fact that this site has been granted planning permission for the erection of 7no. dwellings. This holds some weight in the assessment of the new scheme. In addition it is acknowledged that South Gloucestershire Council does not have a current five year land supply and given that the main difference between this scheme and that approved would be the provision of one additional unit, weight must be accordingly awarded. The contribution to the housing supply of one unit is recognised but as a single dwelling this would have a negligible effect on the figures so only limited weight can be awarded in its favour. Changes to the approved scheme to accommodate 3 two-storey dwellings here rather than the originally proposed 2no. dormer bungalows raise concerns with regard to the overall amount of development on the site, the potential impact on neighbours, the impact of the proposed design on the character of the area and potential adverse transport impacts that need to be fully assessed.

- 5.3 Policies CS1 and T12 do not directly relate to the supply of housing, rather the standard of design and highway issues respectively and these policies are considered to attract full weight. Policy CS1 of the Core Strategy demands the 'highest possible standards of design and site planning', a number of criteria which compose high quality design are form, scale, massing, density and overall layout. However, with regards to highway matters the NPPF directs that *development should only be refused on transport grounds where the residual impacts of development are severe.*
- 5.4 It is recognised that this is an outline application where layout only is to be assessed and other matters such as landscape, design, scale, access are to be covered in reserved matters. Nevertheless, additional information in the form of indicative sketches and confirmation of parking have helped provide a more informed picture of the scheme and as such all the areas will be discussed to an appropriate degree below.
- 5.5 Layout
The application site is a former light industrial site, a former haulage yard, and one of the two large buildings on site has been demolished. The previous scheme was for 7 no. dormer bungalows. Five have been built but the second industrial building has not been demolished and 3 two-storey dwellings are proposed where 2 no. dormer bungalows were to have been positioned. Plots 1 and 2 are 3-4 bed dwellings and Plot 8 would be a 2 bed dwelling.
- 5.6 The proposed dwellings would be set out with the smallest house fronting Woodmans Road and the other two fronting the new cul-de-sac. Previously approved plans also show a similar arrangement with Plot 1 facing Woodmans Road and Plot 2 facing the cul-de-sac. However, it is considered that the approved scheme accommodated that maximum amount of development for this particular site and any additional units would have an adverse impact on the appearance of the site. This is awarded some weight against the proposal.
- 5.7 Density
Taken in its entirety the original site occupies an area of 0.214ha. A development of 7 no. dormer bungalows on this area represented a density level of about 32 dwellings per hectare. Calculations show that the addition of another unit would mean a density level of 37 dwellings per hectare for the entire site. For the plot size under consideration which occupies an area of land of 0.041 ha this would mean a density level of 72.5 dwellings per hectare. Although under policy there are no set standard density levels to achieve, the figure is an indication of the cramped nature of the proposed 3 no. dwellings which in turn has knock-on implications for impact on residential amenity and transport matters. It is considered that this would weigh against the scheme. Some weight is awarded against the proposal for this reason.
- 5.8 Character and Visual amenity.
No conditions were attached to the previous application to protect the boundary along the east side adjacent to the footpath. As such part of the hedge has been lost here and this is unfortunate as part of the site boundary is now a 1.8 metre high fence which is raised up above the public footpath and is highly visible from the rear of the bungalows on the other side of this footpath.

- 5.9 The area is not characterised by any established architectural vernacular, being predominantly an area of mixed development of varying styles and ages including both two-storey and single storey dwellings. However, the site would be read as an individual new development inserted into the existing grain. An important part of the assessment of the previous application was the complementary scale and appearance of the then proposed 7no. dormers which brought visual cohesion to this small development.
- 5.10 In conclusion of this section, the proposed scheme has been designed to squeeze in an additional dwelling onto an area originally planned for two, not three dwellings. In this way the proposed amount of built form and its resulting layout has compromised the appearance of the new development and would have a detrimental effect. Some weight is awarded against the scheme for this reason.
- 5.11 Design
Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted 11th Dec. 2013 only permits new development where the “highest standards” of site planning and design are achieved. This policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.
- 5.12 The approved scheme was for 7no. dormer bungalows arranged roughly in a ‘U’ shape with all houses facing into the new cul-de-sac. The number of dwellings was considered to be appropriate for the plot and the arrangement created a compact and modern individual development. This application would see the 2no. two storey dwellings facing into the site while the third, the single storey bungalow would face out onto the main road, Woodmans Road. Neighbours have expressed their dismay that the 5no. that have already been built are much larger than expected, particularly in relation to the overall height. It would therefore be important for the proposed 3no. new units to be in-keeping with and not at odds with the overall appearance of this new cul-de-sac. Furthermore, being located at the entrance to and adjacent to the highway the properties are in a highly visible position.
- 5.13 Scale
Indicative drawings show three two-storey dwellings; two of the same size and one smaller unit and the agent has been at pains to point out that these drawings are merely representations. Details would be decided at a reserved matters stage. Nevertheless, figures have also been provided which declare that the overall height of the 2 two-storey buildings would be about 8 metres where as the ridge height of the dormer bungalows is 5.7 metres. Due to the slope of the land rising from the front of the site to the rear, the agent has pointed out that the actual difference in height would be around 0.7 metres. It is noted that numerically the difference in height would be small but, nevertheless the overall bulk of the two-storey houses would be greater given the differences, with the new dwellings being two-storey.

- 5.14 The indicative drawings also show the proposed fenestration pattern, which again may change if reserved matters were to be submitted, but nevertheless illustrate changes to the appearance of the development.
- 5.15 Design has a much broader remit than merely appearance. Good design incorporates within it a number of elements including function, overall impact on character of an area, amenity and transport. The introduction of 3no. properties and these being different in scale and design is considered an overly ambitious scheme which would result in a cramped form of development. Poor design can have impact on the residential amenity and this is discussed more in the relevant sections below.
- 5.16 Overall design summary
It is acknowledged that the site has planning permission for 7no. dwellings and this is a material consideration. However, the introduction of an additional 1no. unit bringing the total to 8no. on what can already be regarded as accommodating the maximum level of development would have a negative impact on the character of the area and its visual amenity.
- 5.17 On this basis it is considered that the proposed development fails to comply with the high quality design standards required by saved policy H4 of the South Gloucestershire Local Plan, policies CS1 and CS5 of the Core Strategy and the supporting Supplementary Planning Guidance. A significant amount of weight is therefore given against the scheme for these reasons.
- 5.18 Residential Amenity
The proposed new units would be positioned to the front of the site, comprising the first three units of the development. All three proposed plots would have first floor windows facing either the side or the rear garden of No.30 Woodmans Road. Plot 8 would be set forward of the building line created by No. 30 whereas Plot 2 would correspond with it. The side gable of No. 30 would be directly opposite Plots 8 and 1 and it is noted that this existing dwelling has a single storey addition to the side with a small window in the east elevation and a small window in the side of the main house again in the east elevation. A fence of about 1.8 metres in height forms the garden boundary of this property at this point. Approved plans show that a large first floor bedroom window for Plot 2 was approved. The distances between No. 30 and proposed Plot 2 were considered acceptable and the application approved. It is considered that there would be a similar relationship under this application. Although it is noted that there would be an additional dwelling having first floor windows facing the street. The agent has emphasised that this application is in outline format only and the internal arrangements can be altered to ensure there would be no overlooking from the new dwellings.
- 5.19 Concern has also been expressed by neighbours that are adjacent to Two Stones Lane in relation to the potential for overlooking given that the previous plans showed a bathroom window at first floor level for Plot 2 and two rooflights for Plot 1. There is therefore the potential for overlooking of closest neighbour Collingwood whereas previously this had been minimised by design. No details have been requested with regards to these possible fenestration arrangements but the possibility of impact on the living conditions of future occupants must be

recognised if the fenestration had to be so constrained by, for example excessive use of obscure glazing to avoid overlooking of neighbours. This would be another indication of the cramped form of design.

- 5.20 Moving on to the amount of amenity space for each of the new houses. Currently the five houses that have already been built on the site have gardens ranging in size from about 65 m² to 88 m². Emerging policy gives an indication of the minimum amount of amenity space that new development should achieve. Although not yet fully adopted, the PSP DPD has been through its first examination and the Inspector did not query the proposed figures. As time progresses more weight can therefore be attributed to this policy. The below table indicates the amount of amenity space for new dwellings which should be both private and usable:

1 bed property – 40 m²
2 bed property – 50 m²
3 bed property – 60 m²
4 bed property – 70 m²

- 5.21 The Design and Access Statement provided by the applicant has stated that all new properties would have residential amenity space of *more than the minimum 60m²*. It is likely that this figure has been an overestimation as amenity space should exclude parking areas and, for example, paths along the side of houses. Officers have calculated that the new property identified as Plot 2 on the indicative plans would have private amenity space of about 65.5 m² which would be acceptable. Plot 1 would have 43m² and Plot 8 around 36 m². Both of these fall short of what is expected but more than this they would not be in-keeping with the rest of this newly formed estate and overall is representative of the cramped nature of squeezing in an additional house onto this site. Some weight is therefore awarded against the scheme for this reason.

5.22 Sustainable Transport

The proposed parking for the site would be located within the residential amenity for each of the 3no dwellings. Each would have two off street parking spaces. Those allocated for the 2no. two storey buildings would be accessed off the cul-de-sac and in the undercroft of these dwellings. The spaces for the smaller dwelling would be accessed of the main road. Given the constraints of the site, Officers expressed concerns regarding the parking arrangements. One suggestion received was that the parking for this property was could be tandem with a sliding gate. This was not accepted and further revisions showed the property having two accesses so that vehicles could drive in one way and out the other.

- 5.23 This arrangement would be unacceptable as it would firstly, create an access on the wrong side of the road and secondly, this type of access would be unenforceable meaning it would not be possible to dictate that people drove in one way and out the other. Furthermore, two accesses for one dwelling in this location is rather excessive and its contrived design again emphasises the cramped nature of the development on this site. Some weight is therefore awarded against the proposal for this reason.

5.24 In addition to the above, the proposed parking plan shows a very small space between the front of Plot 8 and the boundary treatment for this new property. To allow proper access to vehicles a space of 3 metres is required and plans indicate that this level of space is unlikely to be achieved here. If the parking provision is not usable then future occupants could potentially park on the street thereby increasing potential congestion and hazards. The proposal is therefore unacceptable in this way and some weight is again awarded against the scheme for this reason.

5.25 Other Matters

Comments have been received regarding the advertising of the plot as 7 dormers which would not be the case if this application was successful; that the original proposal was to have been for lifetime homes and that the proposal would impact on the value of existing nearby properties. Advertising or description of properties for sale is not something that can be discussed within a planning assessment and neither is the impact on property values.

The potential for additional noise and disturbance has been given as an objection reason but the scale of the development for an additional 1 house on the site would not give rise to an acceptable over and above the approved scheme. Loss of view has also been cited but there is no right to a view and as such this matter cannot be discussed under the remit of a planning report.

It has been noted that design changes have been made to the bungalows that have already been built. A recent non-material amendment application has been approved to condition the plans for that original application. This means that new plans could be submitted to regularise any changes to the overall design. This is therefore an acceptable method of making alterations to designs.

One neighbour has mentioned they have not been consulted. Neighbours must fall within a certain distance of the proposed entrance in order to be included in the list of consultees. Officers have checked and this particular neighbour was not within the specified distance and as such no formal consultation letter was sent.

One comment has suggested three bungalows would be better however this report is only assessing what has been submitted by the applicant and cannot consider alternatives put forward by third parties.

5.26 Planning Balance

The development is acceptable in principle as it complies with the scope of CS5. It is acknowledged that South Gloucestershire has been found not to have a five year land supply for housing. In this instance the introduction of one new dwelling would contribute to the housing supply but as a single dwelling very limited weight can be given in its favour for this reason. However, Officers have concluded that there is harm as a result of the negative impact of trying to shoe-horn in another dwelling onto the site. This has resulted in a cramped form of development not in-keeping with the immediate area; the potential impact on residential amenity of future occupants from poor amenity space and the impact on highway safety due to poor parking and access

provision. Individually and collectively these reasons outweigh the benefit of providing one additional dwelling and the proposal cannot be supported. Material factors discussed above indicate the application should be refused.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **refuse** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the application be **REFUSED**.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

REFUSAL REASON

1. The proposal to introduce an additional dwelling onto the site would result in a cramped form of development unreflective of the character of the immediate surrounding area and representing overdevelopment of the site and one that would be detrimental to the appearance of the newly formed cul-de-sac. The two-storey dwellings proposed would be out of keeping with the rest of the new cul-de-sac of dormer bungalows and harmful to the visual amenity of this recent development. A symptom of the poor design is that insufficient amenity space for 2 of the proposed dwellings would be provided to the detriment of the living conditions of future occupants. In addition the proposal could result in conflicts of highway safety due to the proposed parking arrangements which again points to a poor design trying to shoe-horn too much built form onto the site. The proposed development, therefore, would fail to secure a high quality standard of design or a good standard of amenity for future occupants contrary to saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006; Policies CS1 and CS16 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the NPPF (2012). It is considered that this amounts to a significant and demonstrable harm that outweighs the modest contribution made to the overall supply of housing.

CIRCULATED SCHEDULE NO. 22/17 – 2 JUNE 2017

App No.:	PK17/1317/CLE	Applicant:	Mr A Herbert
Site:	Dairy Cottage Cross Hands Farm Tetbury Road Old Sodbury South Gloucestershire BS37 6RJ	Date Reg:	4th April 2017
Proposal:	Application for Certificate of Lawfulness for the existing use as residential without compliance with agricultural occupancy condition attached to planning permission P89/1456.	Parish:	Little Sodbury Parish Council
Map Ref:	376084 182831	Ward:	Cotswold Edge
Application Category:	Certificate of Lawfulness	Target Date:	25th May 2017



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 100023410, 2008. N.T.S. PK17/1317/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is for a Certificate of Lawful Existing Use or Development (CLEUD) and therefore under the Council's current scheme of delegation must appear on the Circulated Schedule.

1. THE PROPOSAL

1.1 This application seeks a certificate of lawfulness for the occupation of Dairy Cottage, Cross Hands Farm, Tetbury Road, Old Sodbury, without compliance with condition (5) attached to planning permission P89/1456. Planning permission P89/1456 was for the Erection of extension to existing farmworkers dwelling. Change of use of two barns into two dwellings. Relocation of flour mill. Removal of grain silos; condition (5) read as follows:

"The occupation of the dwelling Unit 3 hereby authorised shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in section 290 (1) of the Town and Country Planning Act 1971, or in forestry (including any dependents of such a person residing with him or her), or a widow or widower of such a person."

1.2 A certificate of lawfulness is sought on the basis that the building has been used without compliance with this condition for the required period (10 years) for the use to become immune from enforcement action under section 171B(3) of the Town and Country Planning Act 1990 ("the Act") and therefore, in accordance with section 191(2) of the Act, the use is lawful.

1.3 Dairy Cottage lies within and on the northern edge of the existing farm complex at Cross Hands Farm. The property is a single-storey building previously part of the complex of agricultural barns and although not relevant to this application, the neighbouring house sits in an archeologically sensitive and historic location adjacent to Grade II listed barns, close to an Ancient monument and within a Historic Park and Garden. The building itself is however not considered to be curtilage or otherwise listed.

1.4 The applicant submits that the building known as Dairy Cottage has been occupied as a dwelling house continuously for more than 10 years in breach of the agricultural occupancy condition 5 attached to planning permission P89/1456 since Sept. 2006.

1.5 In order to regularise the breach of planning control, the applicant seeks a Certificate of Lawfulness to allow the occupancy of the building as a dwelling house without any agricultural occupancy restrictions.

2. POLICY CONTEXT

2.1 National Guidance

- i. Town and Country Planning Act 1990: s171B and s191
- ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
- i. National Planning Practice Guidance: 17c (06.03.2014)

2.2 Development Plans

The application is for a Certificate of Lawfulness which is a legal assessment rather than one relating to planning policies.

3. **RELEVANT PLANNING HISTORY**

- 3.1 P89/1456 - Erection of extension to existing farmworkers dwelling. Change of use of two barns into two dwellings. Relocation of flour mill. Removal of grain silos.
Approved 12 July 1989
- 3.2 P90/1030 - Alteration and extension of agricultural workers dwelling (in accordance with revised details received by the council on the 5th February 1990)
Approved 28 Feb 1990
- 3.3 P99/2123 - Removal of condition 05 attached to planning permission P90/1030 dated 2/3/90 (agricultural occupancy)
Refused 26 Aug. 1999
- 3.4 PK09/0439/CLE - Application for Certificate of Lawfulness for the existing use as residential without compliance with agricultural occupancy condition attached to planning permission P89/1456.
Withdrawn 15 April 2009
- 3.5 PK17/0498/F - Erection of 2no. rear dormer windows, erection of single-storey rear and single-storey front extensions to provide additional living accommodation.
Approved 17th May 2017

4. **SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION**

The applicant has submitted the following as evidence in support of the application:

1. Statutory Declaration of Mr Anthony Herbert signed 27th Feb. 2017. Mr Herbert states that:
 - The sworn statement is an addendum to an earlier Statutory Declaration completed on 26th January 2009 and relates to the period from Sept. 2006 until the present. The earlier Statutory Declaration dated 26th Jan. 2009 is submitted as exhibit 'AH1'.
 - My father died in 2003 and my mother remained in dairy Cottage until her death on the 9th Sept. 2006. My brother, Trevor Herbert has lived in the adjoining property, Cross Hands farm since 1980 and has been fully aware of the lettings and has met the individual tenants as neighbours.
 - An application for a Certificate of Lawfulness was submitted in March 2009 for existing use as residential use without compliance with Agricultural Occupancy condition attached to Planning Permission ref: P89/1456. After considering the information submitted the planning officer considered that Mr & Mrs Herbert had satisfied the Agricultural Occupancy condition up to the dates of their respective deaths due to their previous farming activities. Therefore the period of non-compliance with this condition did not start until the next occupier took possession.

- The property was then let under an assured Shorthold Tenancy to Mr Wells, between Sept 2006 and Oct. 2009. Mr Wells had formerly been employed as a purchasing director of BTR, a Midlands based engineering company. Following his retirement from this position in 1983 at the age of 62 years, he purchased Hobbs House Bakery, High Street, Chipping Sodbury in 1985 and then retired from this business in 2006. Mrs Wells died in 2005 and her occupation had been a housewife. Mr Wells lived alone at Dairy cottage until his death in Oct. 2009.
- There then followed a series of similar Assured Shorthold Tenancy lets. (*Details of which are given in a table which in short contains the following information*):

Mr & Mrs Millard - 30/10/2009 to 29/11/2013 – Mr Millard was an optician.

Marie Ledbury & Andrew Antonio – 1/01/2014 to 19/8/2014 – Mr Antonio worked in a car workshop as did Miss Ledbury.

David Newell and Sharon Newell – 22/08/2014 to 22/07/2015 – Mr Newell was a tradesperson and Mrs Newell an administrator.

Matthew Steele and Christine Houghton – 11/09/2015 to 10/01/2017 – Mr Steele was an officer in the Navy whilst Ms Houghton worked for the MOOD.

- Copies of the respective Tenancy Agreements are provided as exhibit 'AH2'. And correspondence confirming the dates of vacation for each of the tenancies are provided as Exhibit 'AH3'.
- The property was redecorated between lettings.
- There has been a continuous period of 10 years and 5 months during which dairy cottage has been occupied by individuals or a family who have not been employed or previously employed in agriculture.
- David James & Partners have managed the letting of this property on behalf of the executors of my father's estate since Oct. 2009 dealing with the tenant referencing, preparation of agreements and collecting the rent each month.

5. **SUMMARY OF CONTRARY EVIDENCE**

5.1 No contrary evidence has been received from third parties.

5.2 The LPA does not itself hold any contrary evidence.

6. **OTHER CONSULTATIONS**

6.1 Local Councillor
No response

6.2 Little Sodbury Parish Council
No response

- 6.3 Listed Building & Conservation Officer
No comment
- 6.4 Open Spaces Society
No response
- 6.5 PROW
No objection

Other Representations

- 6.6 Local Residents
No responses

7. ASSESSMENT

- 7.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the occupancy of the dwelling-house without compliance with condition (5) of planning permission P89/1456 has persisted for a period of 10 years or more prior to the receipt of this application on the 23rd March 2017.
- 7.2 Breach of Planning Control
There have been no applications approved under section 73 of the Act to vary or remove the planning condition that restricts the occupancy of the dwelling to a person solely or mainly or last employed in agriculture. The occupation of the dwelling-house by persons not solely, mainly, or last employed in agriculture would be a breach of planning control.
- 7.3 Grant of Certificates of Lawfulness
Certificates of lawfulness for existing uses are covered in section 191 of the Act. Section 191(2) states:
*For the purposes of this Act uses and operations are lawful at any time if -
(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); [...]*
- 7.4 Time Limit of Immunity and Lawfulness
The applicant is claiming that the dwelling-house has been occupied without compliance with condition (5) of P89/1456, between Sept. 2006 to 10 Jan 2017, i.e. 10 years and 5 months. Under section 171B(3) of the Act, such development would become lawful after a period of ten years.
- 7.5 In order for this certificate of lawfulness to be granted it must be demonstrated that, on the balance of probability, the occupation of the dwelling without compliance with condition (5) of P89/1456 has occurred continuously for a

period exceeding ten years and that there has been no subsequent change of use.

Assessment of Lawfulness

7.6 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probability”. Advice contained in Planning Practice Guidance states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. “beyond reasonable doubt.” Furthermore, the applicant’s own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous. The planning merits of the development are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant’s version of events less than probable, should be taken into account.

7.7 Hierarchy of Evidence

The evidence submitted comprises a statutory declaration. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross-examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits), which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

7.8 In this case the sworn Statutory Declaration carries most weight. The evidence therein is clear and unambiguous and clearly demonstrates that through a series of Tenancy agreements the dwelling has been occupied since Sept. 2006 by persons not occupied in agriculture or forestry. Any breaks between each occupation, have been relatively short and necessary whilst new occupants were sought and the house re-decorated.

The applicant has provided sufficient evidence to support this claim. There is no evidence to the contrary.

7.9 Assessment Findings

It has been found that, on the balance of probabilities, there has been a continuous breach of condition (5) of P89/1456 since Sept. 2006 as the respective occupants have not been employed in agriculture or forestry since this date.

7.10 The LPA has no counter evidence that the dwelling has not been occupied in breach of this condition for a period of ten years since the date of the breach.

7.11 Paragraph 17c-006-20140306 of the National Planning Policy Guidance states: *In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.*

7.12 Was there Deliberate Concealment?

Although the site is reasonably remote, there is nothing to suggest that there was any attempt to deliberately conceal that the building was being occupied in breach of the relevant condition. Indeed it is evident from the planning history that an application for a similar certificate of lawfulness was submitted in 2009.

7.13 It is therefore considered that the occupation of the dwelling-house, Dairy Cottage, Cross Hands Farm, Tetbury Road, Old Sodbury, without compliance with condition (5) attached to planning permission P89/1456 has occurred continuously since Sept. 2006 and would be immune from enforcement action by virtue of 171B(3) of the Act and under section 191(2) of the Act as a certificate of lawfulness should be granted.

8. CONCLUSION

8.1 The submitted evidence covers the relevant 10-year period prior to receipt of the application and beyond.

8.2 The evidence is in the form of a sworn Statutory Declaration, which carries significant weight. There is no contradictory evidence from third parties to make the applicant's version of events less than probable.

8.3 In the absence of any contrary evidence, it is the considered view therefore that on the balance of probability the applicants have provided the evidence to support the claim.

9. RECOMMENDATION

9.1 That a Certificate of Lawfulness be GRANTED for the occupation of the building as a dwelling house without any agricultural occupancy restriction, for the following reason:

Sufficient information has been submitted to demonstrate that, on the balance of probability, the building shown enclosed in red on the submitted plan and known as Dairy Cottage, Cross Hands Farm, Tetbury Road, Old Sodbury, has been occupied without compliance of the agricultural occupancy condition (5) of planning permission P89/1456; continuously since Sept.2006 and is immune from enforcement action by virtue of 171B(3) of the Act and under section 191(2) of the Act; a certificate of lawfulness should be granted.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CIRCULATED SCHEDULE NO. 22/17 – 2 JUNE 2017

App No.:	PK17/1592/FDI	Applicant:	South Gloucestershire Council
Site:	Land East Of Oaktree Avenue Pucklechurch South Gloucestershire BS16 9SS	Date Reg:	21st April 2017
Proposal:	Stopping up of footpath	Parish:	Pucklechurch Parish Council
Map Ref:	370205 175867	Ward:	Boyd Valley
Application Category:	Footpath Order	Target Date:	31st May 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

Under the current scheme of delegation all footpath stopping up orders are required to be determined by the circulated schedule process.

1. THE PROPOSAL

- 1.1 The application is made under Section 257 of the Town and Country Planning Act 1990 (as amended) for the stopping up of a footpath on land adjacent to Oaktree Avenue Pucklechurch.
- 1.2 The application seeks consent for the stopping up of the footpath from points A to B on the submitted plan (1877 2102 Revision 02) received by the Council on 19th April 2017.
- 1.3 There is currently a planning application (PK17/0807/F – see section 3 below for details) with the Local Planning Authority which is due to be considered by the Development Control (East) Committee on 15th June. The footpath that is the subject of this application falls within the site area of this proposed development.

2. POLICY CONTEXT

- 2.1 National Guidance
Circular 01/2009
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
LC12 Recreational Routes
- 2.3 South Gloucestershire Core Strategy (Adopted) December 2013
Policy CS9 Environmental Resources and Built Heritage

3. RELEVANT PLANNING HISTORY

- 3.1 PK17/0807/F Erection of 38 no. affordable dwellings with access, landscaping, parking and associated works. (Decision pending)

PK10/3380/O Outline permission for the erection of 56 no. dwellings and a doctors surgery (There was a resolution to grant consent however the application was withdrawn)

4. CONSULTATION RESPONSES

- 4.1 Pucklechurch Parish Council
No objection

Wick and Abson Parish Council
No objection

Other Representations

- 4.2 Public Rights of Way Officer
No objections to the extinguishment

Listed Building Officer
No objection

- 4.3 Local Residents
I was very concerned to see that the plan site appears to have moved and now extends into what I understand is the Open Space. The road appears to be stopped inside the open space. If this is moved within the open space then the Pucklechurch Barrage balloon rings will be destroyed. There is concern that there doesn't seem to be a new right of way.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The stopping up of a footpath is not development as defined in the Town and Country Planning Act.

Prior to 2013 an application could not be made to divert or alter a footpath until a planning permission was in place, however under the Growth and Infrastructure Act 2013, such an order may be made on the basis that a planning application has been made however final confirmation of the order cannot be made until that permission has been granted.

The nature of the assessment should consider the proposed route and its suitability in terms of the amenity of the public right of way and whether or not the diversion is reasonably necessary in respect of the planning permission it relates to.

- 5.2 The Proposal
The length of footway falls within the development area covered by planning application PK17/0807/F currently under consideration and thus the stopping up order may be considered, albeit as indicated above final confirmation cannot take place until that planning permission is granted.

In terms of amenity it is necessary to consider whether there is an appropriate alternative. An alternative route has been put forward along a proposed access road that forms part of the above development. This route would run marginally to the south of the existing route and would link to the remainder of the path which runs to the west and to Cossham Road to the east. This alternative is considered acceptable by the Council Public Rights of Way Team.

Given the above, it is considered that the stopping up is suitable in terms of amenity and necessary in the light of proposed planning application to develop the site.

5.3 Other Issues

Concern has been raised that there may be features worthy of listing (namely barrage balloon mooring points) along the line of the proposed alternative route. It is important to note that the alternative route must be provided prior to the stopping up of the existing route and thus if that route cannot be provided for any reason the order will not be confirmed.

6. CONCLUSION

6.1 The recommendation to raise no objection has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all material considerations set out in the report.

6.2 The proposal is considered to satisfactorily comply with Circular 01/09 and Policy LC12 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 as the utility and amenity of the route would be retained.

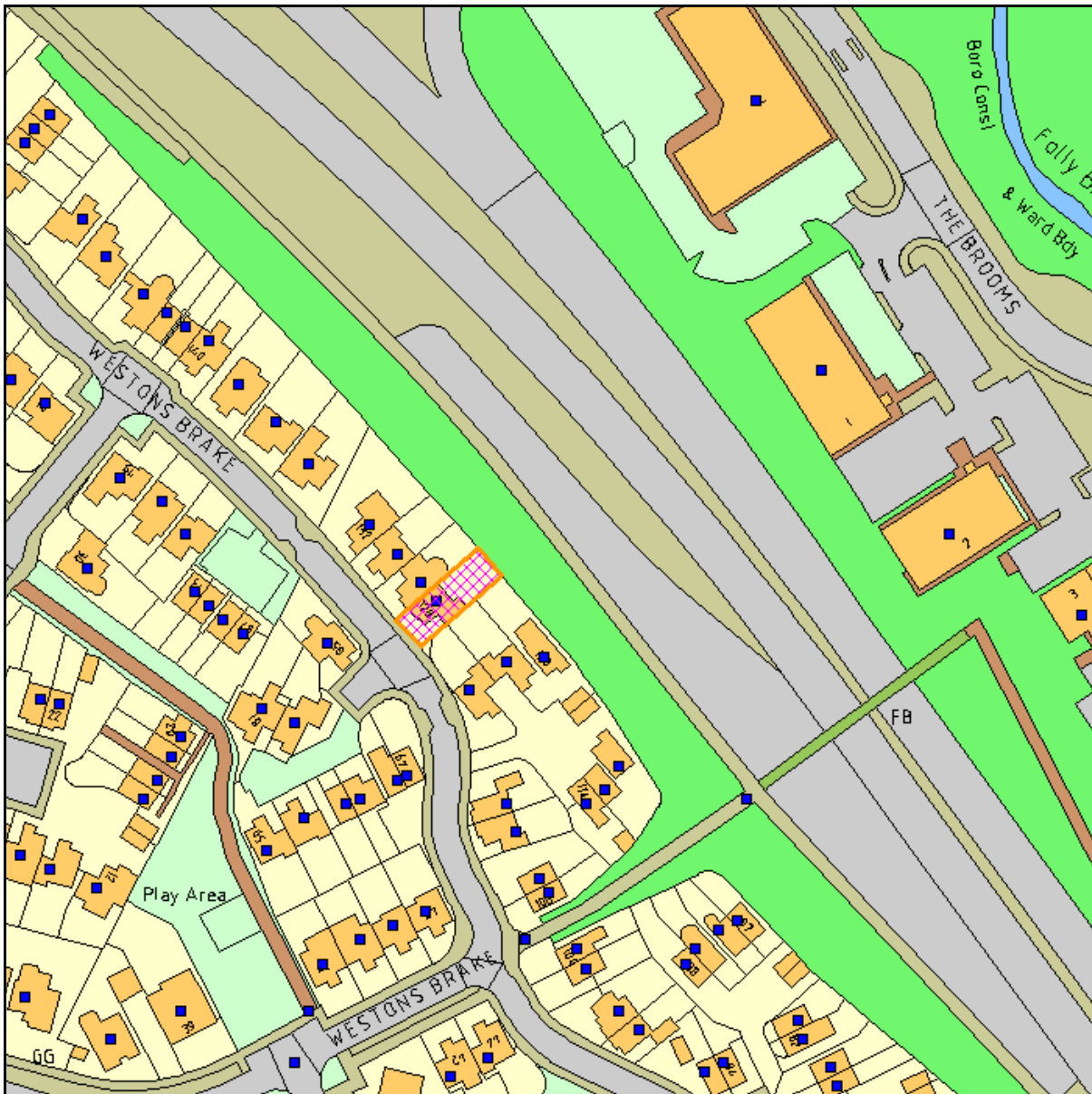
7. RECOMMENDATION

7.1 That no objection be raised to the proposed stopping up of footpath the footpath identified between Points A and B on drawing no. 1877 2102 Rev 02 and that the Head of Legal and Democratic Services be instructed and authorised to make an Order under Section 257 of the Town and Country Planning Act 1990 for the stopping up of the said footpath as illustrated on plan reference drawing no. 1877 2102 Rev 02 received by the Council on 19th April 2017.

Contact Officer: David Stockdale
Tel. No. 01454 866622

CIRCULATED SCHEDULE NO. 22/17 – 2 JUNE 2017

App No.:	PK17/1806/F	Applicant:	Mr M Simpson
Site:	126 Westons Brake Emersons Green South Gloucestershire BS16 7BP	Date Reg:	8th May 2017
Proposal:	Erection of single storey rear and first floor extension over existing garage to form additional living accommodation	Parish:	Emersons Green Town Council
Map Ref:	366337 178375	Ward:	Emersons Green
Application Category:	Householder	Target Date:	13th June 2017



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's circulated schedule procedure as comments received have been contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application is for the erection of a first floor side extension and to provide additional living accommodation. It is noted that the description states that there would be a single-storey rear extension; however, this description is incorrect.
- 1.2 The property is a semi-detached house located within Emersons Green. The main dwelling is finished in brick, with quoin edges and a brown tiled roof.
- 1.3 The plans submitted with this application are identical to those included within application PK06/3191/F, which was approved on 22 December 2006.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Planning Policy Guidance 2016

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|-------------|--------------------------|------------|
| 3.1 | PK06/3191/F | Approved with Conditions | 22.12.2006 |
|-----|-------------|--------------------------|------------|

Erection of first floor side extension over garage to form additional living accommodation.

4. CONSULTATION RESPONSES

4.1 Emersons Green Town Council
No objection

Sustainable Transportation

The development proposes a single storey extension to the rear and a first floor extension over the existing garage. After development the dwelling will have one additional bedroom, making a total of three to the first floor. No change to the existing vehicular parking arrangements is proposed as part of this development.

The level of parking available is adequate for the size of the proposed dwelling (ie garage and parking space in front).

Subject to a condition that the garage is kept for the storage of motor vehicles only, there is no transportation objection to the proposed development

Other Representations

4.2 Local Residents

One comment from a local resident received which objects to:

- Having scaffolding used in the works on their property
- Having anybody in close proximity to their garden

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for erection of a first floor side extension and a single storey rear extension to provide additional living accommodation. Saved policy H4 of the Local Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. As well as the criteria of saved policy H4, the proposal will be considered with regards to design against policy CS1 of the Core Strategy. The development is acceptable in principle but will be determined against the analysis set out below.

5.2 Design

The proposed side extension would sit atop the existing garage, projecting from the south side of the property. It would be finished in the same materials as the existing dwelling and would sit below the existing gabled roof, and back from the principal elevation. This would ensure that the extension is subservient to the existing dwelling.

5.3 Although the extension would be visible from the street, it is not considered that it would be detrimental to the street scene, due to its very small scale and subservience. The impact on visual amenity is therefore considered acceptable.

5.4 Residential Amenity

The side extension would sit atop the existing garage, and would not extend beyond the rear or front elevations of the existing property. It would therefore not have an effect on No. 128.

5.5 The extension would be visible from No. 122 and No. 124 Westons Break. The rear gardens of these two properties are adjacent to the application site. As stated previously, the extension would not extend beyond the rear or front elevations of the property. There would be no change in the silhouette of the massing or silhouette of the building in regards too these properties. The ridge height is lower than that of the existing building. Therefore, it is not considered that there would be any negative overshadowing or overbearing effects on these properties.

5.6 There are no windows on the southern elevation of the extension. Therefore, there is no risk of overlooking or loss of privacy as a result of this development. It has been noted that an objection was received which highlighted concerns in regards to access to a neighbours property. However, informatives will be attached to any consent granted to remind the applicant that the granting of planning permission does not grant consent to enter land not in their ownership. In regards to concerns with noise made during building, this would be a civil matter, and is not a planning consideration in this case.

5.7 Therefore, it is considered that the impact on residential amenity would be acceptable in regards to this development.

5.8 Transportation

The development proposes a first floor extension over the existing garage. After development the dwelling will have one additional bedroom, making a total of three to the first floor. No change to the existing vehicular parking arrangements is proposed as part of this development.

5.9 The level of parking available is adequate for the size of the proposed dwelling (ie garage and parking space in front). A condition that the garage is kept for the storage of motor vehicles only will be attached to the decision to ensure the satisfactory provision of parking onsite.

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 proposals are of an appropriate standard in design and are not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Adequate parking can be provided on the site. As such the proposal accords with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 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 recommended.

Contact Officer: Owen Hoare
Tel. No. 01454 864245

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).

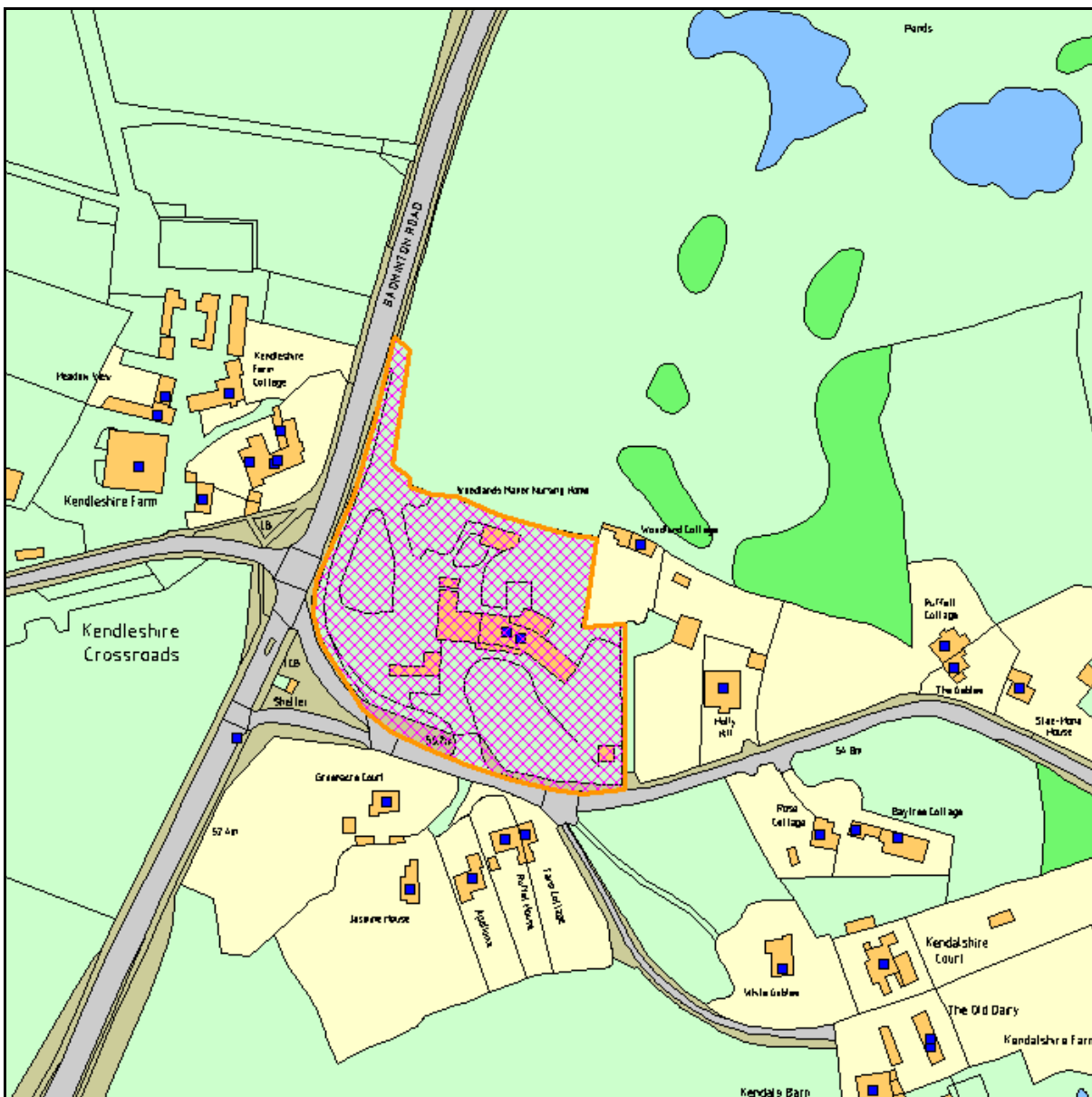
2. The existing garage shall be retained for the storage of a private motor vehicle.

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.

CIRCULATED SCHEDULE NO. 22/17 – 2 JUNE 2017

App No.:	PT17/0976/RVC	Applicant:	Mr Jenkins
Site:	Woodlands Manor Nursing Home Ruffet Road Winterbourne South Gloucestershire BS36 1AN	Date Reg:	14th March 2017
Proposal:	Variation of condition 2 attached to appeal decision APP/P0119/A/14/2228390 of planning application PT13/3642/F to substitute approved elevation plans with plan no's 1562-07 and 1562-08 (retrospective)	Parish:	Westerleigh Parish Council
Map Ref:	366403 179413	Ward:	Westerleigh
Application Category:	Major	Target Date:	8th June 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is due to appear on the Circulated Schedule due to an objection from a neighbouring resident contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the variation of condition 2 attached to appeal decision APP/PO119/A/2228390 of planning application PT13/3642/F to substitute approved elevation plans with plan numbers 1562-07 and 1562-08 (retrospective).
- 1.2 The application site relates to a large residential nursing home, Woodlands Manor, located on the eastern side of Badminton Road. The application site is located outside of any defined settlement boundary and within the Bristol and Bath Green Belt. Access is via Ruffett Road, to the south. The site is surrounded by a number of mature trees and vegetation, some of which are protected trees.
- 1.3 Woodlands Manor has been undergoing extensive renovation and extension works following the approval of PT13/3642/F at appeal. This application proposed 12 additional bedrooms with en-suites, for palliative nursing care for the elderly, as well as a training room, visitor accommodation and ancillary facilities.
- 1.4 During the course of the application, the Officer advised the agents that the proposed elevation plans did not reflect the amendments made to the scheme. The amendments have already been implemented on site and this application is retrospective.
- 1.5 The proposal involves the following amendments to the approved elevation plans:
 - Increase of roof height by 1.4metres and increase of roof pitch to 49 degree (existing building is 40 degree pitch);
North Elevation -
 - Increase in size of first floor balcony; insertion of 3no. doors on the ground floor (replacing 2no. windows); insertion of 1no. door in first floor; moving of 1no. door in ground floor and moving of 1no. door in first floor;
East Elevation -
 - Insertion of 1no. new window in second floor; 1no. door moved on second floor in line with first and ground floor doors; insertion of 1no. new window in ground floor' insertion of 2no. doors in ground floor;
South Elevation -
 - 1no. door has moved position on the first floor; 1no. window has moved position in the ground floor;
West Elevation -
 - 2no. windows have been replaced by doors in the ground floor.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS8 Accessibility
CS9 Managing the Environment and Heritage
CS13 Non Safeguarded Economic Development Sites
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

E6 Employment Development in the Countryside
T12 Transportation Development Control Policy
L1 Landscape Protection and Enhancement
L9 Species Protection
L11 Archaeology

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP3 Trees and Woodland
PSP7 Development in the Green Belt
PSP9 Residential Amenity
PSP20 Wider Biodiversity
PSP29 Rural Economy

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT15/0953/F, Retention of pump house, approval, 21/04/15
- 3.2 PT13/3642/F, Erection of two storey extension to provide additional 12 no. bedrooms, ancillary facilities and entrance canopy. Installation of solar panels, refusal, 18/02/14, appeal allowed, 23/03/15
- 3.3 PK13/3641/O, Erection of 2no. single storey, 7no. two storey nursing care units(Use Class Sui Generis) and 1no. community room (Outline) with access, layout and scale to be determined. All other matters to be reserved, refusal 02/05/2014, appeal dismissed, 23/03/2015
- 3.4 PT07/3203/F, Conversion of existing garage and store to 1 no. self Contained extra care dwelling, approval, 20/03/09.

- 3.5 PT08/2263/F, Erection of 2 no. self contained units of Extra Care Accommodation (Class C2) (as defined in the Town and Country Planning (General Permitted Development) Order 1995), refusal, 18/09/08. Appeal dismissed.
- 3.6 PT08/0155/F, Erection of 3 No. self contained units of Extra Care Accommodation (Class C2 (as defined in the Town and Country Planning (General Permitted Development) Order 1995), refusal, 06/03/08.
- 3.7 PT05/0571/F, Erection of 2 no. additional care sheltered dwellings and associated parking area, application not determined, 14/07/05. Appeal dismissed.
- 3.8 PT05/0561/F, Erection of 4 no. additional care sheltered dwellings and associated parking area, application not determined, 06/05/05. Appeal dismissed.
- 3.9 PT05/0579/F, Erection of two storey extension, to form an additional 10 Units and associated parking area, application not determined, 06/05/05, appeal dismissed.
- 3.10 PT05/0567/F, Erection of 19 no. additional care sheltered dwellings, Community tea room, garden store and associated parking area, application not determined, 06/05/05. Appeal dismissed.
- 3.11 PT04/4131/F, Erection of single storey rear extension to form extended Kitchen area, store and boiler room, refusal, 22/04/05. Appeal dismissed.
- 3.12 PT04/1432/F, Erection of 14 no. sheltered dwellings, community tea room And garden store with associated works. (Resubmission of PT04/0428/F dated 05 March 2004), refusal, 30/06/04. Appeal dismissed.
- 3.13 PT04/0428/F, Erection of no.14 sheltered dwellings, community tea room And garden store with associated works, refusal, 05/03/04.
- 3.14 PT02/3487/F, Erection of two storey side extension to form additional residential and day care accommodation for elderly persons, approval, 17/06/03.

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
Parish Council feel the variation is of a technical nature and should be dealt with by the relevant Officers of the Council.
- 4.2 Archaeology
No comment.
- 4.3 Ecology
No comment.

- 4.4 Economic Development
No objection.
- 4.5 Environment Agency
No comment received.
- 4.6 Housing Enabling
No comment received.
- 4.7 Landscape
No comment.
- 4.8 Lead Local Flood Authority
No objection.
- 4.9 Listed Building and Conservation
No comment.
- 4.10 Spatial Planning Team
No comment received.
- 4.11 Streetcare
No comment received.
- 4.12 Sustainable Transport
No comment.
- 4.13 Trees
No objection.
- 4.14 Wessex Water
No comment received.

Other Representations

4.15 Local Residents

One comment of objection from a neighbouring resident:

- The appeal decision already found that the extension as approved was regarded as “inappropriate development” because of its massive size in the Green Belt. The Inspector said “I attach substantial weight to the harm arising from the proposal in each case due to the inappropriate nature of the developments and the associated development plan conflict;
- The proposal was only granted on so-called very special circumstances;
- The plans should be rigorously adhered to and no deviation permitted;
- Condition 67 (of appeal decision) stipulates “...and require the development to be carried out in accordance with the approved plans”;
- A number of additional doors and windows have been added at both ground and first floor level, and these have the effect of further removing

our privacy and affecting our enjoyment and use of our property. The doors are all glazed and therefore allow viewing from inside;

- Most significant concern is the roof height of the entire extension which towers over even the original substantial building. It was obviously a conscious decision to disregard the planning approval and build the roof in this way, and it isn't acceptable to simply request retrospective planning approval after the building has been constructed. The enlarged building now dominates the local environment and is hugely detrimental to the rural outlook and Green Belt location.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF attaches great importance to the protection of Green Belts and repeats previous Green Belt policy in that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved unless there are very special circumstances. The NPPF also states that the essential characteristics of Green Belts are their openness and permanence.

5.2 According to paragraph 89 of the NPPF, local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt, subject to a number of exceptions listed. Included in that list is the “*extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*”. The proposal involves the retrospective variation of a condition to substitute approved plans. The revised plans involve amendments to various window and door arrangements, the increase in the size of the first floor balcony on the north elevation, and the increase of the roof height in the new extension.

5.3 The proposed development is considered acceptable in principle given that it involves the “*extension or alteration of a building*”. The alterations to the building involve the increase in the roof height of the two storey extension by 1.4metres and the insertion, replacement and movement of several windows and doors in all elevations of the new extension. Whilst the proposal results in the extension of the building (in terms of height), it is not considered to be disproportionate or impact on the openness of the Green Belt. The two storey addition reads as a new extension and given it extends to two storeys in height including the use of the roof space, the increase in height does not appear out of keeping or excessive. The extension is located within the application site and is set at a significantly lower ground level close to the shared neighbouring boundary to the north and east. Similarly, the various amendments and additions to the windows and doors in the new extension are not considered to materially impact on the openness of the Green Belt as they are purely design amendments to the appearance of the building. Consequently, the proposal is considered to comply with Green Belt policy.

5.4 Design and Visual Amenity

The application relates to a large nursing home, located in the open countryside and within the Bristol and Bath Green Belt. The existing building is elongated with horizontal proportions.

The new side extension adjoins the eastern side of the building. It was approved at appeal in February 2015 and has largely been constructed, but currently remains an empty shell. The northern and eastern corners of the extension sit tight to the eastern boundary of the site. The footprint of the extension is an inverted 'T' shape, with a two storey rear gable projecting off the main wing of the extension. To the south of the building is the access off Ruffett Road. Neighbouring properties are located to the south and east. The retrospective application represents amendments to the approved plans 1562-07 and 1562-08.

- 5.5 The roof height of the new extension has been increased by 1.4metres. After discussions with the Planning Enforcement team, it appears that there has been a complaint from a member of the public, resulting in the retrospective planning application being submitted to regularise the amendments to the approved scheme. The Council's Building Control team have advised the Planning Enforcement team that it appears, based on the original plans, that the roof would not work in relation to the lift shaft on the second floor due to the roof valley. This is likely the reason for the increase in the roof height in order to install the lift shaft to enable access to the second floor. The eaves detail and height matches the original building and the first floor balcony runs continuous. Whilst the increase in roof height is significant and is above the original part of the building, it does not appear overbearing or out of character within the context of the site. Given this is a significant sized extension, the change in roof height and pitch does not appear out of keeping or disproportionate overall.
- 5.6 There are various amendments to windows, doors and the first floor balcony. The majority of these amendments take place on the rear elevation, which looks out onto the rear garden of the nursing home. Additional windows and doors have been inserted, mainly in the north (rear) and east (side) elevations where additional doors have been included in the ground floor, to enable better access for occupants to the grounds. The amendments to the windows and doors is considered to be in keeping with the character of the original building and appear visually acceptable.
- 5.7 Residential Amenity
The closest neighbouring property to the site is Woodland Cottage to the north. The garden area of this neighbouring property abuts the northern and eastern boundaries of the site. The proposal is approximately 28 metres from the neighbouring dwelling, at the closest point. Notwithstanding the concerns raised by a local resident that the additional windows and doors will impact on privacy and create additional overlooking, given the level of separation it is not considered that neighbouring occupiers will be significantly or adversely affected through loss of privacy or additional overlooking. Many of the amendments relate to additional doors in the ground floor, which given the topography of the site in relation to the closest neighbour, is unlikely to have a negative impact in terms of overlooking.
- 5.8 A two storey gable extends to within close proximity of the shared neighbouring boundary with Holly Hill (to the east). There are first floor balconies on the east, north and south elevations, mainly intended as a means of escape for occupiers, rather than amenity purposes (condition 9 restricts the use of the

balcony on the rear elevation for emergency egress only). The original plans do not include any windows or doors in the first floor gable extension (north) or second floor east elevation. The revised plans show a new door (first floor, north elevation) and a new window (second floor, east elevation), which could be considered the most significant amendments given their proximity to the shared neighbouring boundary and properties. Overall, the Officer considers that these additional windows and doors are unlikely to cause harm to the existing levels of privacy for neighbouring properties, given the separation distances.

5.9 Retrospective Nature of Application

Comments have been made about the retrospective nature of the application and the original plans that were approved at appeal. It is such that during the course of construction, the design of the building is amended. In this case, the increase in the height of the building appears to be due to fitting a lift shaft in the building, which is essential given the proposed occupants of the additional rooms. The Officer still has to make an assessment on the acceptability of these changes, and given they are in situ, it is somewhat easier to make such an assessment in this situation. The failure to obtain planning permission or comply with the details of a permission is considered a breach of planning control. Because the nature of the application is retrospective it does not mean planning permission is automatically granted. A planning breach is not illegal and if a retrospective application is refused, the Council can consider formal enforcement action.

5.10 The Officer has carefully assessed the proposed amendments to the original plans, and the variation of condition 2 is considered to be acceptable.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission be **APPROVED** with condition 2 varied to substitute plan no's 1562-07 and 1562-08 with 1562-07C and 1562-08B (submitted to the Council on 20th April 2017).

Contact Officer: Katie Warrington
Tel. No. 01454 864712

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (Dated 01/10/2013), 054- SK23 Rev A (Proposed Site Plan), 2202/CH/103 (Proposed Floor Plans and Elevations), 2202/CH/104 (Proposed Part South and East Elevations), 2202/CH/105 Rev C (Proposed Floor Plans and Elevations), 2202/CH/106 Rev C (Proposed Floor Plans and Elevations), 2202/CH/107 Rev C (Proposed Floor Plans and Elevations) and 2202/CH/108 Rev B (Proposed Roof Space Plan and Section A-A).

Elevations as Constructed (South and West) (Dwg No: 1562-07C); Elevations as Constructed (North and East) (Dwg No: 1562-08B); submitted to the Council on the 20th April 2017.

3. No development shall take place until details of a scheme of bird nest boxes (suitable for house sparrows, house martins and/or swifts) and bat access points (within the new build) and bat boxes has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt the details shall accord with the principles described in Section 4 of the protected species assessment, dated 29th November 2013, undertaken by Tyler Grange. Development shall be carried out in accordance with the approved details.
4. No development shall take place until a detailed arboricultural method statement in accordance with BS5837:2012 has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
5. The on-site parking facilities (for all vehicles, including cycles) as shown on Drawing No 054-SK23 Rev A (Proposed Site Plan) shall be provided prior to the first occupation of the extension and retained thereafter for such purposes.
6. The access shall be provided in accordance with Drawing No 054-SK23 Rev A (Proposed Site Plan) prior to the first occupation of the extension.
7. The development hereby permitted shall not be occupied until a strip of land of no less than 1 metre in width along the site boundary with Badminton Road, extending onto Ruffet Road, for a sufficient length is dedicated as highway land.
8. The hours of working on-site during the period of construction shall be restricted to the following times:

Monday - Friday: 07:30 - 18:00

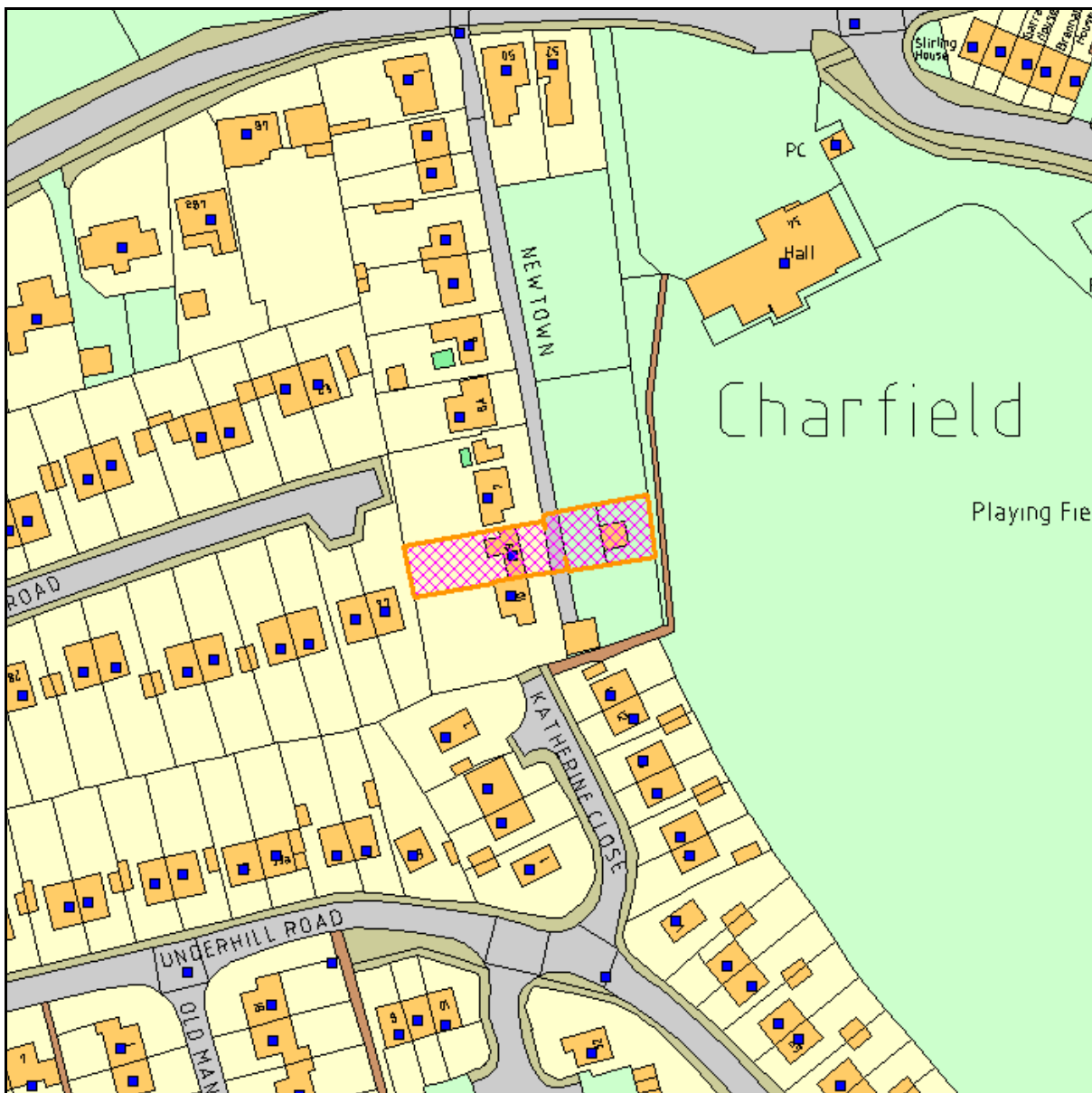
Saturday: 08:00 - 13:00

No working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarity includes: 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.

9. The balcony on the rear elevation of the extension shall only be used for emergency egress and shall not be used at any time for any amenity purposes.
10. No development shall take place until a scheme of planting, 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, as well as proposed planting (and times of planting) to offset the loss of trees to be removed has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
11. The extension shall be constructed in accordance with the sustainability measures set out under the document "Design Sustainability Considerations and Rationale" received by the Council on 1 October 2013.

CIRCULATED SCHEDULE NO. 22/17 – 2 JUNE 2017

App No.:	PT17/1065/F	Applicant:	Mr And Mrs P Garside
Site:	9 Newtown Charfield Wotton Under Edge South Gloucestershire GL12 8TF	Date Reg:	13th March 2017
Proposal:	Erection of a single storey rear and two storey rear extension to form additional living accommodation.	Parish:	Charfield Parish Council
Map Ref:	372228 192160	Ward:	Charfield
Application Category:	Householder	Target Date:	3rd May 2017



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 100023410, 2008. N.T.S. PT17/1065/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

Members may recall this application appeared on last week's Circulated Schedule but due to a period of re-consultation, additional comments have been received. So that all the comments can be taken into consideration the amended report now appears on this week's list.

During the time the application was on the Circulated Schedule list another neighbour alerted the Council of the presence of slow worms and great crested newts in a nearby garden. This matter has been addressed under this report.

1. THE PROPOSAL

- 1.1 The applicant seeks outline planning permission for the erection of a single storey rear and two storey rear extension to form additional living accommodation. The application site relates to No. 9 Newtown, a two-storey detached property situated with the village of Charfield.
- 1.2 During the course of the application additional plans to demonstrate that off street parking in line with adopted policy could be accommodate within the application site were requested and received. In addition revised plans were received which reduced the depth of the proposed two-storey element of the extension and the removal of the proposed first floor side window.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies

H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12	Transportation Development Control
L9	Protected Species

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

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history

4. **CONSULTATION RESPONSES**

4.1 Charfield Parish Council
No objection

4.2 Other Consultees

Sustainable Transport Officer

Request for plan to show 3 off street parking spaces can be within the site boundary.

Updated comments:

Following further details, there are no highway objections

Ecologist

No objection subject to a condition attached to the decision notice indicating no development should commence prior to investigations and an informative indicating appropriate timings.

Other Representations

4.3 Local Residents

Two letters of objection has been received. The points raised are summarised as:

Residential impact:

- window on side elevation will look directly onto our property, invade privacy and give unwanted illumination
- bedroom window on side elevation will overlook and invade privacy and restrict natural light
- two-storey extension will reduce amount of light in my kitchen, sitting room and patio. Would agree to a single storey extension
- side window in single storey will look directly into our dining area and oversee our social space

Design:

- the two storey structure extends far beyond the building line of existing buildings on either side – we were advised in 1979/80 by a planning officer that we would not get permission to build beyond the building line
- we would be happy for a single storey extension to the left side and for the kitchen to be built 1.5 metres away from our party wall with the removal of the side window
- extension would be more than 5 metres beyond original house building line

Other matters:

- potential to undermine our foundations
- structure could not be maintained without coming onto our property
- plans are incorrect
- concerns regarding passageway access by builders must not be restricted by building equipment

- Party Wall Act 1996 - we have not been notified of any proposed building work near our shared property boundary
- discussion with applicant in February implied no drawings available feel this a deliberate attempt to frustrate and circumvent planning rules

Additional comments received not included in the above list:

- Smells and toxins from the proposed mechanical ventilation and air vent
- Site plan does not accurately represent the existing building layouts or boundary lines

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all other material considerations. Adopted policy is supportive of extensions within existing residential curtilages provided the development would not have an adverse impact on residential amenity or on highway safety and parking standards (H4 and T12 and SPD: Residential Parking Standards) and importantly, that is it of an appropriate design standard that reflects the character of the host property and area in general.

The presence of protected species have been identified in nearby gardens and must be considered under L9.

The proposal is considered to accord with the principle of development and this is discussed in more detail below.

5.2 Design and Visual Amenity

The application site is a two-storey extended semi-detached property situated close to the head of a small cul-de-sac in Charfield. It is understood that the property was originally two cottages which have been knocked into one. The property benefits from having been previously extended by a substantial flat roof extension which runs the entire length of the rear of the property. It must be noted however that the LPA holds no records of these alterations and it is therefore assumed that they are of some age. In addition existing single storey additions are also noted and again no planning history can be found for these structure but given they have been in place for some time and would be replaced by this proposal, no further action is needed. At present the rear of the house is stepped with single storey extensions of about 1.2 metres, 2.8 metres and 4.8 metres running along the rear from the north to the south.

- 5.3 Revised plans have reduced the depth of the two storey rear extension to 3.8 metres. A single storey ground floor extension would be attached to this and then stretch across the entire rear elevation – in its entirety the new addition would square up the rear elevation. It noted that this would be an extension to an existing extension. The structure would extend out from the existing building line by 5 metres. It is noted that this would be a large extension to the cottage but given the presence of a number of ad-hoc single storey additions this would consolidate the built form to the rear of the property.

- 5.4 At first floor level the proposed two-storey addition would provide a fifth bedroom whilst at ground floor this would create a very large study area. At ground floor level the single storey extension accompanied by other internal reconfigurations would create a large open plan dining/area plus separate utility room. Openings in the proposed ground floor element would be mostly to the rear including a bank of full-height bi-fold doors, plus high level windows to the southern elevation. At first floor level the new bedroom would have one opening to the rear - the originally proposed new window in the first floor south elevation having been removed in revised plans. With regards to the proposed materials these would be to match the existing rendered cottage.
- 5.5 In terms of the overall appearance, the proposal would result in a large extension to this cottage but given that the alterations would be to the rear there would be no adverse impact on the character of the area and changes to existing properties of the type proposed are not unusual. The existing situation of ad-hoc additions to the rear of this property is noted and therefore, in terms of its visual appearance the proposal would be seen as an improvement to the existing situation. Overall in terms of the design, scale and massing the proposal is considered acceptable.
- 5.6 Residential Amenity
- Original objection comments with regards to the potential for overlooking from the southern first floor window have been addressed by its removal, but a condition will ensure that no new openings are inserted in the first floor elevations to preserve neighbour privacy. Other proposed high level windows in the southern elevation will remain in the ground floor addition. Neighbours have expressed their concerns regarding overlooking from this proposed high level window. However, it must be noted that an existing single storey rear extension already has glazing in this side. Given the existing boundary treatment of fencing and walling and that the high level windows would be non-opening, it is considered these would not have an adverse impact on the amenity of close neighbours to the south over and above the existing situation. Other comments have declared that smells from the proposed ventilation system would adversely affect their living conditions. However, it must be remembered that this is a domestic extension for one family not a commercial enterprise and so the amount of, for example, cooking odours would be proportionate to the size of the family and would not be unacceptable in this setting.
- 5.7 A new small window is proposed in the north elevation close to the side of No. 7. Comments have been received objecting to this window but a site visit has confirmed that this window would be directly opposite the side wall of this neighbouring property. Views into the garden of No. 7 would be extremely limited. In addition it is considered that the first floor window of the two-storey rear extension would have no adverse impact over and above the existing situation.

- 5.8 Comments have been received indicating that the proposed extension would affect the amount of light entering the neighbouring property. Although it is acknowledged that there would be changes for this neighbour, it must be noted that the closest built form to the application site is a single storey addition to this neighbouring property. The proposed two-storey extension would be stepped in from the boundary by about 1.2 metres and the overall depth of this element has been reduced and as such the proposed impact on the neighbour to the north would not be unacceptable in this row of properties in a village location.
- 5.9 Following the development sufficient amenity space would remain to serve the property. The proposal is considered to accord with adopted policy i
- 5.10 Sustainable Transport
Off street parking provision for the dwelling is to the front of the property on the other side of the access road. Most of the houses along this lane have their curtilage bisected in this manner. The application site benefits from a large garage plus off-street parking to the front and side of this structure. As a five bedroom property 3 off-street parking spaces are required to comply with adopted policy and this provision can be achieved within the curtilage of No .9 Newtown. On this basis there are no highway objections to the scheme.
- 5.11 Ecology
Photographic evidence has been submitted to the Council showing a male slow-worm and female great crested newt (GCN). Although GCN could still be breeding at this time of year, any females that finish breeding early will leave a pond and spend the rest of the year on land. This is evidenced by the presence of a GCN in a garden nowhere near a pond.
- 5.12 During their terrestrial phase, GCN will forage during the night and rest during the day. Day time resting places must be dark and damp such as flower pots, patios etc. Although the proposed development will be using a similar building footprint, should any of the ground breaking activities go beyond the existing footprint, and including the removal of the patio, this could result in harm to the GCN.
- 5.13 Although different in habits, slow-worm can be found in similar locations and would also be at risk of harm should the above works take place.
- 5.14 GCN are protected under European regulations making it an offence to intentionally or recklessly kill or injure them, or destroy their habitat. For the purpose of development, a licence can be applied for from Natural England to destroy terrestrial habitat, although it must be replaced as part of the redevelopment.
- 5.15 Slow-worm are protected from killing, injury or being taken from the wild. Their habitat is not protected by law, but is protected under local planning policy (L9).

5.16 In summary the proposed development is small in area. GCN and slow-worm have been found in a neighbouring garden and there appears to be suitable habitat on the site of the proposed development (or at least the habitat is no different to that found in the neighbouring garden). A prior to commencement condition can therefore be attached to the decision notice to provide a method statement of precautionary works, protocol and proposed compensation/enhancement for any loss of habitat.

5.17 Other matters

A number of other matters have been raised by concerned local residents including citing historic advice given in 1978/80; the need for a party wall agreement; the use of a shared passageway; potential to undermine foundations and discussions between the parties. None of these are planning matters that can be discussed in this report. Some are civil issues which are to be discussed between the relevant parties and others may be covered under Building Regulations. Comments have been made that the submitted plans do not accurately show the boundary line between properties and there is some discrepancy in the building layouts of the adjoining cottages. Following a site visit Officers are content that the lines on the site plans and boundary plans sufficiently reflect the positions of the buildings. Although the position of the chimney may not be precise, the plans showing the proposed extension are correct in relation to the host property and the neighbours, and a full assessment has been made.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the first floor elevations of the property.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

4. Prior to the commencement of development, a Great Crested Newt and Slow-worm Method Statement must be written by a suitably qualified and experienced ecologist, and submitted to the local planning authority for approval in writing. The method statement must include a precautionary method of work, protocol if great crested newt are found, and details of proposed compensation/enhancement for the loss of potential great crested resting habitat. The development shall proceed in strict accordance with the approved method statement.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the habitats of protected species and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) 2006; CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 22/17 – 2 JUNE 2017

App No.:	PT17/1242/RVC	Applicant:	Elim Housing Association
Site:	Forecastle 1 Down Road Alveston South Gloucestershire BS35 3JF	Date Reg:	24th March 2017
Proposal:	Variation of condition no. 6 attached to planning permission PT16/6150/F to allow windows on West elevation at first floor level to be opened.	Parish:	Alveston Parish Council
Map Ref:	363419 188287	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	19th May 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as there is an objection received where the officer recommendation is approval.

1. THE PROPOSAL

- 1.1 The site is located close to the junction of Down Road and Bristol Road in Alveston. The site is made up of the curtilage associated with Forecastle which is currently operated by Elim Housing Association. The majority of the site is contained within the Alveston Village Development Boundary (VDB) which is washed over by the Green Belt. However the Northern part of the site extends beyond the VDB and is within the Green Belt. Access to the site is from Down Road.
- 1.2 By way of background, Forecastle is operated by Elim Housing Association as specialist accommodation providing supported housing for homeless people. Essentially, the facility offers the opportunity to homeless people to acquire short term supported housing in order to improve their prospects, find employment and a permanent place to live. In this context, the individual residents of Forecastle would live there for a temporary period. This use falls into C2 (Residential Institutions).
- 1.3 Planning Permission (PT16/6150/F as detailed in section 3 of this report) has secured the comprehensive redevelopment of the site which includes a new residential block, social facilities, parking provision and the renovation and re-configuration of the main house associated with the site. The extant planning permission includes a condition (condition 6) requiring that the windows facing West are to be obscure glazed and kept permanently shut. The reason for the condition is to protect the amenity of occupants of dwellings to the left from overlooking. The condition reads;

The glazing on the West elevation at first floor level shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

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; and the National Planning Policy Framework.

- 1.4 Essentially, this application seeks to vary the condition so as to allow the subject windows to be opened above 1.7 metres from floor level. For the avoidance of doubt the windows would continue to be obscure glazed.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS2 Green infrastructure
- CS4a Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS34 Rural Areas

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

- T12 Transportation Development Control Policy for New Development
- EP2 Flood Risk and Development
- LC4 Proposals for Educational and Community Facilities Within the Existing Urban Area and Defined Settlement Boundaries

2.3 South Gloucestershire Local Plan – Proposed Submission: Policies, Sites and Places Plan (June 2016).

- PSP1 Local Distinctiveness
- PSP2 Landscape
- PSP7 Development in the Green Belt
- PSP8 Residential Amenity
- PSP16 Parking Standards
- PSP19 Wider Biodiversity
- PSP20 Flood Risk, Surface Water and Watercourse Management

2.4 Supplementary Planning Guidance Development in the Green Belt SPD South Gloucestershire Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/6150/F - Demolition of existing annex. Erection of two storey and single storey building with cycle and bin store to provide 9no. units of accommodation for homeless people (Use Class C2 (Residential Institutions)), conversion of gatehouse to form community room and all associated works.

Approved 27th January 2017

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No Objection
- 4.2 Highway Authority
No Objection
- 4.3 Landscape Officer
No Objection.

- 4.4 Conservation Officer
No Objection

Other Representations

- 4.5 Local Residents

One comment has been received in objection. The comment is summarised as follows;

The objector notes that the original proposals included windows angled to the North to avoid direct overlooking, but that the planning application showed windows using opaque glass. Concern is raised that the original development accounted for over-looking potential with the use of obscure glazing. The Objector is concerned that the latest variation would result in the window alignment originally required by stealth.

The objector also raises the point that the planning application now refers to a property known as Sathen. That property is situated opposite the application site and as such the objector raises concern that the address appears to be incorrect.

5. ANALYSIS OF PROPOSAL

- 5.1 The application seeks approval for the variation of condition 6 attached to planning permission PT16/6150/F, to allow the west facing first floor windows to be opened above 1.7 metres from finished floor level.
- 5.2 Principle of Development
Planning Permission PT16/6150/F approved the redevelopment of the site as described in section 3 of the report. The development has commenced recently. On this basis, the principle of the development on this site is established. The matter for consideration under this application relates solely to the scope of condition 6 of planning permission PT16/6150/F and the reason for applying the condition at the time that the consent was granted. This is addressed below.
- 5.3 Residential Amenity
The site is located adjacent to existing residential properties. The position of the approved two storey building is such that there is a potential to create overlooking towards residential dwellings, particularly to the west.
- 5.4 At the time that the original application (PT16/6150/F) was assessed, officers considered that in order to prevent the overlooking of residential properties to the West, the windows at first floor level in the West Elevation of the new building should be fixed shut and fitted with obscure glazing. Accordingly the condition was applied to secure this solution in the interest of residential amenity. For the avoidance doubt, the ground floor windows are not subject to this condition.

- 5.5 Notwithstanding the condition, the developer is concerned that adequate natural ventilation is available for the occupants of the approved residential accommodation. In order to achieve this, the applicant argues that the subject windows will need to be opened. However, the applicant recognises the potential for overlooking and proposes that the windows are top hinged and open in such a way that they would remain closed below 1.7metres above the level of the first floor. In all cases, the glass would continue to be obscure glazed (to level 3) in accordance with the extant planning permission.
- 5.6 The comments of the local resident is noted and in particular, it is acknowledged that the extant consent would preclude the potential for harmful overlooking to occur. Officers would acknowledge that should the windows be opened there would be a potential to create overlooking problems. However, by restricting opening such that the windows would effectively remain fixed shut below 1.7 metres about floor level, this would act to prevent a direct view across third party residential properties to the West. The height of the opener would require considerable effort to obtain a direct view such that any views that would occur would be passive and intermittent. In general terms, officers are satisfied that this is a viable solution to protect residential amenity and is therefore acceptable.
- 5.7 Accordingly, officers consider that the condition can be re-worded to account for the proposed change and secure the proposed measures. The suggested working is as follows;

The glazing on the West elevation at first floor level shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position below 1.7 metres above internal first floor level.

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; and the National Planning Policy Framework.

- 5.8 Furthermore, condition 7 of planning permission PT16/6150/F secures the approved plans. Officers also consider that this condition should be amended to replace the relevant elevational plan with the revised plans showing the new window arrangements.
- 5.9 In visual terms, there would not be any material difference to the appearance of the building subject of the extant consent.
- 5.10 Other Planning Conditions
The extant planning permission (PT16/6150/F) includes further conditions relating to materials and ecological matters (bat and bird boxes) which have now been discharged. In this instance where conditions have been discharged, it is appropriate to include conditions which secure details agreed; and to retain other compliance conditions where necessary in the event that this application is 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 South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That Planning Permission is Granted Subject to the following conditions

Contact Officer: Simon Penketh
Tel. No. 01454 863433

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. Bat Boxes

The development hereby approved shall provide one bat box and one bird box strictly in accordance with the details of such as agreed by the Local Planning Authority in writing on 17th February 2017. Thereafter the development shall proceed in accordance with the agreed details and retained as such.

Reason

In the interest of the ecological value of the site and to accord with CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and saved policy L9 of the South Gloucestershire Local Plan (adopted) January 2006

3. Ecological Mitigation

That the development hereby approved shall proceed strictly in accordance with the Reptile Mitigation Strategy as set out in Chapter 6 (Extended Phase 1 Habitat Survey Report [Abricon, June 2017]).

Reason

In the interest of the ecological value of the site and to accord with CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and saved policy L9 of the South Gloucestershire Local Plan (adopted) January 2006.

4. Parking and Bin Storage

The parking facilities (including cycle parking), turning facilities and bin storage facilities as shown upon drawing numbered 15026/011 Rev C (as received by the Local Planning Authority on 7th December 2016) shall be provided in full prior to the first occupation of the development hereby approved. Thereafter the facilities shall be retained as such.

Reason

In order to ensure that adequate parking, turning and bin storage facilities are provided and retained with the development and to accord with Policy CS1 and CS8 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013; and saved policy T12 of the South Gloucestershire Local Plan (adopted) January 2006

5. Materials

The development hereby approved shall be implemented strictly in accordance with the external elevation materials as agreed by the Local Planning Authority in writing on 17th February 2017. Thereafter the development shall proceed in accordance with the agreed details and retained as such.

Reason

In the interest of the character and visual amenity of the site and the surrounding locality and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) January 2013.

6. Obscure Glazing/Window Opening

The glazing on the West elevation at first floor level shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position below 1.7 metres above internal first floor level as shown on drawing numbered 15026 - 202 Rev E as received by the Local Planning Authority on 17th March 2017.

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; and the National Planning Policy Framework.

7. Plans

The development hereby approved shall be implemented strictly in accordance with the following plans;

15026/011 Rev C
15026/012 Rev C
15026/013 Rev C

as received by the Local Planning Authority on 7th December 2016.

15026/001 Rev A
15026/002 Rev A
15026/004 Rev A
15026/006 Rev A
15026/015 Rev B
15026/016 Rev B
15026/017 Rev A

as received by the Local Planning Authority on 7th November 2016

15026 - 202 Rev E

as received by the Local Planning Authority on 17th March 2017.

Reason

For the avoidance of doubt.